

CALIFORNIA BOARD OF REGISTERED NURSING SUNSET REVIEW REPORT 2014

A Report to the Senate Business, Professions
and Economic Development Committee and
the Assembly Business, Professions and
Consumer Protection Committee



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Attachment A

Board's Administrative Manual (Orientation Packet)

CALIFORNIA BOARD OF REGISTERED NURSING

BOARD MEMBER ORIENTATION PACKET

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SECTION 1: BOARD OF REGISTERED NURSING GENERAL INFORMATION

What Does the BRN Do?

This section contains the following information:

- Board's Mission
- Overview of Board Structure
- Scope of Regulation
- Strategic Planning
- Licensing and Renewals Program
- Enforcement Program
- Diversion Program
- Nursing Education Consultants
- Website

This section includes a brief summary of the historical regulatory related events from 1905 to the present. Most nurses only interact with the Board of Registered Nursing when they renew their licenses every two years. As a result, they may not be aware of the other varied roles and functions of the Board.

Were you aware that over 70% of the Board's budget is spent on enforcement activities? Did you know that the Board regulates more than 414,000 licensees and 104,000 certificate holders? Other facts of interest: Board staff assists over 25,000 callers each month, over 7,000 complaints are investigated annually and 40,800 applications for licensure or certification are evaluated each year.

This article is intended to highlight the most important activities of the Board so that nurses are aware of how their fees are spent in the regulation of the profession.

Board's Mission

The California Board of Registered Nursing regulates the practice of registered nursing and certified advanced practice nurses in order to protect the public health, safety and welfare. The Board exists to protect the health and safety of consumers and promote quality registered nursing care in California. This mission is accomplished by the following activities:

- ◆ Enforcing sound licensing standards
- ◆ Prosecuting violations of the Nursing Practice Act through an effective enforcement program
- ◆ Intervening promptly with chemically dependent or mentally ill nurses through the diversion program
- ◆ Enforcing educational standards in nursing school programs
- ◆ Ensuring continued competency of nurses
- ◆ Educating the public

The Nursing Practice Act is the body of California law that mandates the Board to accomplish the above activities and sets out the scope of practice and responsibilities for RNs. The Practice Act is located in the California Business and Professions Code starting with Section 2700. Regulations which specify the implementation of the law appear in the California Code of Regulations.

Overview of Board Structure

The Board of Registered Nursing is one of approximately 40 professional regulatory boards or programs that exist within the Department of Consumer Affairs. The Board is the fourth largest in the department, regulating over 414,000 registered nurses with a yearly budget of approximately \$29 million.

Nine board members serve as the policy-setting body for the Board. Seven of the members are appointed by the Governor, one by the Senate President Pro Tempore, and one by the Assembly Speaker. Board members include five registered nurses and four public members. The board members work through a committee structure with staff support to assess issues, set policy and make enforcement decisions. The committees are:

- ◆ Administrative Committee
- ◆ Diversion/Discipline Committee
- ◆ Education/Licensing Committee
- ◆ Nursing Practice Committee
- ◆ Legislative Committee

The Board meets ten times a year in major cities throughout the State, with committee meetings preceding each Board meeting. Board members make far-reaching policy decisions on the practice of nursing and enforce the Nursing Practice Act. A substantial amount of board member time is spent on enforcement cases to make decisions about whether to reinstate, revoke or take other action against licenses of nurses who have violated the Practice Act. In addition, the board members monitor and approve over 148 schools of nursing.

Scope of Regulation

The Board is responsible for regulating the practice of the following population of nurses:

- ◆ 414,159 Registered Nurses
- ◆ 58,431 Public Health Nurses
- ◆ 19,234 Nurse Practitioners
- ◆ 16,134 Nurse Midwife/Practitioner Furnishing Numbers
- ◆ 2,331 Nurse Anesthetists
- ◆ 1,266 Nurse Midwives
- ◆ 373 Psychiatric/Mental Health Nurses
- ◆ 3,536 Clinical Nurse Specialist

As nursing practice and health care evolve, the public relies on the Board to act as patient advocate to ensure that registered nursing activities are performed in a safe manner by qualified individuals.

Strategic Planning

In 1994 the Board initiated an in-depth strategic planning process to set a direction that would ensure the Board's effectiveness and responsiveness to the public which it serves. The Board's goals and objectives are to maximize effectiveness in consumer protection and consumer service; create a work environment that promotes employee success in order to better serve the public; take a proactive leadership role in structuring 21st century health care related to registered nursing and advanced practice nursing. Ongoing strategic planning ensures continual improvement of service to the public, anticipation of future public needs, and evaluation of performance.

Licensing and Renewals Program

The licensing program serves as the first line of public protection by preventing licensure of unsafe or incompetent applicants. Staff ensures that the 21,000 applicants who seek licensure or certification each year have met all educational requirements, have passed the appropriate licensing examination, and do not pose a threat to patients based on criminal conviction records or prior discipline in other states. The licensing program is complex due to multiple methods of eligibility. These are:

- ◆ Associate Degree, Diploma, and Baccalaureate education
- ◆ Military Corpsmen, Licensed Vocational Nurses with 30 RN units, External Degree Programs, Generic Masters Programs, among other alternate preparation routes.
- ◆ International education (Nearly 50% of examination applicants are educated in other countries, and approximately 40% of international graduates who test in the U.S. test in California.)
- ◆ Endorsement applicants from 60 states and jurisdictions

In April 1994, the national licensing examination converted from a 2-day paper-and-pencil exam that is given twice a year to a half-day computerized adaptive test that is given throughout the year. The move to computerized adaptive testing resulted in many benefits to the public, including more rapid licensure. To

ensure continued validity of the exam, the Board is involved with national committees related to the examination.

The licensing and renewals programs are also responsible for assuring continued competency of RNs through renewals and continuing education. Nurses are required to complete 30 hours of continuing education every two years.

Enforcement Program

The Board has authority to take disciplinary action against the licenses of registered nurses who have violated the Nursing Practice Act. Enforcement actions protect patients from nurses who have committed violations such as gross negligence, incompetence, patient abuse, fraud, theft, serious criminal convictions, or drug-related offenses.

Over 70% of the Board's budget is spent on enforcement-related activities. Not only does this emphasis meet its primary objective of providing patient protection, it also preserves the professionalism of nursing by removing unsafe nurses from the workplace.

Annually, the Board receives over 7,000 complaints which are fully investigated by the DCA Division of Investigation and/or Board staff. If a violation is substantiated, the case is referred to the Office of the Attorney General for possible action against a license. Licensees have every opportunity to dispute any charges and may request a hearing before an independent administrative law judge. The board members then vote on whether to adopt the proposed decision, which may result in revocation, probation, suspension or other formal disciplinary action. If a case involves unlicensed or criminal activity it is referred to the local district attorney for prosecution.

The enforcement program is very active and dynamic. As a preventive enforcement measure, the Board began to require fingerprints from all applicants for licensure in 1990. During the first year, the number of convictions reported by applicants doubled to over 850, and over 150 applicants failed to report convictions that were detected by fingerprinting. As a direct result, the Board also receives subsequent arrest reports from the Department of Justice on a continuing basis for all licensees who were fingerprinted during the application process.

Diversion Program

The Board's Diversion Program has proven to be an effective method of intervening in cases in which registered nurses are impaired by drugs, alcohol, or mental illness. As an alternative to the more lengthy and costly disciplinary process, the Diversion Program allows immediate intervention and removal from practice within less than two weeks after a complaint is received. That contrasts with the discipline process which can take up to two years before the license can be removed or restricted.

The Diversion Program is a voluntary, confidential program enabling an RN to focus on recovery. The RN returns to work only after being deemed safe to practice by experts, and is closely monitored for compliance with their rehabilitation program.

Over 1,893 RNs have successfully completed the program, resulting in the return of safe, rehabilitated nurses to the work force.

Nursing Education Consultants

The Board's nursing education consultants are involved in all aspects of the Board's activities due to their subject matter expertise. Their key roles are reflected in the following examples of their areas of responsibility:

- ◆ Staff to Board committees
- ◆ Liaison to public on nursing practice issues and questions
- ◆ School approval responsibility for 148 nursing programs
- ◆ Nursing evaluation of enforcement cases
- ◆ Policy development for emerging nursing practice issues
- ◆ Evaluation of pending legislation

- ◆ Consultation on nursing issues such as licensing, international education, enforcement, and diversion program

Website

Please visit the website at www.rn.ca.gov for further information about Board services.

History of the Board of Registered Nursing

Sunset review and strategic planning provided an opportunity for the BRN to reflect on its past, present, and future. Taking a few minutes to look at the history of the BRN may provide an appreciation for how far we have come this century.

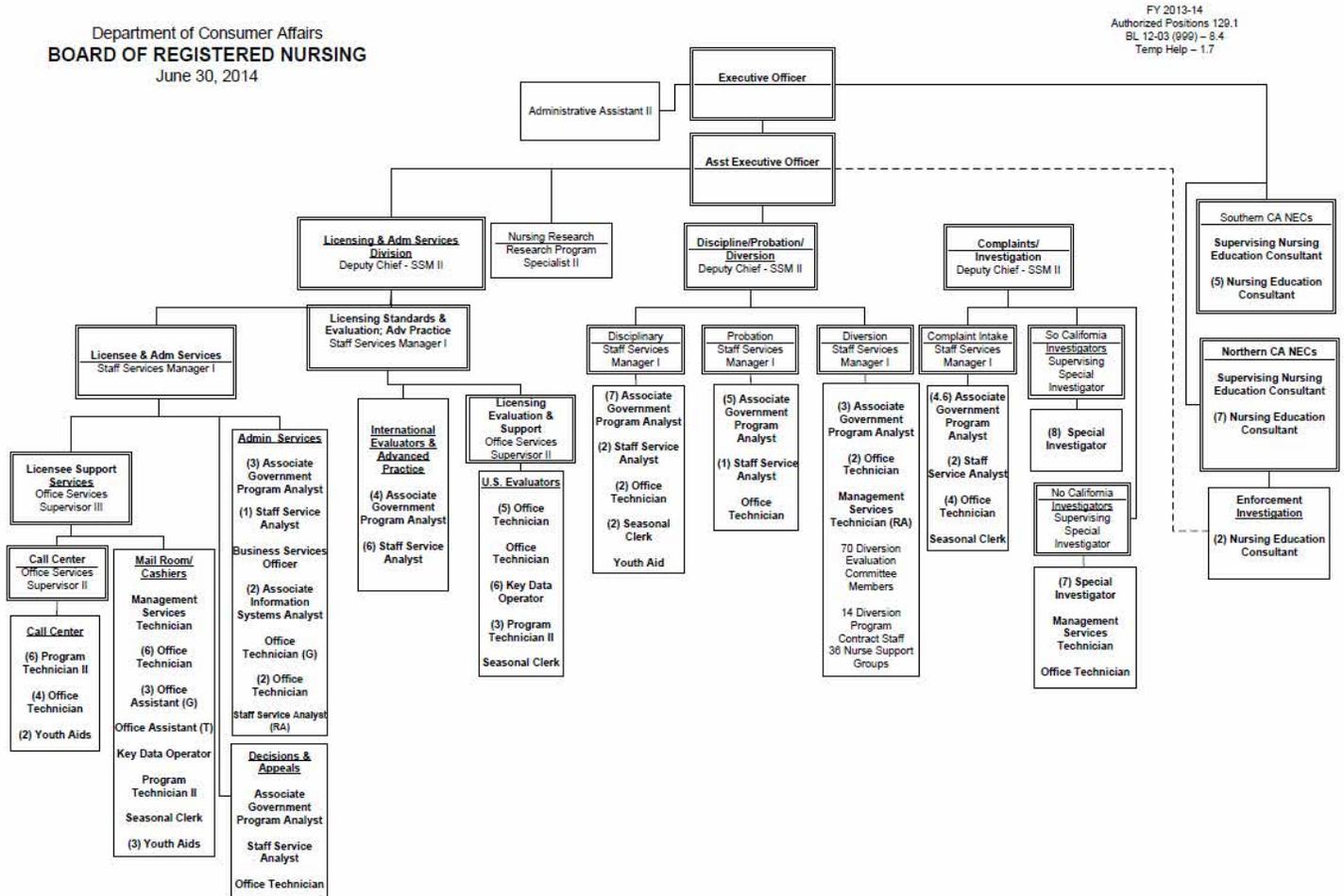
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- 1905** University of California Board of Regents was given power by Legislature to set standards, administer exams, approve educational programs, issue certificates, and revoke certificates of RNs. Use of title “registered nurse” without certification was a misdemeanor.
-
- 1913** Legislature formed Bureau of Registration of Nurses under the State Board of Health. The Bureau was charged with administering the exam, registering qualified registered nurses, accrediting nursing schools, and revoking licenses of nurses found to be unsafe to practice.
-
- 1927** Bureau of Registration of Nurses was placed within the Department of Health under the State Board of Public Health.
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- 1939** Board of Nurse Examiners was created by legislation within the Department of Professional and Vocational Standards. The mandatory Nursing Practice Act was established, regulating nursing through licensure of a defined scope of practice. Five registered nurse board members were appointed by the Governor.
-
- 1946** State Board Test Pool Exam (SBTPE) was instituted.
-
- 1961** Board's name was changed to Board of Nursing Education and Nurse Registration. One public board member was added.
-
- 1975** Board's name was changed to the current Board of Registered Nursing. The Nursing Practice Act was amended significantly to provide the current description of nursing. Certification of nurse midwives was established.
-
- 1977** New board member composition was established: three public members, three direct patient care RNs, one RN educator, one RN administrator, and one physician.
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- 1978** Voluntary certification of nurse practitioners established. Continuing education became mandatory for license renewal.
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- 1984** Certification of nurse anesthetists established.
-
- 1985** Mandatory certification of nurse practitioners established. Voluntary registration of psychiatric/mental health nurses established for third-party payer reimbursement purposes. The Diversion Program was implemented.
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- 1987** Furnishing numbers for nurse practitioners established.
-
- 1990** (August) Fingerprinting was implemented for all applicants.
-
- 1992** Furnishing numbers for nurse midwives established.
-
- 1993** Certification of public health nurses transferred from Department of Health Services to Board of Registered Nursing.
-
- 1994** The last pencil and paper test was given (February) as Computer Adaptive Testing came into existence (April). Cost recovery program was implemented.
-
- 1996** Citation and fine program was implemented.
-
- 1997** First sunset review completed before the California Legislature resulted in extension of sunset date for six years.
-
- 1998** (July) Certification of Clinical Nurse Specialists established.
-
- 1998** The Board's web page went live.
-
- 1999** The Board implemented Live-Scan procedures for fingerprinting applicants. National Council of State Boards of Nursing initiated a new computer system to exchange discipline information between states.
-
- 2000** The Board became the first California licensing agency to offer online professional license renewal services. The Board offered online license verification. Registered nurses could change their addresses, request a duplicate license and renew advanced practice certificates online. The Board streamlined the processing of out-of-state endorsements.
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- 2001** In collaboration with the Department of General Services, the Board developed an online application system for registered nurses endorsing to California from other states.
-
- 2003** Second sunset review completed before the California Legislature resulted in extension of sunset date for four years.
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- 2006** Board member composition restructured: three public members, four direct patient care RNs, one RN educator, and one RN administrator.
-
- 2007** Board launches redesigned website
-
- 2009** Fingerprinting was implemented for all licensees (issued licenses prior to August 1990). Governor implements \$60 million as second round of five year funding for California Nurse Education Initiative.
-
- 2010** The Board re-organizes and adds internal Investigators.
-
- 2011** The Board was sunset effective December 31, 2011 – Governor Edmund G. Brown, Jr. vetoed SB 538 which would have extended our sunset date to January 1, 2016. The Board became a member of the National Council of State Boards of Nursing Nursys® system which exchanges licensure verification and discipline information between states.
-
- 2012** The Board of Registered Nursing was reconstituted on February 14, 2012, after Governor Edmund G. Brown, Jr. signed SB 98 which extends our sunset date to January 1, 2016.
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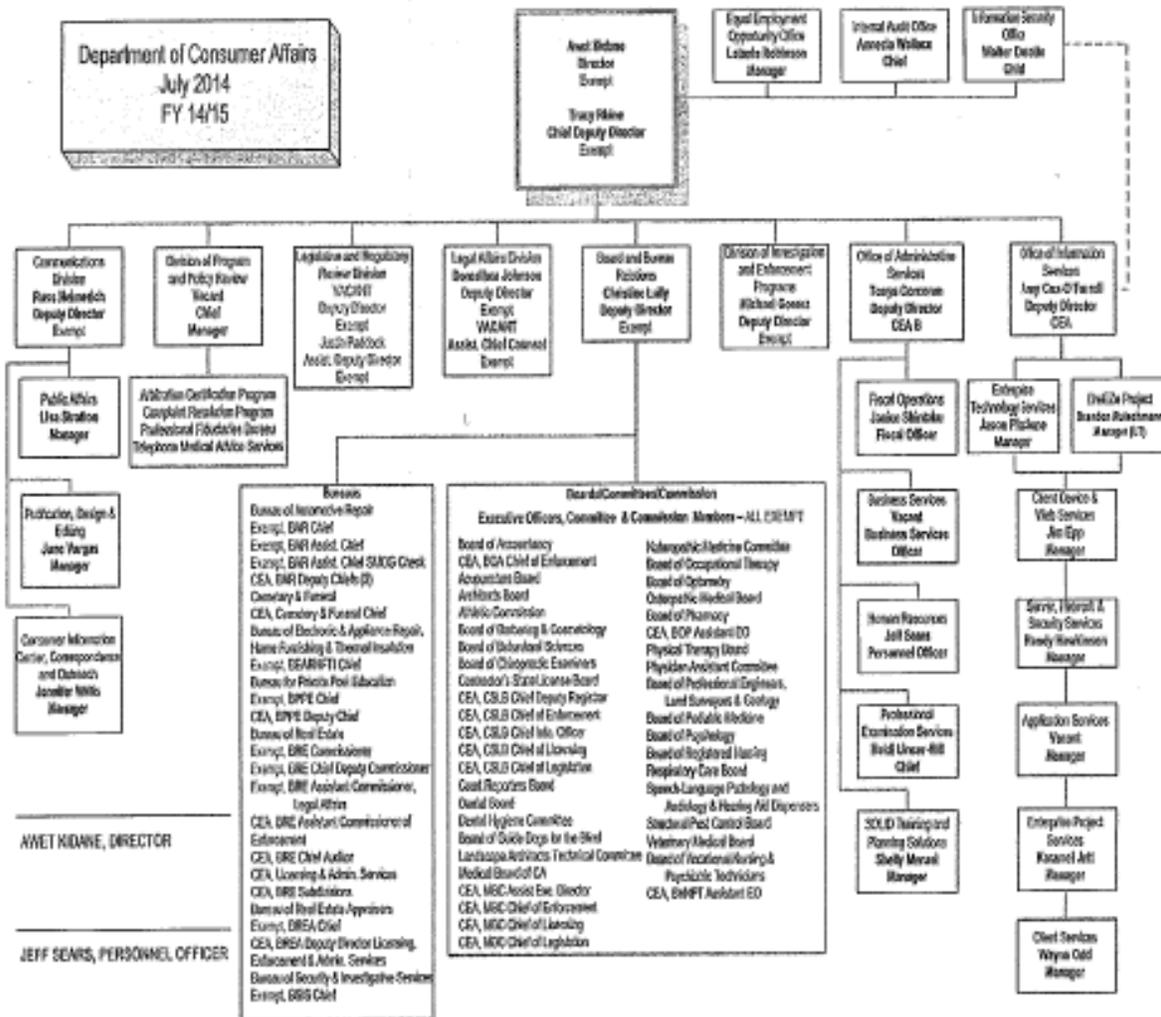
Board of Registered Nursing Organizational Chart

A current BRN organizational chart is included in this section.



Department of Consumer Affairs Organizational Chart

A current Department of Consumer Affairs (DCA) organizational chart is included in this section.



California Nursing Practice Act

This section contains excerpts from Business and Professions Code, Division 2, Chapter 6, Article 2 which are a portion of the laws that provide authority to the BRN.

CALIFORNIA NURSING PRACTICE ACT

Scope of Regulation

Excerpt from Business and Professions Code

Division 2, Chapter 6, Article 2

2725. Legislative intent; Practice of nursing defined

(a) In amending this section at the 197374 session, the Legislature recognizes that nursing is a dynamic field, the practice of which is continually evolving to include more sophisticated patient care activities. It is the intent of the Legislature in amending this section at the 197374 session to provide clear legal authority for functions and procedures that have common acceptance and usage. It is the legislative intent also to recognize the existence of overlapping functions between physicians and registered nurses and to permit additional sharing of functions within organized health care systems that provide for collaboration between physicians and registered nurses. These organized health care systems include, but are not limited to, health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and public or community health services.

(b) The practice of nursing within the meaning of this chapter means those functions, including basic health care, that help people cope with difficulties in daily living that are associated with their actual or potential health or illness problems or the treatment thereof, and that require a substantial amount of scientific knowledge or technical skill, including all of the following:

(1) Direct and indirect patient care services that ensure the safety, comfort, personal hygiene, and protection of patients; and the performance of disease prevention and restorative measures.

(2) Direct and indirect patient care services, including, but not limited to, the administration of medications and therapeutic agents, necessary to implement a treatment, disease prevention, or rehabilitative regimen ordered by and within the scope of licensure of a physician, dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety Code.

(3) The performance of skin tests, immunization techniques, and the withdrawal of human blood from veins and arteries.

(4) Observation of signs and symptoms of illness, reactions to treatment, general behavior, or general physical condition, and (A) determination of whether the signs, symptoms, reactions, behavior, or general appearance exhibit abnormal characteristics, and (B) implementation, based on observed abnormalities, of

appropriate reporting, or referral, or standardized procedures, or changes in treatment regimen in accordance with standardized procedures, or the initiation of emergency procedures.

(c) Standardized procedures, as used in this section, means either of the following:

(1) Policies and protocols developed by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code through collaboration among administrators and health professionals including physicians and nurses.

(2) Policies and protocols developed through collaboration among administrators and health professionals, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

The policies and protocols shall be subject to any guidelines for standardized procedures that the Division of Licensing of the Medical Board of California and the Board of Registered Nursing may jointly promulgate. If promulgated, the guidelines shall be administered by the Board of Registered Nursing.

(d) Nothing in this section shall be construed to require approval of standardized procedures by the Division of Licensing of the Medical Board of California, or by the Board of Registered Nursing.

(e) No state agency other than the board may define or interpret the practice of nursing for those licensed pursuant to the provisions of this chapter, or develop standardized procedures or protocols pursuant to this chapter, unless so authorized by this chapter, or specifically required under state or federal statute. State agency includes every state office, officer, department, division, bureau, board, authority, and commission.

Added Stats 1939 ch 807 2. Amended Stats 1968 ch 348 1; Stats 1974 ch 355 1, ch 913 1; Stats 1978 ch 1161 172; Stats 1980 ch 406 1; Stats 1989 ch 886 52; Stats 1995 ch 279 15 (AB 1471); Stats 1996 ch 124 2 (AB 3470); Stats 2003 ch 640 5 (SB 358).

2725.1. Dispensation of drugs or devices by registered nurse

Notwithstanding any other provision of law, a registered nurse may dispense drugs or devices upon an order by a licensed physician and surgeon if the nurse is functioning within a licensed clinic as defined in paragraphs (1) and (2) of subdivision (a) of Section 1204 of, or within a clinic as defined in subdivision (b) or (c) of Section 1206, of the Health and Safety Code.

No clinic shall employ a registered nurse to perform dispensing duties exclusively. No registered nurse shall dispense drugs in a pharmacy, keep a pharmacy, open shop, or drugstore for the retailing of drugs or poisons. No registered nurse shall compound drugs. Dispensing of drugs by a registered nurse, except a certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51 or a nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, shall not include substances included in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code). Nothing in this section shall exempt a clinic from the provisions of Article 13 (commencing with Section 4180) of Chapter 9.

Added Stats 1986 ch 493 1. Amended Stats 1999 ch 83 3 (SB 966) (ch 914 prevails), ch 914 1 (AB 1545); Stats 2001 ch 289 2 (SB 298).

2725.3. Functions performed by unlicensed personnel

(a) A health facility licensed pursuant to subdivision (a), (b), or (f), of Section 1250 of the Health and Safety Code shall not assign unlicensed personnel to perform nursing functions in lieu of a registered nurse and may not allow unlicensed personnel to perform functions under the direct clinical supervision of a registered nurse that require a substantial amount of scientific knowledge and technical skills, including, but not limited to, any of the following:

- (1) Administration of medication.
- (2) Venipuncture or intravenous therapy.
- (3) Parenteral or tube feedings.
- (4) Invasive procedures including inserting nasogastric tubes, inserting catheters, or tracheal suctioning.
- (5) Assessment of patient condition.
- (6) Educating patients and their families concerning the patient's health care problems, including postdischarge care.
- (7) Moderate complexity laboratory tests.

(b) This section shall not preclude any person from performing any act or function that he or she is authorized to perform pursuant to Division 2 (commencing with Section 500) or pursuant to existing statute or regulation as of July 1, 1999.

Added Stats 1999 ch 945 2 (AB 394).

2725.5. Advanced practice registered nurse defined

Advanced practice registered nurse means those licensed registered nurses who have met the requirements of Article 2.5 (commencing with Section 2746), Article 7 (commencing with Section 2825), Article 8 (commencing with Section 2834), or Article 9 (commencing with Section 2838).

Added Stats 2003 ch 640 6 (SB 358).

2726. Unauthorized practices

Except as otherwise provided herein, this chapter confers no authority to practice medicine or surgery.
Added Stats 1939 ch 807 2. Amended Stats 1974 ch 355 2.

2727. Practices not prohibited

This chapter does not prohibit:

- (a) Gratuitous nursing of the sick by friends or members of the family.
- (b) Incidental care of the sick by domestic servants or by persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.
- (c) Domestic administration of family remedies by any person.
- (d) Nursing services in case of an emergency. Emergency, as used in this subdivision includes an epidemic or public disaster.

(e) The performance by any person of such duties as required in the physical care of a patient and/or carrying out medical orders prescribed by a licensed physician; provided, such person shall not in any way assume to practice as a professional, registered, graduate or trained nurse.

Added Stats 1939 ch 807 2. Amended Stats 1943 ch 573 1.

2727.3. [Section repealed 1977.]

Added Stats 1973 ch 204 1, effective July 9, 1973. Repealed Stats 1977 ch 579 24. The repealed section related to skin tests and immunizations.

2727.5. Liability for emergency care

A person licensed under this chapter who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of that person's employment shall not be liable for any civil damages as the result of acts or omissions by that person in rendering the emergency care.

This section shall not grant immunity from civil damages when the person is grossly negligent.

Added Stats 1963 ch 698 1. Amended Stats 1984 ch 1391 2.

2728. Services by attendants and psychiatric technicians; Supervised services of unlicensed graduates of accredited psychiatric technician training programs

If adequate medical and nursing supervision by a professional nurse or nurses is provided, nursing service may be given by attendants, psychiatric technicians, or psychiatric technician interim permittees in institutions under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services or subject to visitation by the State Department of Health Services or the Department of Corrections. Services so given by a psychiatric technician shall be limited to services which he or she is authorized to perform by his or her license as a psychiatric technician. Services so given by a psychiatric technician interim permittee shall be limited to skills included in his or her basic course of study and performed under the supervision of a licensed psychiatric technician or registered nurse.

The Directors of Mental Health, Developmental Services, and Health Services shall determine what shall constitute adequate medical and nursing supervision in any institution under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services or subject to visitation by the State Department of Health Services.

Notwithstanding any other provision of law, institutions under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services may utilize graduates of accredited psychiatric technician training programs who are not licensed psychiatric technicians or psychiatric technician interim permittees to perform skills included in their basic course of study when supervised by a licensed psychiatric technician or registered nurse, for a period not to exceed nine months.

Added Stats 1939 ch 807 2. Amended Stats 1957 ch 558 1; Stats 1971 ch 1593 30 (ch 1007 prevails), ch 1007 1, operative July 1, 1973; Stats 1973 ch 142 7, effective June 30, 1973, operative July 1, 1973; Stats 1977 ch 1252 32, operative July 1, 1978; Stats 1987 ch 464 1, effective September 9, 1987.

2728.5. Utilization of licensed psychiatric technicians and psychiatric technician interim permittees

Except for those provisions of law relating to directors of nursing services, nothing in this chapter or any other provision of law shall prevent the utilization of a licensed psychiatric technician or psychiatric technician interim permittee in performing services used in the care, treatment, and rehabilitation of mentally ill, emotionally disturbed, or developmentally disabled persons within the scope of practice for which he or she is licensed or authorized in facilities under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services or licensed by the State Department of Health Services, that he or she

is licensed to perform as a psychiatric technician, or authorized to perform as a psychiatric technician interim permittee including any nursing services under Section 2728, in facilities under the jurisdiction of the State

Department of Mental Health or the State Department of Developmental Services or subject to visitation by the State Department of Health Services.

Added Stats 1971 ch 1007 2. Amended Stats 1973 ch 142 8, effective June 30, 1973, operative July 1, 1973; Stats 1977 ch 1252 33, operative July 1, 1978; Stats 1978 ch 429 15, effective July 17, 1978, operative July 1, 1978; Stats 1987 ch 464 2, effective September 9, 1987.

2729. Services by student nurses

Nursing services may be rendered by a student when these services are incidental to the course of study of one of the following:

(a) A student enrolled in a board-approved prelicensure program or school of nursing.

(b) A nurse licensed in another state or country taking a board-approved continuing education course or a postlicensure course.

Added Stats 1939 ch 807 2. Amended Stats 1953 ch 1174 4; Stats 1978 ch 212 1, effective June 6, 1978.

2730. Nurses qualified outside state and engaged to care for patient temporarily in California

If he does not represent or hold himself out as a professional nurse licensed to practice in this State and if he has an engagement, made in another State or country, requiring him to accompany and care for a patient temporarily residing in this State during the period of such engagement, a nurse legally qualified by another State or country may give nursing care to such patient in this State.

Added Stats 1939 ch 807 2.

2731. Nonprofit religious care

This chapter does not prohibit nursing or the care of the sick, with or without compensation or personal profit, when done by the adherents of and in connection with the practice of the religious tenets of any well recognized church or denomination, so long as they do not otherwise engage in the practice of nursing.

Added Stats 1939 ch 807 2.

2732. Licensure requirement; Use of R.N.

No person shall engage in the practice of nursing, as defined in Section 2725, without holding a license which is in an active status issued under this chapter except as otherwise provided in this act.

Every licensee may be known as a registered nurse and may place the letters R.N. after his name.

Added Stats 1939 ch 807 2. Amended Stats 1976 ch 1053 1, effective September 28, 1976.

2732.05. Verification of current R.N. status

(a) Every employer of a registered nurse, every employer of a registered nurse required to hold any board-issued certification, and every person acting as an agent for such a nurse in obtaining employment, shall ascertain that the nurse is currently authorized to practice as a registered nurse or as a registered nurse pursuant to a board-issued certification within the provisions of this chapter. As used in this section, board-issued certification includes, but is not limited to, certification as a nurse practitioner, nurse practitioner with a

furnishing number, nurse anesthetist, nurse midwife, nurse midwife with a furnishing number, public health nurse, clinical nurse specialist, or board listed psychiatric mental health nurse.

(b) Every employer of a temporary licensee or interim permittee and every person acting as an agent for a temporary licensee or interim permittee in obtaining employment shall ascertain that the person is currently authorized to practice as a temporary licensee or interim permittee.

(c) As used in this section, the term agent includes, but is not limited to, a nurses registry and a traveling nurse agency.

Examination by an employer or agent of evidence satisfactory to the board showing the nurse's, licensee's, or permittee's current authority to practice under this chapter, prior to employment, shall constitute a determination of authority to so practice.

Nothing in this section shall apply to a patient, or other person acting for a specific patient, who engages the services of a registered nurse or temporary licensee to provide nursing care to a single patient.

Added Stats 1961 ch 1110 1. Amended Stats 1965 ch 680 1, ch 727 1; Stats 1970 ch 524 1; Stats 2007 ch 588 37 (SB 1048), effective January 1, 2008.

2732.1. Applications; Interim permits; Waiver of examination; Fees

(a) An applicant for license by examination shall submit a written application in the form prescribed by the board.

Upon approval of the application, the board may issue an interim permit authorizing the applicant to practice nursing pending the results of the first licensing examination following completion of his or her nursing course or for a maximum period of six months, whichever occurs first.

If the applicant passes the examination, the interim permit shall remain in effect until a regular renewable license is issued by the board. If the applicant fails the examination, the interim permit shall terminate upon notice thereof by first-class mail.

(b) The board upon written application may issue a license without examination to any applicant who is licensed or registered as a nurse in a state, district or territory of the United States or Canada having, in the opinion of the board, requirements for licensing or registration equal to or higher than those in California at the time the application is filed with the Board of Registered Nursing, if he or she has passed an examination for the license or registration that is, in the board's opinion, comparable to the board's examination, and if he or she meets all the other requirements set forth in Section 2736.

(c) Each application shall be accompanied by the fee prescribed by this chapter for the filing of an application for a regular renewable license.

The interim permit shall terminate upon notice thereof by first-class mail, if it is issued by mistake or if the application for permanent licensure is denied.

Added Stats 1953 ch 1174 5. Amended Stats 1959 ch 190 1; Stats 1965 ch 727 2; Stats 1972 ch 668 1; Stats 1987 ch 850 10; Stats 1992 ch 1289 20 (AB 2743); Stats 1994 ch 26 57.5 (AB 1807), effective March 30, 1994.

2732.15. [Section repealed 1982.]

Added Stats 1978 ch 283 1. Amended Stats 1979 ch 85 1. Repealed, operative July 1, 1982, by its own terms. The repealed section related to interim permits.

2733. Issuance of temporary license where examination waived

(a) Upon approval of an application filed pursuant to subdivision (b) of Section 2732.1, and upon the payment of the fee prescribed by subdivision (k) of Section 2815, the board may issue a temporary license to practice professional nursing, and a temporary certificate to practice as a certified nurse midwife, certified nurse practitioner, certified public health nurse, certified clinical nurse specialist, or certified nurse anesthetist for a period of six months from the date of issuance.

A temporary license or temporary certificate shall terminate upon notice thereof by certified mail, return receipt requested, if it is issued by mistake or if the application for permanent licensure is denied.

(b) Upon written application, the board may reissue a temporary license or temporary certificate to any person who has applied for a regular renewable license pursuant to subdivision (b) of Section 2732.1 and who, in the judgment of the board has been excusably delayed in completing his or her application for or the minimum requirements for a regular renewable license, but the board may not reissue a temporary license or temporary certificate more than twice to any one person.

Added Stats 1953 ch 1174 7, as B & P C [2733.1](#). Amended Stats 1963 ch 1400 1. Amended and renumbered by Stats 1965 ch 727 4. Amended Stats 1978 ch 1161 172.5; Stats 1987 ch 850 11; Stats 1992 ch 1135 2.3 (SB 2044); Stats 1994 ch 26 58 (AB 1807), effective March 30, 1994. Amended Stats 2000 ch 568 7 (AB 2888).

2733.1. [Section renumbered 1965.]

Added Stats 1953 ch 1174 7. Amended Stats 1963 ch 1400 1. Amended and Renumbered B & P C [2733](#) by Stats 1965 ch 727 4.

2733.5. [Section repealed 1973.]

Added Stats 1951 ch 124 2, effective April 22, 1951. Amended Stats 1953 ch 224 1; Stats 1955 ch 285 1; Stats 1957 ch 601 1; Stats 1959 ch 91 1; Stats 1961 ch 449 1; Stats 1963 ch 1537 1. Repealed Stats 1973 ch 319 3. The repealed section related to application and fee for special temporary permit.

2734. Inactive licenses

Upon application in writing to the board and payment of the biennial renewal fee, a licensee may have his license placed in an inactive status for an indefinite period of time. A licensee whose license is in an inactive status may not practice nursing. However, such a licensee does not have to comply with the continuing education standards of Section 2811.5.

Added Stats 1976 ch 1053 2, effective September 28, 1976.

2735. [Section repealed 1949.]

Added Stats 1939 ch 807 2. Repealed Stats 1949 ch 392 3. The repealed section related to application and fees of previously registered nurses.

2736. Qualifications generally

(a) An applicant for licensure as a registered nurse shall comply with each of the following:

(1) Have completed such general preliminary education requirements as shall be determined by the board.

(2) Have successfully completed the courses of instruction prescribed by the board for licensure, in a program in this state accredited by the board for training registered nurses, or have successfully completed courses of instruction in a school of nursing outside of this state which, in the opinion of the board at the time the application is filed with the Board of Registered Nursing, are equivalent to the minimum requirements of the board for licensure established for an accredited program in this state.

(3) Not be subject to denial of licensure under Section 480.

(b) An applicant who has received his or her training from a school of nursing in a country outside the United States and who has complied with the provisions of subdivision (a), or has completed training equivalent to that required by subdivision (a), shall qualify for licensure by successfully passing the examination prescribed by the board.

Added Stats 1939 ch 807 2. Amended Stats 1945 ch 1249 1; Stats 1953 ch 1174 8; Stats 1957 ch 2084 6; Stats 1963 ch 1537 1.5; Stats 1965 ch 727 5; Stats 1969 ch 1541 1; Stats 1972 ch 463 1; Stats 1974 ch 516 1; Stats 1977 ch 1130 2; Stats 1978 ch 1161 173; Stats 1992 ch 1289 21 (AB 2743).

2736.1. Training in detection and treatment of client abuse, and alcohol and chemical substance dependency

(a) The course of instruction for an applicant who matriculates on or after September 1, 1985, shall include training in the detection and treatment of alcohol and chemical substance dependency.

(b) The course of instruction for an applicant who matriculates on or after January 1, 1995, shall include training in the detection and treatment of client abuse, including, but not limited to, spousal or partner abuse. The requirement for coursework in spousal or partner abuse detection and treatment shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.

Added Stats 1984 ch 1149 4. Amended Stats 1993 ch 1234 5 (AB 890).

2736.5. Qualifications of persons serving in medical corps of armed forces; Records and reports

(a) Any person who has served on active duty in the medical corps of any of the Armed Forces of the United States and who has successfully completed the course of instruction required to qualify him or her for rating as a medical service technician-independent duty, or other equivalent rating in his particular branch of the Armed Forces, and whose service in the Armed Forces has been under honorable conditions, may submit the record of such training to the board for evaluation.

(b) If such person meets the qualifications of paragraphs (1) and (3) of subdivision (a) of Section 2736, and if the board determines that his or her education would give reasonable assurance of competence to practice as a registered nurse in this state, he or she shall be granted a license upon passing the standard examination for such licensure.

(c) The board shall, by regulation, establish criteria for evaluating the education of applicants under this section.

(d) The board shall maintain records of the following categories of applicants under this section:

(1) Applicants who are rejected for examination, and the areas of such applicants' preparation which are the causes of rejection.

(2) Applicants who are qualified by their military education alone to take the examination, and the results of their examinations.

(3) Applicants who are qualified to take the examination by their military education plus supplementary education, and the results of their examinations.

(e) The board shall attempt to contact by mail or other means individuals meeting the requirements of subdivision (a) who have been or will be discharged or separated from the Armed Forces of the United States, in order to inform them of the application procedure provided by this section. The board may enter into an agreement with the federal government in order to secure the names and addresses of such individuals.

Added Stats 1969 ch 1592 2. Amended Stats 1971 ch 1397 1; Stats 1978 ch 1161 173.5; Stats 1979 ch 373 12; Stats 2011 ch 350 19 (SB 943), effective January 1, 2012.

2736.6. Eligibility of vocational nurse to take examination for licensure as registered nurse

The board shall determine by regulation the additional preparation in nursing, in a school approved by the board, which is required for a vocational nurse, licensed under Chapter 6.5 (commencing with Section 2840) of this division, to be eligible to take the examination for licensure under this chapter as a registered nurse. The board shall not require more than 30 units in nursing and related science subjects to satisfy such preparation.

Added Stats 1969 ch 1541 2.

2737. Application fee

An applicant for a license authorizing him to practice nursing in this State under this chapter, upon the filing of his application shall pay the fee required by this chapter.

Added Stats 1939 ch 807 2.

2738. Holding of examinations

The board shall hold not less than two examinations each year at such times and places as the board may determine.

Added Stats 1939 ch 807 2. Amended Stats 1953 ch 1174 10.

2739. [Section repealed 1994.]

Added Stats 1939 ch 807 2. Repealed Stats 1994 ch 26 59 (AB 1807), effective March 30, 1994. The repealed section related to publication of notice of examinations.

2740. Conduct of examinations; Finality of decisions

Examinations shall be written, but in the discretion of the board may be supplemented by an oral or practical examination in such subjects as the board determines. All examinations shall be conducted by such persons and in such manner and under such rules and regulations as the board may prescribe.

The board shall finally pass or reject all applicants. Its actions shall be final and conclusive and not subject to review by any court or other authority.

Added Stats 1939 ch 807 2.

2741. Fees with application for reexamination

An application for reexamination shall be accompanied by the fees prescribed by this chapter.

Added Stats 1939 ch 807 2. Amended Stats 1953 ch 1174 11; Stats 1965 ch 727 7; Stats 1972 ch 901 1; Stats 1979 ch 933 1; Stats 1981 ch 437 1; Stats 1987 ch 850 12; Stats 1994 ch 26 60 (AB 1807), effective March 30, 1994; Stats 2005 ch 621 38 (SB 1111), effective January 1, 2006.

2742. Issuance of license

The board shall issue a license to each applicant who passes the examination and meets all other licensing requirements. The form of the license shall be determined in accordance with Section 164.

Added Stats 1939 ch 807 2. Amended Stats 1971 ch 716 40; Stats 1987 ch 850 13.

Board of Registered Nursing Strategic Plan

This section provides the most current Strategic Plan approved by the Board. The 2014-2017 Strategic Plan is included under Attachment G.

Board of Registered Nursing Budget Basics

This section includes the following:

- Summary of the BRN Budget, Spending Authority, and Mandated Requirements
- Operating Expenses and Equipment (OE&E)
- BRN Expenditures by Program Component

BUDGET BASICS

BRN is a self-supporting Special Fund entity.

- ❑ Revenues are derived from various application fees and license renewals. Renewals generates 77% of board revenue.
- ❑ BRN uses baseline budget. Baseline budget reflects the anticipated costs of carrying out the current level of service as authorized by the legislature.
- ❑ Budget can only be increased by a Budget Change Proposal (BCP), chaptered legislation, or augmentations approved by Agency, Finance, & Legislature.
- ❑ Purchase of Major & Minor equipment must be approved by the department via Schedule 9 Equipment Request.
- ❑ Out of State Travel must be approved by Agency & Governor's Office.
- ❑ Outside services must be obtained through a contract process.

BUDGET BASICS

BRN BUDGET

2014/2015

Authorized Positions – 158.8

Personnel Services \$13,297,000

Operating Expenses \$24,482,000

Total, Operating Budget → \$37,779,000

(less Reimbursements)* \$(1,014,000)

Net, Operating Budget → \$36,765,000

* Reimbursements are fingerprint fees, cost recovery, cite and fine

BUDGET BASICS

BRN REVENUE:

Revenue Breakdown:	<u>2014/2015</u>
Other Income: *	\$ 958,000
Application Fee:	\$ 5,354,000
Renewal Fees:	\$24,415,000
Delinquency Fees:	\$ 437,000
Miscellaneous Income: **	\$ 59,000
Investment Income:	<u>\$ 34,000</u>
 Total Projected Revenue:	 \$31,257,000

* Temp certificates, duplicate licenses, certification letter, endorsement to another state

** Services to the public, returned check fee, miscellaneous revenues

BUDGET BASICS

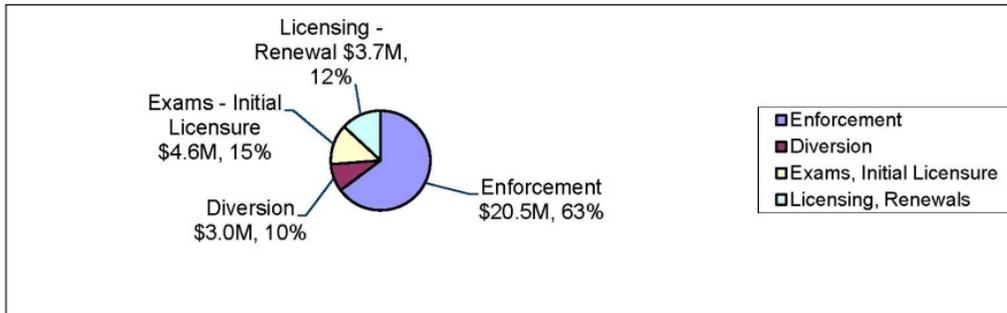
Operating Expenses & Equipment (O E & E) Breakdown:

2014/2015

<ul style="list-style-type: none"> • General Expense, Printing, Postage, Travel, Facilities Operations, Contracts, Minor & Major Equipment, Exam Expenses, Vehicle Operations: 	\$ 5,490,000
<ul style="list-style-type: none"> • Pro Rata: (Data Processing, Admin/Exec, DOI Internal, Public Affairs, Consumer & Communications, Interagency Services, and Statewide Pro Rata) 	\$ 7,316,000
<ul style="list-style-type: none"> • AG 	\$ 5,866,000
<ul style="list-style-type: none"> • Office of Admin Hearings 	\$ 640,000
<ul style="list-style-type: none"> • Evidence Witness 	\$ 151,000
<ul style="list-style-type: none"> • DOI Costs 	<u>\$ 5,020,000</u>
 Total OE & E Costs :	 \$24,483,000

BUDGET BASICS

Expenditures by Program Component (\$\$ in Millions)



Section 2: BOARD AND COMMITTEE MEETINGS

Charge of the Administrative, Legislative, Diversion/Discipline, Education/ Licensing, and Nursing Practice Committees

Charges for each of the Board Committees are included in this section along with current Committee Goals and Objectives.

**Board of Registered Nursing
CHARGE OF THE ADMINISTRATIVE COMMITTEE**

The Administrative Committee is composed of the officers of the Board.

Purpose:

The Administrative Committee is appointed to propose administrative policy to the Board, to determine necessity to call an emergency meeting of the Board, subject to the requirements of The Open Meeting Act, and to be consulted by the Executive Officer on day-to-day implementation or interpretation of Board Policy.

Membership:

Membership shall include the President and Vice-President of the Board.

Authority:

Sturgis Rules of Order adopted November 18, 1982.

Relationship:

The Committee provides policy direction to the Board.

Meetings:

The Committee shall meet as necessary to carry out its assigned functions. Decisions shall be made by consensus of the members.

**Board of Registered Nursing
CHARGE OF THE LEGISLATIVE COMMITTEE**

The Legislative Committee is hereby established by the Board of Registered Nursing.

Purpose:

The Committee is appointed to provide information and/or make recommendations to the Board and Committees of the Board on matters relating to legislation affecting registered nurses.

Membership:

The Committee shall be composed of 2 to 4 members, one of whom shall be a registered nurse.

Authority:

The president is delegated by the Board to assign Board members to committees and to appoint committee chairs with approval of the Board (Board Rules of Order, p.3, paragraph2).

Term:

Members shall serve one-year terms commencing each calendar year.

Relationship:

The Committee is advisory and recommends actions to the Board. Recommendations and reports of the Committee shall be submitted to the full Board for consideration and approval.

Meetings:

The Committee shall meet every two months or as often as necessary to carry out its assigned tasks. Meetings are open to the public and require a 10-calendar day notice sent to all interested parties on the Committee's mailing list.

Quorum:

A majority of the Committee members constitutes a quorum.

Procedures in Meetings:

Meetings are open to any Board member who wishes to attend, although persons who are not a member of the Committee do not have a vote. Board members are reminded that a meeting, which is attended by a quorum of Board members (i.e., 5 or more), may constitute an official Board meeting. Therefore, in the event that 5 or more members attend a Committee meeting, it is recommended that non-members not participate in the meeting discussion.

Public comment is allowed for each agenda item during the meeting. Total time allocated for public comment on particular issues may be limited.

Simple and informal procedure is desirable. No seconds to motions are required.

Staff:

Committee staff provides advice and consultation to the Committee but do not have voting privileges.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE**

2013-2014 Goals and Objectives

GOAL 1: **Keep the Board of Registered Nursing informed about pertinent legislation that may affect nursing practice, education, nurses' roles in the delivery of health care, and administrative functions of the Board.**

OBJECTIVE: 1.1 Analyze legislative proposals and make position recommendations to the Board at each Board meeting.

GOAL 2: **Monitor current legislation on behalf of the Board.**

OBJECTIVE: 2.1 Advocate for or against legislation as directed by the Board.

OBJECTIVE: 2.2 Review and suggest appropriate amendments as necessary.

OBJECTIVE: 2.3 Provide testimony to the Legislature, on behalf of the Board, as requested.

GOAL 3: **Serve as a resource to other Board committees on legislative and regulatory matters.**

OBJECTIVE: 3.1 Assist other Board committees in reviewing legislative and regulatory proposals.

GOAL 4: **Enhance the Board's process to proactively identify legislation that potentially impacts nursing and the Board.**

OBJECTIVE: 4.1 Evaluate resources, e.g. Internet, new legislative publications, etc., as sources of pertinent legislative information.

OBJECTIVE: 4.2 Maintain consistent dialogue with DCA's Legislative Unit, legislators, and their staff.

Board of Registered Nursing
CHARGE OF THE DIVERSION/DISCIPLINE COMMITTEE

The Diversion/Discipline Committee hereby established by the Board of Registered Nursing.

Purpose:

The Diversion/Discipline Committee is appointed to advise the Board on matters related to laws and regulations pertaining to diversion and discipline as set forth in the Nursing Practice Act, Articles 3 and 3.1, and the California Code of Regulations, Articles 4 and 4.1, and to make recommendations to the Board concerning these matters.

Membership:

The Committee shall be composed of 2 to 4 members, one of whom shall be a registered nurse.

Authority:

The president is delegated by the Board to assign Board members to committees and to appoint committee chairs with approval of the Board (Board Rules of Order, p.3, paragraph2).

Term:

Members shall serve one-year terms commencing each calendar year.

Relationship:

The Committee is advisory and recommends actions to the Board. Recommendations and reports of the Committee shall be submitted to the full Board for consideration and approval.

Meetings:

The Committee shall meet every two months or as often as necessary to carry out its assigned tasks. Meetings are open to the public and require a 10-calendar day notice sent to all interested parties on the Committee's mailing list.

Quorum:

A majority of the Committee members constitutes a quorum.

Procedures in Meetings:

Meetings are open to any Board member who wishes to attend, although persons who are not a member of the Committee do not have a vote. Board members are reminded that a meeting, which is attended by a quorum of Board members (i.e., 5 or more), may constitute an official Board meeting. Therefore, in the event that 5 or more members attend a Committee meeting, it is recommended that non-members not participate in the meeting discussion. Public comment is allowed for each agenda item during the meeting. Total time allocated for public comment on particular issues may be limited. Simple and informal procedure is desirable. No seconds to motions are required.

Staff:

Committee staff provides advice and consultation to the Committee but do not have voting privileges.

Board of Registered Nursing
CHARGE OF THE EDUCATION/LICENSING COMMITTEE

The Education/Licensing Committee is hereby established by the Board of Registered Nursing.

Purpose:

The committee is appointed to advise the Board on matters relating to nursing education, including approval of nursing programs (prelicensure and advanced practice), curriculum changes, student performance on NCLEX and on issues pertaining to nursing education.

Assure a job related, non-discriminatory examination by screening item development experts for the National Council, advising the Board on the development of examination related guidelines and procedures and monitoring National Council correspondence.

Advise the Board regarding policies, guidelines and interpretation of regulations for nursing education.

Assure continued competence of licensed RNs by monitoring a mandatory continuing education program.

Receive recommendations from the Nurse-Midwifery Advisory Committee.

Membership:

The Committee shall be composed of 2 to 4 members, at least two of whom shall be a registered nurse.

Authority:

The president is delegated by the Board to assign Board members to committees and to appoint committee chairs with approval of the Board (Board Rules of Order, p.3, paragraph 2).

Term:

Members shall serve one-year terms commencing each calendar year.

Relationship:

The Committee is advisory and recommends actions to the Board. Recommendations and reports of the Committee shall be submitted to the full Board for consideration and approval.

The Committee also acts as hearing body for the Board in cases of disciplinary actions against continuing education providers.

Meetings:

The Committee shall meet every two months or as often as necessary to carry out its assigned tasks. Meetings are open to the public and require a 10-calendar day notice sent to all interested parties on the Committee's mailing list

Quorum:

A majority of the Committee members constitutes a quorum.

Procedures in Meetings:

Meetings are open to any Board member who wishes to attend, although persons who are not a member of the Committee do not have a vote. Board members are reminded that a meeting, which is attended by a quorum of Board members (i.e., 5 or more) may constitute an official Board meeting. Therefore, in the event that 5 or more members attend a Committee meeting, it is recommended that non-members not participate in the meeting discussion.

Public comment is allowed for each agenda item during the meeting. Total time allocated for public comment on particular issues may be limited.

Simple and informal procedure is desirable. No seconds to motions are required.

Staff:

Committee staff provides advice and consultation to the Committee but do not have voting privileges.

Board of Registered Nursing CHARGE OF THE NURSING PRACTICE COMMITTEE

The Nursing Practice Committee is hereby established by the Board of Registered Nursing.

Purpose:

The Committee is appointed to advise the Board on matters relating to nursing practice, including common nursing practice issues (such as rights of the RN and patient in communicable disease cases or the RN's authority to order/perform laboratory tests) and advanced practice issues in the practice of the nurse-midwife, nurse anesthetist and nurse practitioner. The Committee also reviews all staff responses to proposed regulation changes that may affect nursing practice.

Membership:

The Committee shall be composed of 2 to 4 members, one of whom shall be a registered nurse.

Authority:

The president is delegated by the Board to assign Board members to committees and to appoint committee chairs with approval of the Board (Board Rules of Order, p.3, paragraph 2).

Term:

Members shall serve one-year terms commencing each calendar year.

Relationship:

The Committee is advisory and recommends actions to the Board. Recommendations and reports of the Committee shall be submitted to the full Board for consideration and approval.

Meetings:

The Committee shall meet every two months or as often as necessary to carry out its assigned tasks. Meetings are open to the public and require a 10-calendar day notice sent to all interested parties on the Committee's mailing list.

Quorum:

A majority of the Committee members constitutes a quorum.

Procedures in Meetings:

Meetings are open to any Board member who wishes to attend, although persons who are not a member of the Committee do not have a vote. Board members are reminded that a meeting, which is attended by a quorum of Board members (i.e., 5 or more), may constitute an official Board meeting. Therefore, in the event that 5 or more members attend a Committee meeting, it is recommended that non-members not participate in the meeting discussion. Public comment is allowed for each agenda item during the meeting. Total time allocated for public comment on particular issues may be limited. Simple and informal procedure is desirable. No seconds to motions are required.

Staff:

**BOARD OF REGISTERED NURSING
NURSING PRACTICE COMMITTEE**

2013/2014 GOALS AND OBJECTIVES

GOAL 1 **In support of the consumers' right to quality care, identify and evaluate issues related to registered nursing tasks being performed by unlicensed assistive personnel.**

Objective 1.1 Take an active role in activities conducted by other agencies and organizations related to unlicensed assistive personnel.

GOAL 2 **Promote patient safety as an essential and vital component of quality nursing care.**

Objective 2.1 Engage and dialogue with recognized national experts in supporting patient safety in what individuals and organizations have done and what remains to be done. For example, just culture and root cause analysis, failure mode and effect analysis, human factor and systems factor.

Objective 2.2 Monitor patient and resident safety activities as a component of quality nursing care such as health care errors, competency, patient outcomes, stakeholders, nursing shortage, ethics, lifelong learning, nursing standards, licensure, safety legislation, and magnet hospitals.

GOAL 3 **Develop and implement processes for the Board to interact with stakeholders to identify current trends and issues in nursing practice and the health care delivery system.**

Objective 3.1 Actively participate with other public and private organizations and agencies involved with health care to identify common issues and to promote RN scope of practice consistent with the Nursing Practice Act and ensuring consumer safety.

GOAL 4 **Identify and implement strategies to impact identified trends and issues.**

Objective 4.1 Provide timely written and/or verbal input on proposed regulations related to health care policies affecting nursing care.

Objective 4.2 Collaborate with the Education/Licensing Committee on educational issues/trends and the Legislative Committee on legislation pertaining to nursing practice.

Objective 4.3 Review and revise current BRN advisory statements and recommend new advisory statements as needed to clarify standards of nursing practice.

GOAL 5 **Develop and implement processes for the Board to interact with stakeholders to identify and evaluate issues related to advanced practice nursing and to promote maximum utilization of advanced practice nursing.**

Objective 5.1 Support and promote full utilization of advanced practice nurses.

Objective 5.2 Monitor trends and growing opportunities for advanced practice nursing in areas of health promotion, prevention, and managing patients through the continuum of care.

Objective 5.3 Actively participate with organizations and agencies focusing on advanced practice nursing.

Objective 5.4 In collaboration with the Education/Licensing Committee remain actively involved in facilitating communication and work in progress for education/certification function and communication with advanced practice educational program directors, professional organizations, state agencies and other groups.

SECTION 3: BOARD MEMBER RESPONSIBILITIES

Board Member Responsibilities

Information in this section includes Board Member obligations and responsibilities in the following areas:

- Board/Committee Meetings
- Disciplinary Matters
- Policy Decision Making
- Governance
- Outreach
- Training

Board Member Responsibilities

Each Board member represents the State of California and although he/she is an individual member, they have an obligation to represent the Board as a body. Each member should carefully consider each responsibility and time commitment prior to agreeing to become a Board Member.

Prepare for meetings (4-6 days per year)

- Prepare for all meetings by reviewing and critically analyzing all Board materials provided

Attending meetings (8-30 days per year)

- Attend all meetings; actively participate in meeting discussions; serve on committees of the Board to provide expertise in matters related to the Board

Disciplinary Matters (12-50 days per year)

- Review and analyze all materials pertaining to disciplinary matters and provide a fair, unbiased decision; timely respond to every request for a decision on any disciplinary matter; review and understand the Board's disciplinary guidelines; review and amend the Board's disciplinary guidelines on a regular basis to align with the policies set by the Board

Policy Decision Making (included above)

- Make educated policy decisions based upon both qualitative and quantitative data; obtain sufficient background information on issues upon which decisions are being made; seek information from Board staff regarding the functions/duties/requirements for the licensees being overseen; allow public participation and comment regarding matters prior to making decisions; ensure public protection is the highest priority in all decision making

Governance (2-4 days per year)

- Monitor key and summary data from the Board's programs to evaluate whether business processes are efficient and effective; obtain training on issues pertaining to the Board (e.g. budget process, legislative process, enforcement/licensing process, etc.); make recommendations regarding improvements to the Board's mandated functions
- Participate in the drafting and approval of a Strategic Plan; oversee the Strategic Plan on a quarterly basis to ensure activities are being implemented and performed; monitor any new tasks/projects to ensure they are in-line with the Strategic Plan
- Provide guidance and direction to the Executive Officer on the policies of the Board; annually evaluate the Executive Officer; assist the Executive Officer in reaching the goals for the Board

Outreach (1-4 days per year)

- When approved by the Board, represent the Board in its interaction with interested parties, the legislature, and the Department of Consumer Affairs
- When approved by the Board, represent the Board at national meetings

Training (2 day per year)

- Obtain the required Board Member training, i.e. Board Member Orientation Training, Sexual Harassment Prevention Training, and Ethics Training

Total Time: 29 – 70 days per year

April 6, 2012

Board of Registered Nursing Board Members**BOARD OF REGISTERED NURSING
Board Members
2014****Raymond Mallel, President**

Public Member
Term 2/6/14 – 6/01/17 (reappointment)

Michael Jackson, MSN, RN, Vice President

Nurse Educator Member
Term 5/10/12 – 06/01/16

Cynthia C. Klein, RN

Direct Patient Care Member
Term 5/10/12 – 6/01/14

Erin Niemela

Public Member
Term 3/1/12 – 6/1/16

Trande Phillips, RN

Direct Patient Care Member
Term 5/10/12 – 6/01/15

Jeanette Dong

Public Member
Term 11/14/12 – 6/1/16

Imelda Ceja-Butkiewicz

Public Member
Term 2/6/14 – 6/1/17

Elizabeth A. Woods, MSN, FNP, RN

Advanced Practice Member
Term 2/6/14 – 6/1/14

Beverly Hayden-Pugh, MA, RN

Nurse Administrator Member
Term 8/20/13 – 6/1/2015

Rev. February 2014

SECTION 4: FAIR POLITICAL PRACTICES COMMISSION (FPPC) – FORM 700

Your Duty to File, FORM 700

This publication from the Fair Political Practices Commission provides an overview of state economic disclosure law and reporting requirements. Information about filing the Form 700 is included.

Your Duty To File

A Basic Overview of State Economic Disclosure Law And Reporting Requirements For Public Officials



Fair Political Practices Commission

428 J Street, Suite 620

Sacramento, CA 95814

Toll-free advice line: 1 (866) ASK-FPPC

Web site: www.fppc.ca.gov

A Basic Overview of State Economic Disclosure Law And Reporting Requirements

Introduction

The Political Reform Act of 1974 (Gov. Code sections 81000-91014) requires many state and local public officials and employees to disclose certain personal financial holdings. The Act, which frequently has been amended, began as a ballot initiative approved by over 70 percent of California voters in the wake of the Watergate political scandals.

One of the Act's stated purposes declares:

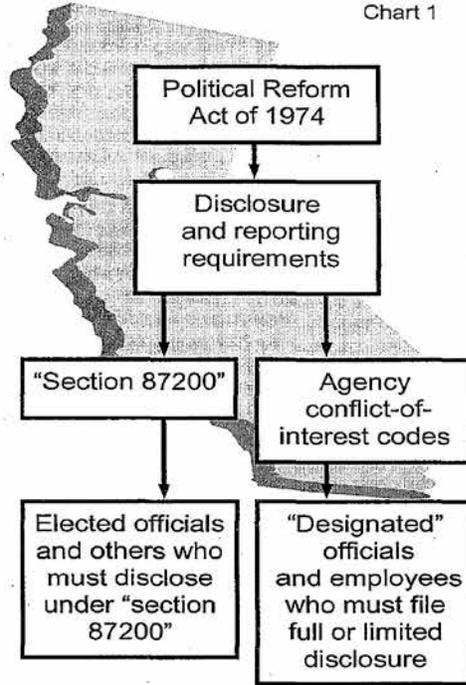
Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided. (Cal. Gov't. Code section 81002(c).)

In its findings and declarations, the Act adds:

Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. (Cal. Gov't. Code section 81001(b).)

The Act and its practical implementation have a broad reach across California

Chart 1



government. Many tens of thousands of public workers, ranging from the governor to local department heads to board and commission members, are required to file public, personal financial disclosure reports known as "statements of economic interests."

The Act establishes a complex, *decentralized* system of managing this disclosure in which each state and local government agency is required to adopt and implement a separate conflict-of-interest code. The administration of this decentralized system is divided between the Fair Political Practices Commission and re-

sponsible officials at more than 7,000 state and local agencies.

Employees and officeholders at virtually all state and local agencies, as well as candidates for public office, use the Fair Political Practices Commission's form 700 to file their statements of economic interests. The statements are sometimes informally referred to as "SEIs," "700s" or "conflict-of-interest statements." The form is available from your agency or in an interactive version on the FPPC web site. Form 700 amendment schedules, also available from your agency and the web site, are used to file amendments to a previously filed statement.

Most of these forms are not filed directly with the FPPC. Rather, they are filed with the agency's filing officer or filing official, or, in the case of candidates, with election offices or local clerk offices. In some cases, the agency will forward the original form to the FPPC while retaining a copy.

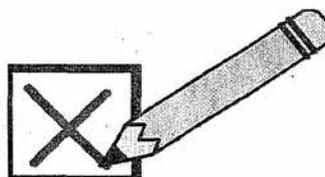
Filers must sign the form 700 under penalty of perjury (see section 81004 of the Act). Once filed, the form is a public document and must be made available to the public on request (section 81008). Public officials are generally not required to list their home addresses or home telephone numbers on the form.

The forms alert public officials about their own economic interests and potential areas of conflict in relation to their duties, and provide information to members of the public who may monitor official actions for any conflicts.

While sometimes popularly called "conflict-of-interest statements," the forms list only personal financial interests and don't in themselves disclose any conflicts of interests. Any conflict of interest under the Political Reform Act can only come about if a public official makes or participates in making a government decision that has a reasonably foreseeable material financial effect on the official's personal financial interests. Also, the law does not require all relevant personal financial interests (such as ownership of a personal residence in most cases) to be disclosed on the statement of economic interests.

The form 700 includes extensive instructions on how to fill it out. Your agency or the FPPC can provide individual help if you have further questions about the form, or where and when to file it.

The FPPC and agencies have the authority to levy penalties when a statement of economic interests is not filed on time. The FPPC also has the authority to levy administrative fines of up to \$5,000 per violation of the Political Reform Act, or to seek civil penalties in the courts. The FPPC does not have the power to bring criminal charges but may refer cases to another law enforcement authority such as a district attorney.



Who must disclose?

The Act establishes two categories of public officials and employees who must disclose their personal financial interests. See Chart 1 on Page 1 for a basic diagram of how the law works.

I. Officials required to disclose under section 87200 of the Government Code

Section 87200 contains a specific list of officials, including high-ranking elected officeholders, who are subject to the most extensive disclosure requirements under the Act. These officials are listed in Chart 2, found in the right column of this page.

Officials specified in section 87200, and candidates for the elective offices specified in section 87200, must file form 700 periodically to disclose certain investments, interests in real property, sources of income, gifts, loans and business positions. These officials are sometimes informally referred to as "87200 filers."

II. Officials and employees required to disclose under section 87300

Every state and local government agency is required to adopt a "conflict-of-interest code" under the Act (see Cal. Gov't. Code section 87300). The Act lists the provisions required for such codes (section 87302) and requires that each code be approved by a "code reviewing body" (section 87303).

Chart 2 — Officials required to file disclosure statements under section 87200 of the Cal. Gov't. Code

State Offices:

Governor
Lieutenant governor
Attorney general
Controller
Insurance commissioner
Secretary of state
Treasurer
Members of the state legislature
Superintendent of public instruction
State Board of Equalization members
Public utilities commissioners
State energy resources conservation and development commissioners
State coastal commissioners
Elected CalPERS board members
Fair Political Practices Commission members
State public officials who manage public investments

Judicial Offices:

Supreme, appellate and superior court judges
Court commissioners
Retired and pro-tem judges, part-time court commissioners

County and city offices:

Members of boards of supervisors
Mayors and members of city councils
Chief administrative officers
District attorneys
County counsels
City attorneys
City managers
Planning commissioners
County and city treasurers
County and city public officials who manage public investments

The law requires this decentralized system. Section 87301 states:

It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an "agency" for purposes of Section 87300 shall be resolved by the code reviewing body.

When an agency adopts or amends its conflict-of-interest code, how does it determine which agency positions are covered under the code and which are not?

Each agency conflict-of-interest code must designate, or include, the employee positions within that agency "which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest" of the employee (section 87302(a)).

These officials and employees must file form 700 periodically and disclose certain investments, interests in real property, sources of income, gifts, loans and business positions. These filers are sometimes informally referred to as "designated employees" or "code filers."

In some cases, consultants to government agencies are required to file statements of economic interests under agency conflict-of-interest codes. Generally speaking, consultants who perform the duties of a

government employee over a significant period of time, or who make or participate — without significant intervening review — in the making of government decisions, may be required to file (See FPPC Regulation 18701).

Every state and local government official, employee and consultant must refrain from making or participating in a government decision that has a reasonably foreseeable material financial effect on his or her personal financial interests, regardless of whether the individual is required to file a statement of economic interests.

Unlike the officials who must disclose under section 87200 of the Act, certain employees designated under agency conflict-of-interest codes may have to make only limited disclosures of their financial interests. The amount of disclosure will depend upon their duties. In general, those employees in positions with broader decision-making authority will have to provide broader disclosure of their personal financial interests.

Agencies must amend their conflict-of-interest codes when necessary to add or delete designated positions and disclosure categories. Conflict-of-interest codes are reviewed every two years. If an employee believes the amount of disclosure required for his or her position should be revised, those concerns can be addressed by the agency, including during the review process.

The FPPC reviews conflict-of-interest codes for all state agencies and all multi-

county agencies – approximately 1,000 codes. Codes adopted by other local agencies are reviewed by the appropriate county board of supervisors or city council, depending upon the jurisdiction of the agency (see section 82011).

The FPPC has adopted regulations to assist agencies in adopting conflict-of-interest codes. All state agencies and most local agencies now use a regulation (FPPC Regulation 18730) as the body of their indi-

vidual conflict-of-interest codes, with each agency adding its individual list of designated employees and the types of disclosure required of different employee positions. This regulation can be found on the FPPC web site, www.fppc.ca.gov. FPPC staff members also provide assistance or training on conflict-of-interest codes to local and state agencies and code-reviewing bodies. Check the FPPC web site or call 1-866-ASK-FPPC for a schedule of upcoming training seminars.

Chart 3 — Examples of where form 700 is filed:

- City Councilperson Rodriguez must disclose under section 87200 of the Political Reform Act. She files her form 700 with the city clerk (*filing official*), who retains a copy and forwards the original to the FPPC (*filing officer*). The city clerk also receives and retains forms filed by employees of city agencies who have been designated in the city's conflict-of-interest code. For the employees' forms, the city clerk is the *filing officer*.
- State Senator Smith is an official specified in Gov. Code section 87200. She files her form 700 with the secretary of the senate (*filing official*), who retains a copy and forwards the original to the FPPC (*filing officer*).
- The Department of Social Services is a state agency and has adopted a conflict-of-interest code designating those positions within the agency that must file form 700. The code requires the forms to be filed with the agency. However, the code also states that the personnel division will retain a copy of the form filed by the agency director and forward the original to the FPPC. The personnel division is the *filing officer* for forms filed by the employees and is the *filing official* for the director. The FPPC is the *filing officer* for the director.
- Chief Jones occupies a position designated by the conflict-of-interest code adopted by the Siskiyou County Fire Services District, a local government agency. The form 700s from Jones and the district's elected board members are filed with and retained by the county. As set out in the conflict-of-interest code, forms filed by all other designated employees are filed with and retained by the district.

An outline of the disclosure process — Chart 4

1. Two types of filers:

- “87200 filers” whose positions are listed in Gov. code section 87200
- “Designated officials” — state and local government agencies are required to adopt a conflict-of-interest code and designate decision makers who file disclosure statements

2. Types of statements filed on form 700:

- Assuming office/initial
- Annual
- Leaving Office
- Candidate
- Amended statements

3. Places to file the form:

- Section 87200 filers file with their state, city or county agency, which in most cases retains a copy and forwards the original to the FPPC
- “Designated officials” file their forms with their agency
 - 1) Most of these originals retained by agency
 - 2) Some originals forwarded to the FPPC (such as state department heads, board and commission members, selected multi-county agencies) with copies retained by the agency
 - 3) Senate and Assembly staff members file directly with the FPPC
- Candidate statements are filed with the appropriate election official, such as the local registrar of voters or clerk

4. Filing officers and filing officials

- Filing *officer* retains original statements
 - 1) Supplies forms, notifies filers
 - 2) Logs statements, notifies non-filers
 - 3) Reviews statements and requests amendments
 - 4) Imposes late filing penalties
 - 5) Provides public access
- Filing *official* retains copy and forwards original to filing officer
 - 1) Supplies forms, notifies filers
 - 2) Sends names of filers to filing officers
 - 3) Logs forms sent to filing officer
 - 4) Provides public access to copies of forms

Where do I file my form 700?

The Act mandates a decentralized system for filing, reviewing and retaining the form 700 statements of economic interests. This system is specified in section 87500 of the Government Code. Examples can be found in Chart 3 on Page 5, and the process is outlined in Chart 4 on Page 6.

Candidates file their statements of economic interests with their election official, such as their registrar of voters or city clerk.

The vast majority of public officials and employees file their form 700 with a filing *officer* at their own agency. This person reviews, logs and files the statement, provides public access to the form and performs other duties.

In most other cases, public officials and employees file their statement with a filing *official* at their agency, who acts as an intermediary and, after making a copy, forwards the original statement to the FPPC or to a county filing officer.

The FPPC receives – and is the filing officer for – approximately 20,000 statements of economic interest filed on an intermediary basis with other agencies. These statements include the officials specified in section 87200 as well as the following:

- designated employees of the state senate and state assembly
- members appointed to state boards and commissions
- state department heads (agency secre-

taries, directors and chief deputy directors of state agencies)

- employees of certain multi-county agencies

Regulation 18115 explains the respective roles of filing officers and filing officials. Briefly, filing officers assess fines for late-filed statements, review all statements for facial compliance, perform an in-depth review of some statements, and refer problems to the FPPC for potential enforcement actions. The FPPC now has an expedited and streamlined enforcement program for late-filed statements of economic interests.

Deadlines for filing statements of economic interests (form 700)

Candidates for certain elected positions must file a candidate statement prior to their election. Each type of statement has a specified "reporting period" (such as a calendar year) and is filed on the form 700 statement of economic interests.

Upon assuming his or her public office or job, an official first files an "assuming office" or "initial" statement of economic interests. After that, the official or employee files an annual statement each year until he or she leaves office, at which time a leaving office statement must be filed.

Candidate statements: Candidates for elective offices specified in section 87200 must file form 700 no later than the deadline for filing a declaration of candidacy to appear on a ballot. State and local elec-

tions occur throughout the year, and filing times vary. Some local conflict-of-interest codes may require candidates for other elective offices (such as school board or city clerk) to file candidate statements. Most do not have this requirement.

commissioners; members of state boards and commissions specified in section 87200: file on March 1.

➤ elected CalPERS board members: file on April 1.

Assuming Office Statements:

➤ *elected officials:* file 30 days after assuming office.

➤ *appointed officials under section 87200:* file 30 days after assuming office or 10 days after appointment or nomination if subject to state Senate or judicial confirmation.



➤ *all others:* file on April 1. (Some local agency conflict-of-interest codes may specify a different date.)

Leaving office statements: file within 30 days of leaving office.

Amendments: an amendment to a form 700 may be filed at any time—there is no deadline. A filer may submit more than one amendment.

➤ *other appointed officials:* file 30 days after assuming office or 30 days after appointment or nomination if subject to state Senate confirmation.

Expanded Statements: many officials hold more than one position covered under the Act and may combine all of their filing obligations on one form, with a copy containing an original signature filed with each agency.

Initial statements (officials whose positions are added to a new or amended conflict of interest code): file 30 days after the effective date of the conflict-of-interest code or amendment to an existing code.

Exceptions:

There are several exceptions to the filing deadlines:

➤ Elected state officers (newly elected) may not be required to file assuming office statements. They file a candidate

Annual Statements:

➤ *elected state officers; judges and court*

statement, then the next annual statement.

- An official who completes a term of office and, within 30 days, begins a new term in the same office is not required to file a leaving or assuming office statement (such as when an elected official is reelected to the same office).
- An official who leaves an office and, within 30 days, assumes another position with the same agency, or in the same jurisdiction (such as when a city planning commissioner is elected mayor) is not required to file a leaving or assuming office statement.
- An official who assumes office between October 1 and December 31, and who properly files an assuming office statement, is not required to file the next annual statement, but will wait until the following year.
- A candidate who has filed an assuming office or an annual statement within 60 days prior to filing a declaration of candidacy is not required to file a candidate statement.
- Certain statements may be combined. For example, if an official who normally files an annual statement on March 1 leaves office between January 1 and February 28, he or she can combine the annual and leaving office statements, as long as the statement is filed by March 1.
- Retired judges who serve part-time, *pro*

tempore judges, and part-time court commissioners are required to file form 700 only if they serve 30 days or more in a calendar year.

- Any deadline that falls on a Saturday, Sunday or official state holiday is automatically moved to the next business day.

Important note

This Fair Political Practices Commission fact sheet discusses provisions of California's Political Reform Act relating to economic disclosure and reporting requirements for public officials. While we hope you find the information helpful, ***you should not rely on the fact sheet alone to ensure compliance with the Act.*** If you have any questions, consult the Act and FPPC regulations, your agency's filing official or legal counsel, or call the FPPC's toll-free help line at 1-866-ASK-FPPC (1-866-275-3772). This fact sheet, the Act, regulations and other important information are on our web site, www.fppc.ca.gov.



*A good idea -
Call for toll-free advice at:
1-866-ASK-FPPC
(1-866-275-3772)*

Current Statement of Economic Interest – Form 700

A current Form 700, instructions, and reference pamphlet are provided in this section.

2013/2014 Statement of Economic Interests



Form 700

A Public Document

Also available on the FPPC website:

- ***Form 700 in Excel format***
- ***Reference Pamphlet for Form 700***

California Fair Political Practices Commission

428 J Street, Suite 620 • Sacramento, CA 95814

Email Advice: advice@fppc.ca.gov

Toll-free advice line: 1 (866) ASK-FPPC • 1 (866) 275-3772

Telephone: (916) 322-5660 • Website: www.fppc.ca.gov

December 2013

What's New

Gifts and Travel Payments

The Commission is continually updating regulations and rules that pertain to gifts and travel payments. For the most current information, including new travel rules effective January, 2014, refer to the fact sheets and FAQs on our website. The rules contained in this publication were those in effect through December 31, 2013 and apply to gifts and travel payments received during 2013.

New Gift Tracking Mobile Application

FPPC has created and launched a new gift tracking app for mobile devices. The app helps filers track gifts they receive in a calendar year and provides a quick and easy way to upload the information to the Form 700. The data is not collected electronically, it is fully stored on the phone. This app is currently available for Android Phone running version 4.0 or higher, with an iOS version coming in the near future.

Who must file:

- Elected and appointed officials and candidates listed in Government Code Section 87200
- Employees, appointed officials, and consultants filing pursuant to a conflict of interest code ("code filers"). **Obtain your disclosure categories, which describe the interests you must report, from your agency;** they are not part of the Form 700
- Candidates running for local elective offices that are designated in a conflict of interest code (e.g., county sheriffs, city clerks, school board trustees, and water board members)
- Members of newly created boards and commissions not yet covered under a conflict of interest code
- Employees in newly created positions of existing agencies

See Reference Pamphlet, page 3, at www.fppc.ca.gov or obtain from your filing officer.

Where to file:

87200 Filers

State offices	⇒	Your agency
Judicial offices	⇒	The clerk of your court
Retired Judges	⇒	Directly with FPPC
County offices	⇒	Your county filing official
City offices	⇒	Your city clerk
Multi-County offices	⇒	Your agency

Code Filers — State and Local Officials, Employees, and Consultants Designated in a Conflict of Interest Code:

File with your agency, board, or commission unless otherwise specified in your agency's conflict of interest code (e.g., Legislative staff files directly with FPPC). In most cases, the agency, board, or commission will retain the statements.

Members of Boards and Commissions of Newly Created Agencies:

File with your newly created agency or with your agency's code reviewing body.

Employees in Newly Created Positions of Existing Agencies:

File with your agency or with your agency's code reviewing body. See Reference Pamphlet, page 3.

Candidates: File with your local elections office.

How to file:

The Form 700 is available at www.fppc.ca.gov. Form 700 schedules are also available in Excel format. All statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2. Instructions, examples, FAQs, and a reference pamphlet are available to help answer your questions.

When to file:

Annual Statements

⇒ March 3, 2014

- Elected State Officers
- Judges and Court Commissioners
- State Board and Commission Members listed in Government Code Section 87200

⇒ April 1, 2014

- Most other filers

Individuals filing under conflict of interest codes in city and county jurisdictions should verify the annual filing date with their local filing officers.

Statements postmarked by the filing deadline are considered filed on time.

Assuming Office and Leaving Office Statements

Most filers file within 30 days of assuming or leaving office or within 30 days of the effective date of a newly adopted or amended conflict of interest code.

Exception:

If you assumed office between October 1, 2013, and December 31, 2013, and filed an assuming office statement, you are not required to file an annual statement until March 2, 2015, or April 1, 2015, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2014. See Reference Pamphlet, pages 6 and 7, for additional exceptions.

Candidate Statements

File no later than the final filing date for the declaration of candidacy or nomination documents.

Amendments

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is not necessary to amend the entire filed form. Obtain amendment schedules at www.fppc.ca.gov.

There is no provision for filing deadline extensions unless the filer is serving in active military duty. (Regulation 18723)

Statements of 30 pages or less may be faxed by the deadline as long as the originally signed paper version is sent by first class mail to the filing official within 24 hours.

Introduction

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions that may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions.

Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. During 2013, the gift limit was \$440 from a single source for the calendar year. This gift limit is effective until December 31, 2014.

In addition, state officials, state candidates, and certain state employees are subject to a \$10 limit per calendar month on gifts from lobbyists and lobbying firms registered with the Secretary of State. See Reference Pamphlet, page 10.

State and local officials and employees should check with their agency to determine if other restrictions apply.

Disqualification

Public officials are, under certain circumstances, required to disqualify themselves from making, participating in, or attempting to influence governmental decisions that will affect their economic interests. This may include interests they are not required to disclose (i.e., a personal residence is often not reportable, but may be disqualifying). Specific disqualification requirements apply to 87200 filers (e.g., city councilmembers, members of boards of supervisors, planning commissioners, etc.). These officials must identify orally the economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105, Regulation 18702.5, and the Overview of the Conflict of Interest Laws at www.fppc.ca.gov.

Honorarium Ban

Most state and local officials, employees, and candidates are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. See Reference Pamphlet, page 10.

Loan Restrictions

Certain state and local officials are subject to restrictions on loans. See Reference Pamphlet, page 14.

Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected state officials, most state employees, local elected officials, county chief administrative officers, city managers, including the chief administrator of a city, and general managers or chief administrators of local special districts and JPAs. The FPPC website has fact sheets explaining the provisions.

Late Filing

The filing officer who retains originally-signed or electronically filed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties may be reduced or waived under certain circumstances.

Persons who fail to timely file their Form 700 may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed.

For assistance concerning reporting, prohibitions, and restrictions under the Act:

- Email questions to advice@fppc.ca.gov.
- Call the FPPC toll-free at (866) 275-3772.

Form 700 is a Public Document Public Access Must Be Provided

Statements of Economic Interests are public documents. The filing officer must permit any member of the public to inspect and receive a copy of any statement.

- Statements must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received. Access to the Form 700 is not subject to the Public Records Act procedures.
- No conditions may be placed on persons seeking access to the forms.
- No information or identification may be required from persons seeking access.
- Reproduction fees of no more than 10 cents per page may be charged.

FPPC Form 700 (2013/2014)
FPPC Advice Email: advice@fppc.ca.gov
FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov
Introduction

Types of Form 700 Filings

Assuming Office Statement:

If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

- Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position is reportable.

For positions subject to confirmation by the State Senate or the Commission on Judicial Performance, your assuming office date is the date you were appointed or nominated to the position.

Example:

Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to state Senate confirmation. The assuming office date is the date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions she holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

If your office or position has been added to a newly adopted or newly amended conflict of interest code, use the effective date of the code or amendment, whichever is applicable.

- Investments, interests in real property, and business positions held on the effective date of the code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the code or amendment is reportable.

Annual Statement:

Generally, the period covered is January 1, 2013, through December 31, 2013. If the period covered by the statement is different than January 1, 2013, through December 31, 2013, (for example, you assumed office between October 1, 2012, and December 31, 2012 or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2013.

- If your disclosure category changes during a reporting period, disclose under the old category until the effective date of the conflict of interest code amendment and disclose under the new disclosure category through the end of the reporting period.

Leaving Office Statement:

Generally, the period covered is January 1, 2013, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2013, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2012, and December 31, 2012, or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2013.

Candidate Statement:

If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, and water district board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

Amendments:

If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

FPPC Form 700 (2013/2014)
FPPC Advice Email: advice@fppc.ca.gov
FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov
Types of Statements

Instructions Cover Page

Enter your name, mailing address, and daytime telephone number in the spaces provided. **Because the Form 700 is a public document, you may list your business/office address instead of your home address.**

Part 1. Office, Agency, or Court

- Enter the name of the office sought or held, or the agency or court. Consultants must enter the public agency name rather than their private firm's name. (Examples: State Assembly; Board of Supervisors; Office of the Mayor; Department of Finance; Hope County Superior Court)
- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy; District 45). **Do not use acronyms.**
- Enter your position title. (Examples: Director; Chief Counsel; City Council Member; Staff Services Analyst)
- If you hold multiple positions (i.e., a city council member who also is a member of a county board or commission), you may be required to file statements with each agency. To simplify your filing obligations, you may complete an expanded statement.
- To do this, enter the name of the other agency(ies) with which you are required to file and your position title(s) in the space provided. **Do not use acronyms.** Attach an additional sheet if necessary. Complete one statement covering the disclosure requirements for all positions. Each copy must contain an original signature. Therefore, before signing the statement, make a copy for each agency. Sign each copy with an original signature and file with each agency.

If you assume or leave a position after a filing deadline, you must complete a separate statement. For example, a city council member who assumes a position with a county special district after the April 1 annual filing deadline must file a separate assuming office statement. In subsequent years, the city council member may expand his or her annual filing to include both positions.

Example:

Scott Baker is a city council member for the City of Lincoln and a board member for the Camp Far West Irrigation District – a multi-county agency that covers Placer and Yuba counties. Scott will complete one Form 700 using full disclosure (as required for the city position) and covering interests in both Placer and Yuba counties (as required for the multi-county position) and list both positions on the Cover Page. Before signing the statement, Scott will make a copy and sign both statements. One statement will be filed with City of Lincoln and the other will be filed with Camp Far West Irrigation District. Both will contain an original signature.

Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review the Reference Pamphlet, page 13, to determine their jurisdiction.
- If your agency is a multi-county office, list each county in which your agency has jurisdiction.

- If your agency is not a state office, court, county office, city office, or multi-county office (e.g., school districts, special districts and JPAs), check the "other" box and enter the county or city in which the agency has jurisdiction.

Example:

This filer is a member of a water district board with jurisdiction in portions of Yuba and Sutter Counties.

Part 3. Type of Statement

1. Office, Agency, or Court	
Agency Name _____	
South Sutter Water District	
Division, Board, Department, District, if applicable _____	Your Position: _____
	Board Member
• Filing for multiple positions, list below or on an attachment.	
Agency: _____	Position: _____
2. Jurisdiction of Office (Check at least one box)	
<input type="checkbox"/> State	<input type="checkbox"/> Judge or Court Commissioner (Statewide Jurisdiction)
<input type="checkbox"/> Multi-County _____	<input type="checkbox"/> County of _____
<input type="checkbox"/> City of _____	<input checked="" type="checkbox"/> Other _____ Portions of Yuba & Sutter Counties

Check at least one box. The period covered by a statement is determined by the type of statement you are filing. If you are completing a 2013 annual statement, **do not** change the pre-printed dates to reflect 2014. Your annual statement is used for reporting the **previous year's** economic interests. Economic interests for your annual filing covering January 1, 2014, through December 31, 2014, will be disclosed on your statement filed in 2015. See Reference Pamphlet, page 4.

Combining Statements: Certain types of statements may be combined. For example, if you leave office after January 1, but before the deadline for filing your annual statement, you may combine your annual and leaving office statements. File by the earliest deadline. Consult your filing officer or the FPPC.

Part 4. Schedule Summary

- Enter the total number of completed pages including the cover page and either:

Check the box for each schedule you use to disclose interests;

- or -

if you have nothing to disclose on any schedule, check the "No reportable interests" box. Please **do not** attach any blank schedules.

Part 5. Verification

Complete the verification by signing the statement and entering the date signed. All statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2. Instructions, examples, FAQs, and a reference pamphlet are available to help answer your questions. **When you sign your statement, you are stating, under penalty of perjury, that it is true and correct.** Only the filer has authority to sign the statement. An unsigned statement is not considered filed and you may be subject to late filing penalties.

FPPC Form 700 (2013/2014)

FPPC Advice Email: advice@fppc.ca.gov

FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

Instructions – 1

**STATEMENT OF ECONOMIC INTERESTS
COVER PAGE**

Date Received
Official Use Only

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)

1. Office, Agency, or Court

Agency Name *(Do not use acronyms)*

Division, Board, Department, District, if applicable Your Position

► If filing for multiple positions, list below or on an attachment. *(Do not use acronyms)*

Agency: Position:

2. Jurisdiction of Office *(Check at least one box)*

- State
- Multi-County _____
- City of _____
- Judge or Court Commissioner (Statewide Jurisdiction)
- County of _____
- Other _____

3. Type of Statement *(Check at least one box)*

- Annual:** The period covered is January 1, 2013, through December 31, 2013.
- Leaving Office:** Date Left ____/____/_____
(Check one)
- Assuming Office:** Date assumed ____/____/_____
-or- The period covered is ____/____/_____, through December 31, 2013.
- Candidate:** Election year _____ and office sought, if different than Part 1: _____
- The period covered is January 1, 2013, through the date of leaving office.
- The period covered is ____/____/_____, through the date of leaving office.

4. Schedule Summary

- Check applicable schedules or "None."
► **Total number of pages including this cover page:** _____
- Schedule A-1 - Investments** – schedule attached
 - Schedule A-2 - Investments** – schedule attached
 - Schedule B - Real Property** – schedule attached
 - Schedule C - Income, Loans, & Business Positions** – schedule attached
 - Schedule D - Income - Gifts** – schedule attached
 - Schedule E - Income - Gifts - Travel Payments** – schedule attached
- or-*
 None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER () E-MAIL ADDRESS (OPTIONAL)

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed _____ Signature _____
(month, day, year) *(File the originally signed statement with your filing official)*

Clear Page

Print Form

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Which Schedule Do I Use?

Common Reportable Interests

Schedule A-1	Stocks, including those held in an IRA or a 401K
Schedule A-2	Business entities (including certain independent contracting), sole proprietorships, partnerships, LLCs, corporations, and trusts
Schedule B	Rental property in the jurisdiction
Schedule C	Non-governmental salaries of public official and spouse/registered domestic partner
Schedule D	Gifts from businesses (such as tickets to sporting or entertainment events)
Schedule E	Travel payments from third parties (not your employer)

Common Non-Reportable Interests

Schedule A-1	Insurance policies, government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. See Reference Pamphlet, page 12, for detailed information. (Regulation 18237)
Schedule A-2	Savings and checking accounts and annuities
Schedule B	A residence used exclusively as a personal residence (such as a home or vacation cabin)
Schedule C	Governmental salary (such as a school district)
Schedule D	Gifts from family members
Schedule E	Travel paid by your government agency

Remember:

- ✓ Mark the "No reportable interests" box on Part 4 of the Schedule Summary on the Cover Page if you determine you have nothing to disclose and file the Cover Page only. **Make sure you carefully read all instructions to ensure proper reporting.**
- ✓ The Form 700 is a public document.
- ✓ **Most individuals must consult their agency's conflict of interest code for reportable interests.**
- ✓ Most individuals file the Form 700 with their agencies.

Questions and Answers

General

- Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?
- A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.

On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. You must also disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.

- Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?
- A. Yes, three are required. However, you may complete one statement listing the county and the two boards on the Cover Page or an attachment as the agencies for which you will be filing. Report your economic interests using the largest jurisdiction and highest disclosure requirements assigned to you by the three agencies. Make two copies of the entire statement before signing it, sign each copy with an original signature, and distribute one original to the county and to each of the two boards. Remember to complete separate statements for positions that you leave or assume during the year.
- Q. I am a department head who recently began acting as city manager. Should I file as the city manager?
- A. Yes. File an assuming office statement as city manager. Persons serving as "acting," "interim," or "alternate" must file as if they hold the position because they are or may be performing the duties of the position.
- Q. As a designated employee, I left one state agency to work for another state agency. Must I file a leaving office statement?
- A. Yes. You may also need to file an assuming office statement for the new agency.

Investment Disclosure

- Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?
- A. Probably. The definition of "doing business in the jurisdiction" is not limited to whether the business has an office or physical location in your jurisdiction. See Reference Pamphlet, page 13.
- Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?
- A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.
- Q. I am required to report all investments. I have an IRA that contains stocks through an account managed by a brokerage firm. Must I disclose these stocks even though they are held in an IRA and I did not decide which stocks to purchase?
- A. Yes. Disclose on Schedule A-1 or A-2 any stock worth \$2,000 or more in a business entity located in or doing business in your jurisdiction.
- Q. I own stock in IBM and must report this investment on Schedule A-1. I initially purchased this stock in the early 1990s; however, I am constantly buying and selling shares. Must I note these dates in the "Acquired" and "Disposed" fields?
- A. No. You must only report dates in the "Acquired" or "Disposed" fields when, during the reporting period, you initially purchase a reportable investment worth \$2,000 or more or when you dispose of the entire investment. You are not required to track the partial trading of an investment.

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Questions and Answers Continued

Q. On last year's filing I reported stock in Encoe valued at \$2,000 - \$10,000. Late last year the value of this stock fell below and remains at less than \$2,000. How should this be reported on this year's statement?

A. You are not required to report an investment if the value was less than \$2,000 during the **entire** reporting period. However, because a disposed date is not required for stocks that fall below \$2,000, you may want to report the stock and note in the "comments" section that the value fell below \$2,000. This would be for informational purposes only; it is not a requirement.

Q. We have a Section 529 account set up to save money for our son's college education. Is this reportable?

A. If the Section 529 account contains reportable interests (e.g., common stock valued at \$2,000 or more), those interests are reportable (not the actual Section 529 account). If the account contains solely mutual funds, then nothing is reported.

Income Disclosure

Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2, Part 3?

A. No, only the clients doing business on a regular basis in your jurisdiction must be disclosed.

Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?

A. Regulation 18740 provides a procedure for requesting an exemption to allow a client's name not to be disclosed if disclosure of the name would violate a legally recognized privilege under California law. This regulation may be obtained from our website at www.fppc.ca.gov. See Reference Pamphlet, page 14.

Q. I am sole owner of a private law practice that is not reportable based on my limited disclosure category. However, some of the sources of income to my law practice are from reportable sources. Do I have to disclose this income?

A. Yes, even though the law practice is not reportable, reportable sources of income to the law practice of \$10,000 or more must be disclosed. This information would be disclosed on Schedule C with a note in the

"comments" section indicating that the business entity is not a reportable investment. The note would be for informational purposes only; it is not a requirement.

Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?

A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. See Reference Pamphlet, page 8, for the definition of "business entity."

Q. My husband is a partner in a four-person firm where all of his business is based on his own billings and collections from various clients. How do I report my community property interest in this business and the income generated in this manner?

A. If your husband's investment in the firm is 10% or greater, disclose 100% of his share of the business on Schedule A-2, Part 1 and 50% of his income on Schedule A-2, Parts 2 and 3. For example, a client of your husband's must be a source of at least \$20,000 during the reporting period before her name is reported.

Q. How do I disclose my spouse's or registered domestic partner's salary?

A. Report the name of the employer as a source of income on Schedule C.

Q. I am a doctor. For purposes of reporting \$10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?

A. If your patients exercise sufficient control by selecting you instead of other doctors, then your patients, rather than their insurance carriers, are sources of income to you. See Reference Pamphlet, page 14, for additional information.

Q. I received a loan from my grandfather to purchase my home. Is this loan reportable?

A. No. Loans received from family members are not reportable.

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Instructions - 5

Questions and Answers Continued

- Q. I am running for re-election to city council and made a personal loan to my campaign committee. Is this reportable on my Form 700?
- A. No, the loan is not reportable on Form 700; however, loan repayments from a campaign committee are reported on Schedule C as income.

- Q. Many years ago, I loaned my parents several thousand dollars, which they paid back this year. Do I need to report this loan repayment on my Form 700?
- A. No. Payments received on a loan made to a family member are not reportable.

Real Property Disclosure

- Q. During this reporting period we switched our principal place of residence into a rental. I have full disclosure and the property is located in my agency's jurisdiction, so it is now reportable. Because I have not reported this property before, do I need to show an "acquired" date?
- A. No, you are not required to show an "acquired" date because you previously owned the property. However, you may want to note in the "comments" section that the property was not previously reported because it was used exclusively as your residence. This would be for informational purposes only; it is not a requirement.
- Q. My daughter is buying her first home and I am the co-signer on the loan. I won't occupy the home, but my daughter will. The home is located in my agency's jurisdiction. Must I report this property?
- A. No. Property occupied by a family member is not reportable as long as you are not receiving rental income or using the property for business purposes.

Gift Disclosure

- Q. If I received a gift of two tickets to a concert valued at \$100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?
- A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.
- Q. Mary and Joe Benson, a married couple, want to give a piece of artwork to a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?

- A. Yes, each spouse may make a gift valued at the gift limit during a calendar year. For example, during 2013 the gift limit was \$440, so the Bensons may have given the supervisor artwork valued at no more than \$880. The supervisor must identify Joe and Mary Benson as the sources of the gift.

- Q. I am a Form 700 filer with full disclosure. Our agency holds a holiday raffle to raise funds for a local charity. I bought \$10 worth of raffle tickets and won a gift basket valued at \$120. The gift basket was donated by Doug Brewer, a citizen in our city. At the same event, I bought raffle tickets for, and won a quilt valued at \$70. The quilt was donated by a coworker. Are these reportable gifts?

- A. Because the gift basket was donated by an outside source (not an agency employee), you have received a reportable gift valued at \$110 (the value of the basket less the consideration paid). The source of the gift is Doug Brewer and the agency is disclosed as the intermediary. Because the quilt was donated by an employee of your agency, it is not a reportable gift.

- Q. My agency is responsible for disbursing grants. An applicant (501(c)(3) organization) met with agency employees to present its application. At this meeting, the applicant provided food and beverages. Would the food and beverages be considered gifts to the employees? These employees are designated in our agency's conflict of interest code and the applicant is a reportable source of income under the code.
- A. Yes. If the value of the food and beverages consumed by any one filer, plus any other gifts received from the same source during the reporting period total \$50 or more, the food and beverages would be reported using the fair market value and would be subject to the gift limit.

- Q. I received free admission to an educational conference related to my official duties. Part of the conference fees included a round of golf. Is the value of the golf considered informational material?
- A. No. The value of personal benefits, such as golf, attendance at a concert, or sporting event, are gifts subject to reporting and limits.

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Instructions – 6

Instructions – Schedules A-1 and A-2 Investments

“Investment” means a financial interest in any business entity (including a consulting business or other independent contracting business) that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency’s jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more at any time during the reporting period. See Reference Pamphlet, page 13.

Reportable investments include:

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Reference Pamphlet, page 13.)
- Sole proprietorships
- Your own business or your spouse’s or registered domestic partner’s business (See Reference Pamphlet, page 8, for the definition of “business entity.”)
- Your spouse’s or registered domestic partner’s investments that are legally separate property
- Partnerships (e.g., a law firm or family farm)
- Investments in reportable business entities held in a retirement account (See Reference Pamphlet, page 15.)
- If you, your spouse or registered domestic partner, and dependent children together had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. See Reference Pamphlet, page 15, for more information on disclosing trusts.
- Business trusts

You are not required to disclose:

- Insurance policies, government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. See Reference Pamphlet, page 12, for detailed information. (Regulation 18237)
- Bank accounts, savings accounts, money market accounts and certificates of deposits
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)
- Retirement accounts invested in non-reportable interests (e.g., insurance policies, mutual funds, or government bonds) (See Reference Pamphlet, page 15.)

Reminders

- Do you know your agency’s jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
- Code filers – your disclosure categories may only require disclosure of specific investments.

- Government defined-benefit pension plans (such as CalPERS and CalSTRS plans)
- Certain interests held in a blind trust (See Reference Pamphlet, page 16.)

Use Schedule A-1 to report ownership of less than 10% (e.g., stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. See second example below.

Use Schedule A-2 to report ownership of 10% or greater (e.g., a sole proprietorship).

To Complete Schedule A-1:

Do not attach brokerage or financial statements.

- Disclose the name of the business entity.
- Provide a general description of the business activity of the entity (e.g., pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you are filing a candidate or an assuming office statement, indicate the fair market value on the filing date or the date you took office, respectively.
- Identify the nature of your investment (e.g., stocks, warrants, options, or bonds).
- An acquired or disposed of date is only required if you initially acquired or entirely disposed of the investment interest during the reporting period. The date of a stock dividend reinvestment or partial disposal is not required. Generally, these dates will not apply if you are filing a candidate or an assuming office statement.

Examples:

John Smith holds a state agency position. His conflict of interest code requires full disclosure of investments. John must disclose his stock holdings of \$2,000 or more in any company that does business in California, as well as those stocks held by his spouse or registered domestic partner and dependent children.

Susan Jones is a city council member. She has a 4% interest, worth \$5,000, in a limited partnership located in the city. Susan must disclose the partnership on Schedule A-1 and income of \$500 or more received from the partnership on Schedule C.

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Instructions – 7

**SCHEDULE A-1
Investments**

Stocks, Bonds, and Other Interests
(Ownership Interest is Less Than 10%)

Do not attach brokerage or financial statements.

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 13 _____ / _____ / 13
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 13 _____ / _____ / 13
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 13 _____ / _____ / 13
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 13 _____ / _____ / 13
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 13 _____ / _____ / 13
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____ (Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 13 _____ / _____ / 13
 ACQUIRED DISPOSED

Comments: _____

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Instructions – Schedule A-2 Investments, Income, and Assets of Business Entities/Trusts

Use Schedule A-2 to report investments in a business entity (including a consulting business or other independent contracting business) or trust (including a living trust) in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater interest, totaling \$2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. See Reference Pamphlet, page 13. A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. Do not report a trust that contains non-reportable interests. For example, a trust containing only your personal residence not used in whole or in part as a business, your savings account, and some municipal bonds, is not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the investment or real property interest was \$2,000 or more during the reporting period.

To Complete Schedule A-2:

Part 1. Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the highest fair market value of your investment during the reporting period.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (i.e., if you were a director, officer, partner, trustee, employee, or held any position of management). A business position held by your spouse is not reportable.

Part 2. Check the box indicating **your pro rata** share of the **gross** income received **by** the business entity or trust. This amount includes your pro rata share of the **gross** income **from** the business entity or trust, as well as your community property interest in your spouse's or registered domestic partner's share. Gross income is the total amount of income before deducting expenses, losses, or taxes.

Part 3. Disclose the name of each source of income that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan **to the business entity or trust** identified in Part 1 if your pro rata share of the **gross** income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was \$10,000 or more during the reporting period. See Reference Pamphlet, page 11, for examples.

Income from governmental sources may be reportable if not considered salary. See Regulation 18232. Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.

- Disclose each individual or entity that was a source of commission income of \$10,000 or more during the reporting period through the business entity identified in Part 1. See Reference Pamphlet, page 8, for an explanation of commission income. You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of \$10,000 or more, must be disclosed.

Mark "None" if you do not have any reportable \$10,000 sources of income to disclose. Using phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" may trigger a request for an amendment to your statement. See Reference Pamphlet, page 14, for details about requesting an exemption from disclosing privileged information.

Part 4. Report any investments or interests in real property held or leased **by the entity or trust** identified in Part 1 if your pro rata share of the interest held was \$2,000 or more during the reporting period. Attach additional schedules or use FPPC's Form 700 Excel spreadsheet if needed.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the precise location (e.g., an assessor's parcel number or address).
- Check the box indicating the highest fair market value of your interest in the real property or investment during the reporting period. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.

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Instructions – 9

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION
Name _____

► 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:

\$0 - \$1,999 / / 13 / / 13
 \$2,000 - \$10,000 ACQUIRED DISPOSED
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Partnership Sole Proprietorship _____ Other

YOUR BUSINESS POSITION _____

► 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:

\$0 - \$1,999 / / 13 / / 13
 \$2,000 - \$10,000 ACQUIRED DISPOSED
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Partnership Sole Proprietorship _____ Other

YOUR BUSINESS POSITION _____

► 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

\$0 - \$499 \$10,001 - \$100,000
 \$500 - \$1,000 OVER \$100,000
 \$1,001 - \$10,000

► 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

\$0 - \$499 \$10,001 - \$100,000
 \$500 - \$1,000 OVER \$100,000
 \$1,001 - \$10,000

► 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

None

► 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

None

► 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:
 INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or City or Other Precise Location of Real Property _____

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:

\$2,000 - \$10,000 / / 13 / / 13
 \$10,001 - \$100,000 ACQUIRED DISPOSED
 \$100,001 - \$1,000,000
 Over \$1,000,000

NATURE OF INTEREST
 Property Ownership/Deed of Trust Stock Partnership

Leasehold Yrs. remaining Other _____

Check box if additional schedules reporting investments or real property are attached

► 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:
 INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or City or Other Precise Location of Real Property _____

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:

\$2,000 - \$10,000 / / 13 / / 13
 \$10,001 - \$100,000 ACQUIRED DISPOSED
 \$100,001 - \$1,000,000
 Over \$1,000,000

NATURE OF INTEREST
 Property Ownership/Deed of Trust Stock Partnership

Leasehold Yrs. remaining Other _____

Check box if additional schedules reporting investments or real property are attached

Comments: _____

FPPC Form 700 (2013/2014) Sch. A-2
FPPC Advice Email: advice@fppc.ca.gov
FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

Instructions – Schedule B Interests in Real Property

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more any time during the reporting period. See Reference Pamphlet, page 13.

Interests in real property include:

- An ownership interest (including a beneficial ownership interest)
- A deed of trust, easement, or option to acquire property
- A leasehold interest (See Reference Pamphlet, page 14.)
- A mining lease
- An interest in real property held in a retirement account (See Reference Pamphlet, page 15.)
- An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater ownership interest (Report on Schedule A-2.)
- Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

You are not required to report:

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence in which you rent out a room or for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)

Please note: A non-reportable residence can still be grounds for a conflict of interest and may be disqualifying.

- Interests in real property held through a blind trust (See Reference Pamphlet, page 16, for exceptions.)

To Complete Schedule B:

- Report the precise location (e.g., an assessor's parcel number or address) of the real property.
- Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
- Identify the nature of your interest. If it is a leasehold, disclose the number of years remaining on the lease.
- If you received rental income, check the box indicating the gross amount you received.
- If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single

Reminders

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
- Real property already reported on Schedule A-2, Part 4 are not also required to be reported on Schedule B.
- Code filers – do your disclosure categories require disclosure of real property?

tenant was \$10,000 or more during the reporting period. If you received a total of \$10,000 or more from two or more tenants acting in concert (in most cases, this will apply to married couples), disclose the name of each tenant. Otherwise, mark "None."

- Loans from a private lender that total \$500 or more and are secured by real property may be reportable. **Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.**

When reporting a loan:

- Provide the name and address of the lender.
- Describe the lender's business activity.
- Disclose the interest rate and term of the loan. For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was established.
- Check the box indicating the highest balance of the loan during the reporting period.
- Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

Example:

Joe Nelson is a city planning commissioner. Joe received rental income of \$12,000 during the reporting period from a single tenant who rented property Joe owned in the city's jurisdiction. If Joe had received the \$12,000 from two or more tenants, the tenants' names would not be required as long as no single tenant paid \$10,000 or more. A married couple would be considered a single tenant.

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS 4600 24th Street	
CITY Henry Wells	
FAIR MARKET VALUE	IF APPLICABLE, LIST DATE
<input type="checkbox"/> \$0 - \$10,000	/ / 13 / / 13
<input type="checkbox"/> \$10,001 - \$100,000	ACQUIRED
<input checked="" type="checkbox"/> \$100,001 - \$1,000,000	DISPOSED
<input type="checkbox"/> Over \$1,000,000	
NATURE OF INTEREST	
<input checked="" type="checkbox"/> Ownership/Deed of Trust	<input type="checkbox"/> Easement
<input type="checkbox"/> Leasehold	<input type="checkbox"/> Other
IF RENTAL PROPERTY, GROSS INCOME RECEIVED	
<input type="checkbox"/> \$0 - \$500	<input type="checkbox"/> \$500 - \$1,000
<input type="checkbox"/> \$1,001 - \$10,000	<input type="checkbox"/> \$10,001 - \$100,000
<input checked="" type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> OVER \$100,000
SOURCE(S) OF RENTAL INCOME, IF YOU OWN A 10% OR GREATER INTEREST, LIST THE NAME OF EACH TENANT THAT IS A SINGLE SOURCE OF INCOME OF \$10,000 OR MORE.	
<input type="checkbox"/> None	
Henry Wells	
NAME OF LENDER*	
Sophia Petrolio	
ADDRESS (BUSINESS ADDRESS ACCEPTABLE)	
2121 Blue Sky Parkway, Sacramento	
BUSINESS ACTIVITY, IF ANY, OF LENDER	
Restaurant Owner	
INTEREST RATE	TERM (Months/Years)
8 % <input type="checkbox"/> None	15 Years
HIGHEST BALANCE DURING REPORTING PERIOD	
<input type="checkbox"/> \$000 - \$1,000	<input type="checkbox"/> \$1,001 - \$10,000
<input checked="" type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> OVER \$100,000
<input type="checkbox"/> Guarantor, if applicable	

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Instructions – 11

Instructions – Schedule C Income, Loans, & Business Positions (Income Other Than Gifts and Travel Payments)

Reporting Income:

Report the source and amount of gross income of \$500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. See Reference Pamphlet, page 11. You must also report the source of income to your spouse or registered domestic partner if your community property share was \$500 or more during the reporting period.

A source of income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. See Reference Pamphlet, page 13, for more information about doing business in the jurisdiction. Reportable sources of income may be further limited by your disclosure category located in your agency's conflict of interest code.

Reporting Business Positions:

You must report your job title with each reportable business entity even if you received no income during the reporting period. Use the comments section to indicate that no income was received.

Commonly reportable income and loans include:

- Salary/wages, per diem, and reimbursement for expenses including travel payments provided by your employer
- Community property interest (50%) in your spouse's or registered domestic partner's income - **report the employer's name and all other required information**
- Income from investment interests, such as partnerships, reported on Schedule A-1
- Commission income not required to be reported on Schedule A-2 (See Reference Pamphlet, page 8.)
- Gross income from any sale, including the sale of a house or car (Report your pro rata share of the total sale price.)
- Rental income not required to be reported on Schedule B
- Prizes or awards not disclosed as gifts
- Payments received on loans you made to others, including loan repayments from a campaign committee (including a candidate's own campaign committee)
- An honorarium received prior to becoming a public official (See Reference Pamphlet, page 10, concerning your ability to receive future honoraria.)
- Incentive compensation (See Reference Pamphlet, page 12.)

Reminders

- Code filers – your disclosure categories may not require disclosure of all sources of income.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

You are not required to report:

- Salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency.
- Stock dividends and income from the sale of stock unless the source can be identified.
- Income from a PERS retirement account.

See Reference Pamphlet, page 11, for more exceptions to income reporting.

To Complete Schedule C:

Part 1. Income Received/Business Position Disclosure

- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of \$10,000 or more. See Reference Pamphlet, page 8. **Note: If you receive commission income on a regular basis or have an ownership interest of 10% or more, you must disclose the business entity and the income on Schedule A-2.**
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.

Part 2. Loans Received or Outstanding During the Reporting Period

- Provide the name and address of the lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
 - For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period.
 - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
- Identify the security, if any, for the loan.

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SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION
 Name _____

▶ 1. INCOME RECEIVED	▶ 1. INCOME RECEIVED
NAME OF SOURCE OF INCOME _____	NAME OF SOURCE OF INCOME _____
ADDRESS <i>(Business Address Acceptable)</i> _____	ADDRESS <i>(Business Address Acceptable)</i> _____
BUSINESS ACTIVITY, IF ANY, OF SOURCE _____	BUSINESS ACTIVITY, IF ANY, OF SOURCE _____
YOUR BUSINESS POSITION _____	YOUR BUSINESS POSITION _____
GROSS INCOME RECEIVED <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000	GROSS INCOME RECEIVED <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000
CONSIDERATION FOR WHICH INCOME WAS RECEIVED <input type="checkbox"/> Salary <input type="checkbox"/> Spouse's or registered domestic partner's income <input type="checkbox"/> Loan repayment <input type="checkbox"/> Partnership <input type="checkbox"/> Sale of _____ <small><i>(Real property, car, boat, etc.)</i></small> <input type="checkbox"/> Commission or <input type="checkbox"/> Rental Income, <i>list each source of \$10,000 or more</i>	CONSIDERATION FOR WHICH INCOME WAS RECEIVED <input type="checkbox"/> Salary <input type="checkbox"/> Spouse's or registered domestic partner's income <input type="checkbox"/> Loan repayment <input type="checkbox"/> Partnership <input type="checkbox"/> Sale of _____ <small><i>(Real property, car, boat, etc.)</i></small> <input type="checkbox"/> Commission or <input type="checkbox"/> Rental Income, <i>list each source of \$10,000 or more</i>
<input type="checkbox"/> Other _____ <small><i>(Describe)</i></small>	<input type="checkbox"/> Other _____ <small><i>(Describe)</i></small>

▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER* _____	INTEREST RATE _____ % <input type="checkbox"/> None	TERM (Months/Years) _____
ADDRESS <i>(Business Address Acceptable)</i> _____	SECURITY FOR LOAN <input type="checkbox"/> None <input type="checkbox"/> Personal residence <input type="checkbox"/> Real Property _____ <small><i>Street address</i></small> <small><i>City</i></small>	
BUSINESS ACTIVITY, IF ANY, OF LENDER _____	<input type="checkbox"/> Guarantor _____	
HIGHEST BALANCE DURING REPORTING PERIOD <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000	<input type="checkbox"/> Other _____ <small><i>(Describe)</i></small>	

Comments: _____

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Instructions – Schedule D Income – Gifts

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is \$50 or more. In addition, multiple gifts totaling \$50 or more received during the reporting period from a single source must be reported.

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over \$50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary. You may indicate an intermediary either in the "source" field after the name or in the "comments" section at the bottom of Schedule D.

Commonly reportable gifts include:

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
- Parking passes not used for official agency business
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status
- Wedding gifts (See Reference Pamphlet, page 16)
- An honorarium received prior to assuming office (You may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Reference Pamphlet, page 10, regarding your ability to receive future honoraria.)
- Transportation and lodging (See Schedule E.)
- Forgiveness of a loan received by you

You are not required to disclose:

- Gifts that were not used and that, within 30 days after receipt, were returned to the donor or delivered to a charitable organization or government agency without being claimed by you as a charitable contribution for tax purposes

Reminders

- Gifts from a single source are subject to a \$440 limit during 2013. See Reference Pamphlet, page 10.
- Code filers – you only need to report gifts from reportable sources.

- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, and certain other family members (See Regulation 18942 for a complete list.). The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.
- Gifts of similar value exchanged between you and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the performance of your official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars)
- A monetary bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques or trophies with an individual value of less than \$250
- Campaign contributions
- Up to two tickets, for your own use, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket must be received from the organization or committee holding the fundraiser.
- Gifts given to members of your immediate family if the source has an established relationship with the family member and there is no evidence to suggest the donor had a purpose to influence you. (See Regulation 18943.)
- During 2013, the cost of food, beverages, and necessary accommodations provided directly in connection with an event at which you gave a speech, participated in a panel or seminar, or provided a similar service but only if the cost is paid for by a federal, state, or local government agency. **This exception does not apply to a state or local elected officer, as defined in Section 82020, or an official specified in Section 87200.**
- Any other payment not identified above, that would otherwise meet the definition of gift, where the payment is made by an individual who is not a lobbyist registered to lobby the official's agency, where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made to suggest the donor had a purpose to influence you.

To Complete Schedule D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

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Instructions – 15

SCHEDULE D Income – Gifts

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

Comments: _____

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FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

Instructions – Schedule E Travel Payments, Advances, and Reimbursements

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you have received a gift in excess of the gift limit, you may wish to provide a specific description of the purpose of your travel. See the FPPC fact sheet entitled "Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans" at www.fppc.ca.gov.

You are not required to disclose:

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C
- During 2013, payments for admission to an event at which you make a speech, participate on a panel, or make a substantive formal presentation, transportation, and necessary lodging, food, or beverages, and nominal non-cash benefits provided to you in connection with the event so long as both the following apply:
 - The speech is for official agency business and you are representing your government agency in the course and scope of your official duties.
 - The payment is a lawful expenditure **made only by a federal, state, or local government agency** for purposes related to conducting that agency's official business.

The above exception does not apply to a state or local elected officer, as defined in Section 82020, or an official specified in Section 87200.

Note: Effective January, 2014, certain travel payments may not be reportable if reported on Form 801 by your agency.

- A travel payment that was received from a non-profit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration

To Complete Schedule E:

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity if the source is a business entity.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s).
 - **Travel payments are gifts** if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling \$50 or more from a single source during the period covered by the statement. When reporting travel payments that are gifts, you must provide a description of the gift and the **date(s)** received.
 - **Travel payments are income** if you provided services that were equal to or greater in value than the payments received. You must disclose income totaling \$500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts. When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

Example:

City council member Rick Chandler is the chairman of a trade association and the association pays for Rick's travel to attend its meetings. Because Rick is deemed to be providing equal or greater consideration for the travel payment by virtue of serving on the board, this payment may be reported as income. Payments for Rick to attend other events for which Rick is not providing services are likely considered gifts.

▶ NAME OF SOURCE	
Health Services Trade Association	
ADDRESS (Business Address Acceptable)	
1230 K Street, Ste. 610	
CITY AND STATE	
Sacramento, CA	
BUSINESS ACTIVITY, IF ANY, OF SOURCE	<input type="checkbox"/> 501 (c)(3)
Association of Healthcare Workers	
DATE(S) _____	AMT: \$ 588.00
<small>(if applicable)</small>	
TYPE OF PAYMENT: (must check one) <input type="checkbox"/> Gift <input checked="" type="checkbox"/> Income	
DESCRIPTION: Travel reimbursement for board meeting	

SCHEDULE E
Income – Gifts
Travel Payments, Advances,
and Reimbursements

Name _____

- Mark either the gift or income box.
- Mark the “501(c)(3)” box for a travel payment received from a nonprofit 501(c)(3) organization or the “Speech” box if you made a speech or participated in a panel. These payments are not subject to the \$440 gift limit, but may result in a disqualifying conflict of interest.

<p>▶ NAME OF SOURCE <i>(Not an Acronym)</i></p> <p>ADDRESS <i>(Business Address Acceptable)</i></p> <p>CITY AND STATE</p> <p>BUSINESS ACTIVITY, IF ANY, OF SOURCE <input type="checkbox"/> 501 (c)(3)</p> <p>DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____ <i>(if gift)</i></p> <p>TYPE OF PAYMENT: (must check one) <input type="checkbox"/> Gift <input type="checkbox"/> Income</p> <p><input type="checkbox"/> Made a Speech/Participated in a Panel</p> <p><input type="checkbox"/> Other - Provide Description _____</p>	<p>▶ NAME OF SOURCE <i>(Not an Acronym)</i></p> <p>ADDRESS <i>(Business Address Acceptable)</i></p> <p>CITY AND STATE</p> <p>BUSINESS ACTIVITY, IF ANY, OF SOURCE <input type="checkbox"/> 501 (c)(3)</p> <p>DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____ <i>(if gift)</i></p> <p>TYPE OF PAYMENT: (must check one) <input type="checkbox"/> Gift <input type="checkbox"/> Income</p> <p><input type="checkbox"/> Made a Speech/Participated in a Panel</p> <p><input type="checkbox"/> Other - Provide Description _____</p>
<p>▶ NAME OF SOURCE <i>(Not an Acronym)</i></p> <p>ADDRESS <i>(Business Address Acceptable)</i></p> <p>CITY AND STATE</p> <p>BUSINESS ACTIVITY, IF ANY, OF SOURCE <input type="checkbox"/> 501 (c)(3)</p> <p>DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____ <i>(if gift)</i></p> <p>TYPE OF PAYMENT: (must check one) <input type="checkbox"/> Gift <input type="checkbox"/> Income</p> <p><input type="checkbox"/> Made a Speech/Participated in a Panel</p> <p><input type="checkbox"/> Other - Provide Description _____</p>	<p>▶ NAME OF SOURCE <i>(Not an Acronym)</i></p> <p>ADDRESS <i>(Business Address Acceptable)</i></p> <p>CITY AND STATE</p> <p>BUSINESS ACTIVITY, IF ANY, OF SOURCE <input type="checkbox"/> 501 (c)(3)</p> <p>DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____ <i>(if gift)</i></p> <p>TYPE OF PAYMENT: (must check one) <input type="checkbox"/> Gift <input type="checkbox"/> Income</p> <p><input type="checkbox"/> Made a Speech/Participated in a Panel</p> <p><input type="checkbox"/> Other - Provide Description _____</p>

Comments: _____

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SECTION 5: BOARD MEMBER PER DIEM

Authorization for Board Member Per Diem Request

This section includes an Authorization for Board Member Per Diem Request form and instructions for completing it.

COMPLETION OF THE AUTHORIZATION FOR BOARD MEMBER PER DIEM REQUEST

1. Board Member: Your name goes on this line.
2. Month: The month you are claiming per diem.
3. Date: The date you are claiming per diem. (e.g.: 3/8/2012)
4. Place: The name of the city where per diem is being claimed.
5. Time: The start/end times you conducted board business on that date.
6. Total Hours: The total hours you conducted board business on that date.
Number of hours will be calculated into = 8 hours = 1 day
7. Service Performed: e.g.: Reading disciplinary actions, Voting on cases,
Attending board and/or committee meetings.

Attachments:

Sample per diem request sheet

Blank per diem request sheet

Revised 3/12

**Board of Registered Nursing
Authorization for Board Member Per Diem Request**

Board Member Your Name here

Month March 2012

DATE	PLACE (CITY)	TIME	TOTAL HOURS	SERVICE PERFORMED
3/8	Los Angeles	1 pm - 4 pm	3 hr	Reviewed Decisions

SAMPLE

**Board of Registered Nursing
Authorization for Board Member Per Diem Request**

Board Member _____

Month _____

DATE	PLACE (CITY)	TIME	TOTAL HOURS	SERVICE PERFORMED

SECTION 6: TRAVEL INFORMATION/REIMBURSEMENTS

Department of Consumer Affairs Travel Guide

The current DCA travel guide that outlines travel and reimbursement policies and procedures and instructions are included in this section.

DEPARTMENT OF CONSUMER AFFAIRS TRAVEL GUIDE



Office of Administrative Services Accounts Payable Travel Unit October 2014

Disclaimer

Bargaining Contracts, California Department of Human Resource (CalHR), Departmental Policy and the State Administrative Manual (SAM) sets forth the information contained in this Travel Guide. If any of the information within is in conflict with the most recent provisions set forth by the said mentioned above then those provisions will supersede this guide. Information provided in this guide is routinely updated by various control agencies. The traveler or user of this guide must always make sure they have the most current information. Click on the web links to view the most current information.

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CHAPTER 1 INTRODUCTION AND DEFINITIONS

Introduction

The purpose of this guide is to provide and define the basic travel reimbursement rules for employees who are required to travel on official state business, methods of travel that are available, and how to use them, in accordance with the State Bargaining Contracts, California Department of Human Resource Sections 599.615 - 599.638.1 and the State Administrative Manual (SAM) Section 0700. If any of the information herein is in conflict with the most recent provisions set forth by the bargaining contract or government code sections cited above, then those provisions will supersede this guide. In addition, information provided in this guide is routinely updated by various control agencies. The traveler or user of this guide must always make sure they have the most current information.

Note: The travel reimbursement program is subject to Internal Revenue Service (IRS) requirements. There are no flat reimbursement rates. All items claimed are to be for the actual amount of the expense, up to the maximum rates allowed for all State officers, employees, and agents of the State traveling on official state business.

Who can file a claim?

All DCA employees and any agent of the State (listed below) may request a travel advance and/or travel reimbursement using the appropriate department forms. Certain restrictions may apply (See reference-related section for specific requirements).

Statutory Board Members are individuals appointed to serve on boards or commissions established by law. Members are appointed by the Governor, Legislature or Department Head. Reimbursement for necessary travel expenses is based on the rates for non-represented employees.

Non-Statutory Board Members are individuals appointed to serve on boards, commissions or task forces that are created by agency secretaries, department directors, or executive officers on an as-needed basis to fulfill the department's mission. Reimbursement for necessary travel expenses is based on the rates for non-represented employees.

Proctors are intermittent hires through State Personnel Board. Proctors administers written or physical agility exams for civil service classification. Reimbursement for necessary travel expenses is based on the rates for non-represented employees.

Volunteers are individuals who voluntarily perform services for the State without pay. The volunteer must sign an Oath of Allegiance, which is kept on file at the department with the Volunteer Service Agreement. Volunteers will be reimbursed for necessary travel expenses at the rate negotiated for State employees performing comparable duties.

Terms

Short Term Travel: Expenses incurred at least 50 miles (one-way) from headquarters and/or residence when applicable, and is less than 31 consecutive days.

Long Term Travel: Travel that is in excess of 30 consecutive days becomes Long Term Travel. Specific reimbursement rates and reporting requirements apply, contact your Travel Liaison.

Per Diem Expenses: Meals, lodging and all appropriate incidental expenses incurred may be claimed when conducting State business while on travel status.

Transportation Expenses: Various modes of transportation used while on official state business. For example: airfare, vehicle, taxi and shuttles expenses.

Business Expenses: Charges necessary to the completion of official state business; such as business phone calls, emergency clothing and emergency supplies. All purchases shall be justified, and if the total business expense is over \$25.00, the claim must be approved by the DCA Accounting Administrator II.

Conference or Convention: A meeting with a formal agenda, of persons to discuss or consult on specific work related subjects with the purpose of exchanging views, providing lectures or dialogue or providing or gaining skills and/or information for the good of the State. Requires an approved training class request prior to attending, and must be attached to the Travel Expense Claim.

Non-State Sponsored Conference: Planned, arranged and funded by an outside entity.

State Sponsored Conference: Planned, arranged and funded by state agencies for the benefit of the State and/or outside parties for the purpose of conducting state business.

Policies

Official Established Headquarters: Shall be designated for each state officer and employee and defined as the place where the officer or employee spends the largest portion of their regular workdays or working time, or the place to which he/she returns upon completion of special assignments. In some instances, however, it may be in the best interest of the department to designate either an employee's residence address or an assigned geographic area as his/her headquarters. Home-as-headquarters and geographic area designations will be based upon a determination of "economic merit" for geographic and logistical circumstances where the State benefits from such a determination, either in increased efficiencies or reduced costs.

Signature Authority: The signature of the approving officer certifies that the traveler is authorized to travel, the expenses incurred were to conduct official State business and that the items claimed are appropriate and keeping within the rules that govern state business travel. Typically the approving officer would be the traveling employee's immediate supervisor.

The Deputy Director of Board Relation approves Board Presidents travel expense claims. Once they have been reviewed and initialed by the Executive Officer, the Board President shall approve the Executive Officers & the Board Members travel claims. In the absence of the Board President the Board Vice President shall approve the Executive Officers & the Board Members travel claims.

The Deputy Director of the Office Administrative Services approves Bureaus and Board Presidents, Bureau Chiefs, Division Chiefs and Deputy Directors travel advances, expense claims, conference requests, and authorized signature forms. Also approves for all exception to travel status for Board and Bureau and Travel Advance Requests for Non-Salaried Employees. In the absence of the Board President the Board Vice President shall approve the Executive Officers & the Board Members travel claims.

In the extended absence of either The Deputy Director of Board Relation or The Deputy Director of the Office Administrative Services, either can approve the above for Boards and Bureaus.

All approving officers must have a signature card on file with the Accounting Office before approving a claim.

Note: See DCA Policy, Form and procedures regarding Authorized Signatures posted on the DCA Intranet.

**CHAPTER 2
PER DIEM ALLOWANCES**

Introduction

The State provides for reimbursement of actual and necessary out of pocket expenses while traveling on state business. When determining the appropriate amount of reimbursement allowed for meals, lodging and incidentals, two criteria need to be considered distance and time. Employees on travel status must be at least 50 miles from home/headquarters. The most direct route determines this distance.

For Short Term Travel Status Per Diem (meals, lodging and incidentals), several factors need to be considered such as:

- The bargaining unit of the employee (Represented or excluded).
- Geographical location of travel must be at least 50 miles (one-way) from where the trip begins headquarters and/or home. Factors: Which is the closest distance? Is travel during normal working hours or not? Is it a second work site? Etc.
- The time frames the trip started and stopped.
- The type and location of facilities used for lodging.

Lodging Rates

Short-term reimbursement rates for lodging expenses are as follows. Please review your Bargaining Unit Contract for current rates.

Excluded/Exempt employees and Represented employees in Bargaining Units (BU) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21. Please review your existing MOU for current rates.

Lodging Reimbursement	Up to the Maximum Rate
Statewide (except for those listed below.)	\$90 room rate plus taxes.
Napa, Riverside, Sacramento Counties	\$95 room rate plus taxes
Los Angeles, Orange, Ventura Counties and Edwards AFB	\$120.00 room rate plus taxes.
Alameda, Monterey, San Diego, San Mateo & Santa Clara Counties.	\$125.00 room rate plus taxes.
San Francisco County and City of Santa Monica	\$150.00 room rate plus tax.

Hotel Tax Waiver

The Hotel/Motel Transient Occupancy Tax Waiver, Form 236 (New 9-91), which is available on the DCA Intranet, and should be used whenever possible. This form must be completed in advance and given to the hotel for their records. In most cases, employees must ask for the exemption at time of reservation. Some hotels will not honor the tax waiver.

Acceptable Receipts

Lodging receipt must indicate the establishment's name, address, and check in/out date and time, number of occupancy, room rate, taxes and method of payment.

In the rare event where an employee chooses to use a third party vendor (such as Priceline.com, Expedia.com, Travelocity.com, Hotels.com, etc.), to make travel arrangements the following instructions must be strictly adhered to:

- Employees who request reimbursement for receipts from third party vendors for lodging expenses related to a State approved relocation, or for lodging expenses incurred while traveling on State business, must provide a valid receipt from the third party vendor, the commercial lodging establishment where the employee stayed

Both receipts are required in order to properly substantiate a valid business expense.

Sharing a Room

When sharing a room with another state employee each person can claim ½ the room rate or one employee can claim the entire amount and reference the other person in the comment section. Both employees should file their travel expense claims at the same time and a copy of the other's claim should be attached to their own.

Meal Rates

There are no flat reimbursement rates. All items claimed are to be for the ACTUAL AMOUNT OF EXPENSE up to the following maximum reimbursement amounts listed below. The employee (or agent of the state) shall not claim reimbursement for any meals provided by or included in the cost of the hotel stay, airfare, and conference or convention registration fee and/or provided by the terms stated in a state contract. Please refer to your Bargaining Unit Contract for current rates.

Excluded/Exempt employees and Represented employees in Bargaining Units (BU) 1,2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21. Please review your existing MOU for current rates.

Expense	Max Reimbursement	Expense	Max Reimbursement
Breakfast	\$7.00	Dinner	\$23.00
Lunch	\$11.00	Incidental	\$5.00

Less Than 24 Hours

The following table shows conditions under which a represented or non-represented employee may be reimbursed for meals while on travel status, if the trip is less than 24 hours:

Starts trip on OR before	Returns from trip on OR after	Entitled to
6:00 a.m.	9:00 a.m.	Breakfast
4:00 p.m.	7:00 p.m.	Dinner

NOTE: Board and Committee Members are entitled to meals, including lunch, on a one-day trip only when attending official scheduled Board or Committee meetings. These meal expenses are excused from the travel status mileage requirement, but all time requirements are applicable. (Example: Start trip at or before 11:00 a.m. and end at or after 2:00 p.m. to claim lunch). In addition, meals on trips of less than 24 hours will be reported as a taxable fringe benefit as required by the IRS.

Over 24 Hours

If a trip is over 24 hours but less than 31 consecutive days, a represented or non-represented employee is entitled to Breakfast, Lunch and Dinner for every full 24 hour period of time while on travel status. The following table shows the meal entitlements for the last fractional period of time:

Starts trip on OR before	Returns from trip on OR after	Entitled to
6:00 a.m.	8:00 a.m.	Breakfast
11:00 a.m.	2:00 p.m.	Lunch
5:00 p.m.	7:00 p.m.	Dinner

Incidentals

Incidental reimbursement is allowed for every full 24 hours of travel up to the maximum amount allowed per Bargaining Unit Contract for actual necessary expenses. Incidentals include, but are not limited to, expenses for laundering/pressing of clothing and tips or gratuities for services such as porters and baggage handlers.

Business Related Meals

In rare instances, the cost of business-related meal expenses may be allowed. It must be clearly shown that it was impractical to conduct the State's business during working hours and that the meal took place in conditions beyond the employee's control. Justification should be provided on the TEC. The statement must include the purpose or goal of each business-related meal and the unusual conditions that justify payment. The employee may claim expenses not to exceed the breakfast, lunch or dinner allowance, whichever meal was consumed. The amount must be supported by a voucher or receipt for represented employees. Claims must include the establishment, the persons in attendance and the business conducted during the meal period. No reimbursement is allowed for the meal if the employee claims per diem for that day.

Allowable meals may include: participants from different cities hold a luncheon to allow one or more of them to make connections on a scheduled flight; an employee is required to go to lunch as a member of a group, such as a Board or Commission where official business is conducted; the meeting does not adjourn during the lunch and the employee has no choice of place to eat.

Non-allowable meals include: two or more employees go to lunch together and continue their business as an incidental to the meal; the meal is strictly for public relations purposes; when departments call meetings with their own and /or other department employees to conduct state business; the meeting could have taken place during regular working hours.

Receipts

Although the DCA does not currently require receipts for most meals or incidentals (except as noted above), the traveler must retain all their meal and incidental receipts for IRS purposes.

Overtime Meals and Rates

Overtime meal reimbursement is allowed when the employee works two excess hours either consecutive or contiguous to regular scheduled work hours. Rates and terms are defined by each bargaining unit contract as stated below. In determining the overtime hours worked for meal compensation, do not include any breaks for meals. Only one meal allowance may be claimed each day unless the employee has worked a minimum of 16 hours. For every six additional hours worked in excess of 10 hours, another meal allowance may be claimed, not to exceed three overtime meals within twenty-four hours.

Bargaining Unit	Rate	Consecutive*	Contiguous*
7 & 10	\$7.50	X	
1, 4, & 11	\$8.00		X
2, 9, 12, 19, & 21	\$8.00	X	
Excluded, 16 & 21 (exempt FLSA)	\$8.00	X	

Definitions

Consecutive: works either 2 hours before or 2 hours after normal work hours on a regular scheduled workday. Works 2 hours in excess of normal work hours on weekends, holidays, or regular scheduled day off (RDO).

Contiguous: Works 2 or more hours in excess of the number of hours worked on regularly scheduled workday.

Excluded WWGE & Represented Employees Exempt Form FLSA is only entitled to overtime meals for extended arduous work.

*Arduous Work OT Meal**

Meals for Extended Arduous Work. On those rare occasions when an employee who is in a work week group other than work week group 2 would be required to physically or mentally work 10 hours or more (not including any breaks for meals) for an extended period of time. The employee, with approval of the appointing authority, may claim the actual cost of an arduous work meal up to \$8.00. Such meals should only be approved when it is clear that the work schedule is consistently in excess of a normal full time schedule. Occasional extra hours worked, consistent with the nature of other than Work Week Group 2 work schedule; do not meet the criteria for Extended Arduous Work Meals.

Excess Lodging Policy and Procedure

Request for reimbursement of lodging expenses in excess of the state specified rates, excluding taxes, must be received 10 days prior to the trip. Approval is required from DCA Accounting Administrator II if under \$150 and CalHR if over \$150. The Excess Lodging Request (STD 255C) form is located on DCA Intranet should be completed and contain the following:

- A list of at least three hotels contacted using the Concur CalTravel Store website to obtain state rate lodging. Contact additional hotels if no state rate hotels are found within the work area.
- Supporting documentation that a reasonable effort was made to locate lodging at the state- specified rates. Using only higher rate hotels in the documentation cannot be considered reasonable efforts.
- Explain any applicable reasons for the state business need for an exception to the State's standard lodging rate.
- Obtain all required signatures and submit the request to the DCA Travel Unit at least 10 working days prior to the trip, when possible.
- Employees who incur expenses in excess of standard reimbursement will be responsible for the difference if the excess lodging request is denied.
- Attach agendas for any approved conference or convention that would assist in the travel justification.

Reasonable Accommodation

Can be obtained through Health & Safety when travel requirements are a hardship to the employee for medical reasons with supporting documentation. Please obtain the Reasonable Accommodation approval prior to commencing the trip.

Exception to Travel Status Policy

It is the policy of the DCA to adhere to the rules and regulations as defined by the California Department of Human Resource (CalHR) regarding the approval of requests for reimbursement within 50 miles of the employees home or headquarters when conducting official state business. Extreme Acts of God and Nature that place the employee in harm's way are automatic and will be approved after the fact, when fully documented. SAM Section 0715 CALHR PML 93-28 <http://www.dpa.ca.gov/textdocs/freepmls/PML9328.TXT>

Note: All exceptions to travel status reimbursements will be reported as a taxable fringe benefit as required by the IRS.

Exception Authority, Limits and Criteria

The CalHR delegated the exception to travel status authority to the Director of DCA who delegated the authority to the Deputy Director. There is no other allowable signature authority for this delegation. This delegation is extended with the provision that it will be administered according to the criteria, considerations and record keeping requirements as stated below. All exceptions are subject to audit by the CalHR. Exceptions are to be granted in advance of the occurrence by the appointing power.

This delegation does not extend to the approval of meals or lodging at either the home or headquarters location. There is no allowance for any increase in the standard short-term travel reimbursement rates for meals and lodging or partial exceptions, such as lodging allowance without meals. When exceptions meet all the requirements and are granted by the Deputy Director, the employee is entitled to full short term travel reimbursement rates. This exception is not to be used in lieu of overtime for one-day travel.

Exception requests will be considered under a limited number of circumstances, when the employee is required to be away from his/her home and headquarters locations for more than a single day, but less than 50 miles. Based on the nature of the work performed, the hours of work or the apparent road/weather conditions make it impractical for the employee to return home or to the headquarters location at night.

The CalHR has provided guidelines for an exception approval criterion that includes reasonable commute mileage. State departments are expected to demonstrate that every consideration has been given to minimize the cost to the State through responsible planning and scheduling.

Exception Process

A written request must be submitted in advance of the occurrence to the Accounting office for review and submission to the Deputy Director. The Executive Officer or the Division/Bureau/Program Chief must approve all exception requests.

Requests must contain the following information for each attendee:

Name and classification of employee(s) requesting exception. If the time period and reason for expense are the same, submit a group request listing each employee's name, classification, the time period and reason.

- Name and address of the location expenses will be incurred.
- Name of the sponsor of the event.
- Reason(s) for the exception request; attempts made to reduce the costs.
- Amount of the anticipated expenses, including tax.
- For a conference or convention, when more than one attendee, explain why one employee could not achieve the goal and attach Training & Development request with approval.

Provide copies of the agenda, conference/convention announcements and map/mileage print outs. Once the exception request has been processed, a copy will be forwarded to the requesting office by the DCA Accounting Office. The requesting office must maintain a record of each request for the standard five-year record retention schedule.

CHAPTER 3
TRANSPORTATION

Introduction

The cost of transportation while on official state business should be accomplished by using the *most economical* means for the State. All transportation costs related to state business travel should be entered on all travel expense claims.

http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/700.pdf

Transportation expenses consist of:

- Commercial air fares
- Private vehicle use
- Commercial rental car use
- Gasoline for state or rental cars
- Taxis, shuttles or streetcar fares
- Parking of state, rental or privately owned vehicles
- Bridge and road tolls
- Emergency repairs (state cars only)
- Commuting Transit/Vanpool (EE Benefit) use

Supervisor's Responsibility

It is the supervisor's responsibility to ensure the method chosen for travel on State business is in the best interest of the State and not for the employee's convenience.

Determining the Most Economical Mode of Travel

When determining the most economical mode of transportation, the following costs should be considered:

- Employee's time
- Expenses for transportation (airline, bus, train, parking, shuttle, tolls, etc.)
- Expenses for meals, incidentals, lodging and any other state business expense
- The urgency of the situation
- If the employee must carry specialized equipment
- The number of stops and amount of equipment
- The number of persons to be transported (is it more economical?)
- Driving time one-way (is it over 2 hours?)
- Availability of transportation to and from the destination
- Overtime wages

Cost Comparison

Reimbursement will be made for the mode of transportation which is in the best interest of the State, considering direct expenses as well as the employee's time. If the employee chooses a more expensive mode of transportation, reimbursement will be for the least expensive mode of travel. Expenses incurred at the travel destination will be reimbursed based on the actual business expenses incurred while at that location. A cost comparison must:

- Be completed and attached to the TEC, showing both methods of travel.
- Include the least costly methods of travel for those expenses actually being substituted.
- Include only the expenses of traveling from one location to another. Do not include any work site expenses. Expenses incurred on site are to be claimed separately.
- An employee choosing to use a more expensive mode of transportation will only be reimbursed for the amount it would have cost for the most economical mode of travel.
- A cost comparison showing actual cost incurred versus the most economical mode and cost must be submitted with an employee's TEC. The cost comparison form is provided in Appendix A, for your convenience.

Example of Cost Comparison

The most common cost comparison is when the employee chooses to drive their personal vehicle versus using normal air transportation. For example, when an employee drives (having obtained supervisor's prior approval) to Los Angeles from Sacramento, the comparison is computed from the point the employee would normally have left on travel status in Sacramento to the point of landing in Los Angeles. Please note all cost comparisons should be calculated using the current mileage rate and state rates for airfare if applicable.

Air Costs		Vehicle Costs	
Ticket round trip	\$216.00	Mileage: city-to-city round trip:	
Mileage to/from airport		720 miles x .56 cents per mile = \$403.20	
30 miles x .56 cents =	\$ 16.80		
Parking	<u>\$ 10.00</u>		
Total	\$242.80		

Reimbursement

The least expensive method of transportation will be reimbursed on the TEC.

The time requirement for meals and lodging would be allowed for the time the employee would have left and returned had they flown. Additional meal and lodging expenses incurred as a result of using an alternative method of transportation is at the employee's own expense.

Exception

An exception to the least expensive requirement would be if an employee has a reasonable accommodation approval through the DCA Health and Safety Office, which prevents the employee from specific modes of travel, such as air travel.

Request guidance from the Accounting Office Travel Unit when special circumstances arise prior to commencing the trip.

Direct and Indirect Travel Arrangements

All travel arrangements for Air, Auto Rental and Lodging for official state business must be made through the Department's approved travel agency Concur CalTravelStore.

http://www.documents.dgs.ca.gov/osp/sam/mmemos/MM14_03.pdf.

Air Travel

Before making airline reservations be aware of the contract rates and where to book your flights. The state contracted rate includes airfare for origination and destination points known as city pairs for intra California, out of state, and international destinations. The contract rates are unrestricted one way fares and are not subject to limited seating.

When booking on Southwest, you should only select "Want to Get Away" and "Anytime" flights. You should never select Business Class type flights, if selected you will be responsible for the difference in cost.

The 2013/2014 contract fares are with Alaska Airlines, Delta, Jet Blue, United, Virgin America and 2014/2015 for Southwest. You must purchase your airline tickets through the CalTravelStore, the certified state travel agency, using your Department's centralized American Express Business Travel Account (BTA). The CalTravelStore website contains the online booking tool Concur Travel (formerly Cliqbook), the online booking tool for all airline travel.

All travel arrangements for official state business must be made through the Department's approved travel agency, CalTravelStore www.caltravelstore.com.

Current airfare contract: www.travel.dgs.ca.gov

DGS Air Travel Services: Air Travel Information

<http://www.dgs.ca.gov/travel/Programs/Airfare.aspx>

SAM section 741: Air Travel

http://www.documents.dgs.ca.gov/sam/SamPrint/new/m425march14/chap_700_sam/741.pdf

SAM section 8422.115: Airline Itinerary Requirements

http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/741.pdf

California Department of Human Resource-CalHR) Policy: Method of Travel

<http://www.calhr.ca.gov/employees/Pages/travel-method.aspx>

Airport Parking

Employees parking at the airport **must use the most economical parking available**. However, if the Board, Bureau or Division determines that additional parking costs above the lowest-cost option are in the best interest of the State, a justification explaining the necessity for the additional cost shall be submitted with the employee's Travel Expense Claim (TEC). Without a receipt reimbursement is limited to \$10.00. Please note: TEC's submitted without the required justification may be cut by the State Controller's Office. CalHR PML 2007-024

Agencies/departments may consider the following items when determining if additional parking costs are in the best interest of the State:

- The direct expense, and
- The officer's or employee's time.

Please contact your Department's Travel Liaison to initiate the start of your CalTravelStore profile. You must complete your registration before booking your travel.

Please use the links below for training and more information:

For security reasons every traveler will need to contact their Board or Bureau Travel Liaison to initiate their CalTravelStore profile. Your user id is your e-mail address which is designed specifically for the Department. You must use your Department email address as your user id to have access to our Department's company id. This email address will be your user id for future access to the reservation system. After you receive your temporary password, you can complete your profile and book your trips. In addition, you'll need to change the temporary password to ensure your account is secure. Once you've established a user id and password the system will request you to complete the profile. After you've completed the profile you must save the information before you attempt to book a trip. The CalTravelStore has a travel reservation guide and video to help which are provided on the site and link below.

After initial profile set-up you'll access the reservation system at <http://www.caltravelstore.com/>. Click on *Concur Login* to complete your profile.

[Concur Travel demonstration](#) (Video) and [Concur Interactive Training](#)

Making Reservation Guide

<http://www.caltravelstore.com/pages/concur-travel-faqs>

Non-employee Reservations

You can make reservations for non-state employees conducting state business for your program, such as subject matter experts, volunteers, witnesses or contractors, and receive state rates when using the DCA state contracted travel service agency. One time travelers should be booked as a **guest traveler**; no profile should or needs to be established.

Frequent Flyer Programs

Employees who earn travel premiums (Frequent Flier Miles/Points) while on official State Business may now use these travel premiums for their personal use. The value of these premiums will not be reimbursed to the employee if used for state business.

See Personnel Management Liaisons (PML) Memorandum 2005-051

<http://www.calhr.ca.gov/PML%20Library/PML2005051.pdf>

Receipts

Airline itinerary or passenger receipts should include the traveler's name, dates and times of travel, destination and amount of airfare. This document must be submitted with the employee's Travel Expense Claim. The cost should always be entered on the claim as Commercial Airfare and Department paid should be selected for payment type.

Privately Owned Aircraft usage:

SAM 0743 and 0746

http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/743.pdf

Travel on official State business may be by privately-owned/rented/leased aircraft whenever this is the least costly means or is in the best interest of the State.

Employees must first obtain supervisor approval. Employee pilots shall certify at least yearly to their employing agency that they have the required liability insurance in force during the period of official travel. These required limits are shown on STD. 265. Use STD. 265 for certification.

In all cases, the aircraft must be certified in accordance with FAA regulations and properly equipped for the type of flying to be performed.

State employees who pilot aircraft on official State business must meet the requirements of CalHR Rule 599.628 and SAM Section 0747

Reimbursement: SAM

0744 http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/744.pdf

The reimbursement rate for employee privately-owned aircraft is 50 cents per statute mile. Mileage is computed on the shortest air route from origin to destination, using airways whenever possible. Enter "Air Miles" and mileage on the TEC. For expenses other than mileage, substantiate the expense with a voucher. Landing and parking fees are paid except at the site where the aircraft is normally stored.

Insurance: SAM 0746

http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/746.pdf

State-owned, Privately-owned and Commercially-owned Rental Vehicle Use

Agencies determine who will drive on official state business and the vehicle type to be used: State-owned, privately-owned, or commercially-owned vehicles. The definition of "use of a state vehicle in the conduct of state business" includes the use of state vehicles "when driven in the performance of, or necessary to, or in the course of, the duties of state employment and shall include the operation of state-owned or leased vehicles as commute vehicles in a carpool or vanpool program authorized by a state agency." SAM Section 0750 Vehicle Use

State vehicles may be authorized when two or more employees are traveling together. The trip includes intermediate stops not feasible for public transportation; the schedule of public carriers does not fit the itinerary; transportation is not available at the destination; an employee must carry specialized tools, books, etc.

Privately-owned Vehicles. Employees may use their privately-owned automobiles on official State business if this is approved by DCA. If the use is not less costly, the supervisor may authorize the use, but the payment will be for the less costly alternative. No agency will require an employee to use their privately-owned vehicle unless this is a formal condition for employment.

The following circumstances are prohibited uses of state vehicles:

- *Using the state vehicle for anything other than conducting state business*
- *Carrying in the vehicle non-Departmental employees, friends or family members*
- *Private or recreational use*

Commercially-owned Rental Vehicles may be rented when a State vehicle is not available and automobile travel is essential. The employee must return the rental car at the end of each the work week. Refer to the Department of General Services (DGS) Rental Car contract in order to ensure adherence to State policy. See Appendix.

Commercial Rental Cars

SAM Section 4100 Transportation Services

<http://sam.dgs.ca.gov/TOC/4100.aspx>

California Department of Human Resource-CalHR Policies for Method of Travel

<http://www.calhr.ca.gov/employees/Pages/travel-method.aspx>

DGS Fleet Handbook (Page 5)

<http://www.documents.dgs.ca.gov/ofa/handbook.pdf>

DGS Rental Car Policies and Procedures

<http://www.dgs.ca.gov/travel/Programs/RentingaVehicle.aspx>

The State contract vendor for rental vehicles is, Enterprise Rent a Car. The current Contract is effective 05/20/2011 through 5/20/2014, per DGS Travel Bulletin #14-

01 <http://www.documents.dgs.ca.gov/ofa/travel/TravelBulletins/TB14-01.pdf>

Commercial Car Rental Car Rates January –December 2014

<http://www.documents.dgs.ca.gov/ofa/Travel/CarRental/CarRentalRates1.1.2014-12.31.2014.pdf>

The rental of alternative fuel vehicles is encouraged and their rental rate should be the same.

For the complete Rental Car Contract, click here: 2014 Rental Car

Contract <http://www.documents.dgs.ca.gov/ofa/travel/carrental/CarRentalContract2011.pdf>

Car Rental Reservation Information

Rental Car reservation must be made on Concur CalTravelStore <http://www.caltravelstore.com/> .

In order to receive the contract rate, you must provide your DCA's "company" ID, or your Corporate American Express card when picking up the car. Non-employees are required to provide two forms of ID, driver's license and a letter/memo on their Department's letterhead stating they are traveling on the State's behalf. Reservations are required to be made in advance on Concur. Employees must NOT:

- Extend rental agreements for personal business and pay the difference. When extending business trips for personal reasons, the employee must stop the state rental agreement and initiate a new personal rental agreement. See section on Personal Use.
- Agree to purchase insurance. Insurance is included in the state contracted rates.
- Agree to purchase the fuel service option or prepaid fuel (i.e., a flat refueling rate).
- Agree to purchase higher rate, non-economy cars
- Carry unauthorized, non-state employees, in a rental or state vehicle if travel plans change, please cancel the reservation.

Insurance

The State contract includes insurance and employees should not accept additional insurance. Employees using a non-contracted vendor may not have insurance included in their rental rate. The employee will be personally responsible for the insurance costs when choosing to use a non-contracted vendor.

In the event an at-fault accident occurs when renting a non-contract vehicle, the employee and the department may be legally responsible for all damages sustained by others as well as property damage to the rental vehicle. For more information please click on the link below.

SAM Insurance and Surety Bonds
<http://sam.dgs.ca.gov/TOC/2400.aspx>

Receipts

DCA policy requires the final rental car receipt be attached to the expense reimbursement claim (STD 262 or CalATERS), whether charged to the Department or paid by the employee. The receipt must indicate the amount charged and payment method. Pre-calculations or reservation agreements are not acceptable. SAM section 8422.115, <http://sam.dgs.ca.gov/TOC.aspx>

Forms of Payment

The contract requires use of either the Corporate Rental Business Traveler Account (CRBTA) or the travelers Corporate American Express Card. Use of cash or the traveler's personal credit card will not guarantee the State contract rate or the State's insurance coverage

As of January 1, 2014 the following “exceptions” require State Departments to submit an approval Rental Car Justification form, signed by the employee’s supervisor, to the State Controller’s Office (SCO):

- Renting a vehicle larger than the Intermediate size
- Renting a vehicle from a non-contracted vendor
- Needing physical or medical accommodations
- Refueling charges incurred at rental branches

All employees are required to refuel the rental car vehicle. When refueling the rental car the employee must submit a detailed gasoline receipt for reimbursement. Gasoline receipts must show the date of purchase, method of payment and an expense breakdown; number of gallon, price per gallon and extended total purchased amount. Pre-paid fuel receipts are not acceptable for reimbursement.

The SCO approval form should be attached to the invoice and travel expense claim associated with the justification. State Departments are no longer required to receive approval from the DGS Statewide Travel Program. A copy of a Short-Term Vehicle Justification (SCO approval form “Rental Car Justification”) is available on the www.dgs.ca.gov/travel website under “Renting a Vehicle”. <http://www.documents.dgs.ca.gov/ofa/travel/TravelBulletins/TB14-01.pdf>

Rates include unlimited mileage and are not subject to blackout dates. Below is the list of contracted vehicle rates. The Maximum Cap Rates (MCR) includes the base rate, all fees, all charges, in addition to airport fees, vehicle license fees and, State, City and County or local surcharges that apply to the CCR industry as a whole and identified by airport. Sales tax and refueling charges are not included in the contract rate.

State of California Commercial Car Rental Contract Rates
(Effective January 1, 2014 through December 31, 2014)

SHORT-TERM Rental Rates			
BASE RATE WITH \$250,000 INSURANCE FOR SHORT-TERM RENTALS			
<u>VEHICLE CLASS TYPE</u>	<u>DAILY</u>	<u>WEEKLY</u>	<u>MAXIMUM CAP DAILY</u>
Compact Nissan Versa, Toyota Yaris	\$31.46	\$125.83	\$48.23
Mid-Size/Intermediate Toyota Corolla, Nissan Sentra	\$31.46	\$125.83	\$48.23
Full-Size Chevy Impala, Nissan Altima	\$34.60	\$138.41	\$51.38
Alternative Fuel Vehicle Chevy HHR, Chevy Impala	\$34.60	\$138.41	\$51.38
FWD/Sport Utility Vehicle Ford Escape, Jeep Liberty	\$52.43	\$235.93	\$78.64
Mini Van Chrysler Town and Country, Dodge Grand Caravan	\$52.43	\$235.93	\$78.64
Pick Up Trucks Chevy Silverado, Ford F150	\$68.16	\$314.57	\$94.37
Zero Emission Vehicle Nissan Leaf, Chevy Volt	\$40.88	\$245.28	\$57.66

Private Vehicle Authorization and Use

The State Administrative Manual requires that before any employee (including a board member) uses a privately owned vehicle to conduct State business, that employee must obtain authorization in writing from his or her supervisor and certify that the vehicle will be operated in compliance with State Administrative Manual section 0753.

An Authorization to Use Privately Owned Vehicle (STD Form 261), should be completed and on file with the immediate supervisor. The STD 261 must be updated and re-signed annually.

Employees should be aware that the insurance maintained by the State is for the liability above the amount of the employees' policies. All employees driving on State business must carry evidence of liability insurance coverage. Mileage rates paid to employees include an amount that reimburses employees for maintaining minimum insurance coverage.

Mileage Rate Reimbursement

The following table shows the mileage reimbursement rates for privately owned vehicles:

1/1/2011 – 06/30/2011	51 cents per mile
7/1/2011 –12/31/2012	55.5 cents per mile
1/1/2013 -12/31/2013	56.5 cents per mile
1/1/2014 - Current	56 cents per mile

Alternate Work Site Mileage

When an employee's regular work assignment requires reporting to a second location other than headquarters, i.e. a training site, mileage reimbursement is limited to the actual mileage incurred less their normal commute distance.

Airport Drop Off

When an employee is driven to a common carrier and no parking expenses are incurred during the employee's absence, they may claim mileage reimbursement at double the number of miles from headquarters or residence, whichever is less, while the employee actually rides in the vehicle.

If travel commences or terminates one hour before or after normal work hours, or on a regularly scheduled day off, mileage may be computed from the residence.

Minimal parking expenses for pick up will be allowed, with justification and/or notation is on the travel expense claim (TEC).

Motor Vehicle Accident Reporting (SAM section 0757)

All motor vehicle accidents involving state owned vehicle, or any vehicle being used on state business, must be reported. Report all accidents immediately to your manager and to the DCA Business Services Office. Accidents must be reported within 48 hours to the Office of Risk and Insurance Management on a STD. 270 Form. State reporting requirements are in addition to a regular police report as required by law.

Accident reimbursement claims require special approval and processing. Therefore, contact the DCA Travel Unit for guidance.

Overtime and Callback Mileage

Callback or scheduled overtime mileage incurred on a normal day off, from your home to established headquarters, is reimbursable and the reimbursement is a reportable fringe benefit.

State Vehicle Emergency Repairs

Emergency state vehicle repairs can be reimbursed on a travel expense claim (TEC) with the appropriate receipt and written justification or explanation of the event. Repairs require Fleet Administration approval. For non-emergency car repairs, the employee should have the vendor bill the program directly.

Taxis and Shuttles

Taxis and shuttles should be used for trips within a reasonable distance (10 to 15 miles). Reimbursement can be made on a TEC for the actual cost of the expense with a receipt, or for no more than \$10.00 without a receipt. General Service charge cards are accepted for taxis and shuttle services within the Sacramento and Fresno areas. Tips or gratuities to drivers are not reimbursable since they are included in the incidental allowance. However, tips or gratuities for exceptional services, such as loading/unloading substantial luggage or multiple exam material is allowable with written justification and receipt.

Parking and Tolls (SAM section 0755)

Parking and tolls in excess of \$10.00 require a receipt and may be paid:

- For day parking when the trip is away from the headquarters office and residence.
- For overnight public parking when the traveler is on travel status.
- For callback or scheduled overtime on a normal day off.

Commuting Transit and Vanpool

Employees who commute to and from work via public transportation or qualifying vanpools may be eligible for up to a 75 percent discount on public transit passes up to a maximum reimbursement of \$65 per month. Reimbursement is based on actual cost supported by a receipt or proof of purchase. <http://www.calhr.ca.gov/employees/Pages/miscellaneous-programs.aspx>

Part time employees' reimbursement may be prorated to correspond to their appropriate work schedule. Daily passes may be utilized for part time employee reimbursement.

The State will pay \$100 per month to the primary driver of a qualifying vanpool consisting of 7 to 15 people in lieu of the vanpool/transit rider incentive. A qualifying vanpool must meet both the IRS Section 132 and CalHR 599.636 criteria.

<http://www.calhr.ca.gov/employees/Pages/miscellaneous-programs.aspx>

CHAPTER 4
BUSINESS EXPENSES AND RECEIPTS

Business Expenses

Business expenses are costs that are necessary for the completion of state business. Examples:

- Telephone calls over \$1.00 or calls totaling over five dollars (\$5.00). The DCA phone log can be used for logging calls when there is no official receipt provided. (See Appendix).
- Approved training request for all out-service courses and in-state conferences and conventions. Reimbursement for training classes will be processed after completion of the training class.
- Physical: When physical examinations are required for pre-employment or as a condition of employment, the state will provide or pay for them. The applicant must pay for any services beyond the approved level for such services. The current rate may be found in SAM Section 0191. http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap100/191.pdf
- Excessive porter or baggage handling, such as for several boxes of exam materials, will be reimbursed with a receipt and justification.
- Professional licenses in occupational fields that may be required by the functions of a specific position, or is beneficial to the performance of an employee's duties, shall be reimbursed for the actual cost of the application or renewal fee.
- Membership dues: Each department, commission, board or agency may reimburse an employee for up to the maximum allowed per Bargaining Contract for membership dues in job-related professional societies or associations of the employee's choice or for a job-related professional license fee, in recognition of the professional nature of employees. Both parties agree and understand that a different amount of reimbursement, if any, may be provided to employees in the same or similar situation.

Valid Receipts

A valid receipt consists of the establishment's name, address, itemized expenses, including the total amount due and method of payment. When submitting a travel expense claim, the claimant is required to include original, itemized receipts for all state business expenses, unless specifically noted and accepted in another section of this Travel Guide.

Reimbursement requires proof of payment by the employee. If the receipt does not show the employee paid for the expense, attach other viable information such as the canceled check, bank or credit card statement. For security purposes, blacken out all non-related charges and only retain the employee's name, bank name and the specific charge you are claiming.

Required Receipts

Receipts shall be submitted for every item of expense of \$25.00 (DCA requires \$1.00) or more, except as noted in this chapter.

DCA policy is for all receipts to be attached to the travel expense claim (TEC), whether paid directly (to the vendor or establishment) by the state or paid by the employee. Examples: airline itineraries, final rental car expense receipts, etc.

Not Required

The employee must retain copies of all receipts, including those original receipts not required for reimbursement by the Department for IRS purposes.

Receipts are NOT required for reimbursement of actual expenses as a result of conducting State business for the following expenses:

- Per Diem Meals and Incidentals
- Overtime Meals
- Up to the published railroad and bus fares of less than \$10.00, when travel is within the State of California.
- Street car, ferry fares, bridge and road tolls, local rapid transit system, taxi shuttle or hotel bus fares, and parking fees of \$10.00 or less for each continuous period of parking or each separate transportation expense.

Lost Receipts

In the absence of a receipt, reimbursement will be limited to the non-receipted amount or the published expense, when lower than the non-receipted amount.

Odd Sized Receipts

If receipts are small, tape them to an 8 1/2" x 11" sheet of paper so they will be the same size as the travel claim. More than one receipt can be on a sheet of paper as long as they do not overlap. Do not tape the receipts to both sides of the paper.

CHAPTER 5
REPORTABLE TAX ITEMS

Introduction

Various reimbursements of State Business Expenses and Fringe Benefits are subject to Federal and State income taxes and applicable Social Security and Medicare taxes. The Department is required to report qualifying business expense reimbursements as income to the State Controller's Office each month.

Note: It is the State and Department's policy to adhere to all IRS reporting requirements.

Reportable Items

The following items are the most common reportable employer-provided benefits:

- Overtime meals
- Callback mileage, including overtime mileage
- Meals on a one-day trip where there is no sleep period
- Department-approved exceptions to the 50 miles travel status radius rule
- Long term assignments which exceed 30 consecutive days at one location for a period of more than one year. Contact the DCA Travel Unit for details, when appropriate
- The personal use of state vehicles for commute miles
- Personal use of a state provided electronic device
- Travel advances that are not cleared within 30 days of the travel date.
- Relocation: Contact the DCA Travel Unit for details, when appropriate

Note: Any non-receipted expense, such as meals and incidentals, becomes reportable "if" the IRS conducts an audit and finds no receipts in the employee's file.

Reportable Withholdings

Below is a grid showing the percentages of taxes withheld from each agency. Also, an example of the withholdings based on a \$66.00 reporting item. The actual amount withheld from the \$66.00 item is \$26.58 for a represented employee. This amount would be deducted from the employee's next available pay warrant. **Applicable to represented employees only. Click on <http://SCO.ca.gov> , Payroll Procedure Manual (PPM) Long Term Travel Section N141 to see most recent rates.

Type of Tax	Withholding Rate	Monthly Value	Actual Withholding
Federal	25.0%	\$66.00	\$16.50
State	6.6%	\$66.00	\$4.36
SSI	6.2%	\$66.00	\$4.10
Medicare	1.45%	\$66.00	\$.96
**SDI	1.0%	\$66.00	\$.66

The reportable reimbursements will be listed under "Other Income," or will be noted as "Included in Box 1" on the employee's W-2 form.

It is the employee's responsibility to maintain all reportable receipts with their records for IRS audit purposes.

Capturing Reportable Items

There are many ways of capturing and reporting reportable items each month. Examples:

- Overtime Meals, Call back mileage and Meals on a one-day trip are captured at the time of the Travel Expense Claim (TEC) audit, and reimbursement is made.
- Department-approved exemptions to the "fifty miles travel status radius" rule and Long-term assignments which exceed 30 consecutive days are captured at the time that paperwork is submitted for approval to the Executive Office and the reimbursement of the Travel Expense Claim (TEC) is made.
- Reporting personal mileage and/or use of a state vehicle is the responsibility of the employee. The Internal Revenue Services (IRS) has determined that normal commute miles to and from work in a State vehicle are to be considered personal use. Only employees whose primary responsibilities are investigative law enforcement activities while they are performing law enforcement duties fit the IRS guidelines for exemption from reporting personal use of State vehicles. However, when these employees commute to and from the office for their office days or do not perform qualifying law enforcement activities on the way to or from work, the commute is reportable. All other employees who are permanently or temporarily assigned state vehicles must report personal use and/or their normal commute use. Each employee who drives a state vehicle is required to submit a monthly Employee Certification; Personal Use of State Provided Vehicles form (AISD-021B), to the DCA Accounting Office by the 5th day of the following month in which the personal use was incurred. Note: This requirement applies to all employees who drive a state vehicle; it is not limited to those employees whose assigned cars are stored at home or in offsite parking.
- Reporting personal use of a state provided electronic device is the responsibility of the employee. Each employee who uses state provided equipment for any personal use should prepare a memo stating the type of usage and the actual or estimated cost of the usage to be reported. To avoid the reporting of this type of fringe benefit, the employee can submit a personal check with the memo to reimburse the department for their personal use.
- All Travel Advances are to be temporary. Any outstanding travel advances over ninety days, is considered long term, and should be treated as wages or compensation. Therefore, reported as taxable income.
- Reporting "Relocation" taxable items varies depending on the type of expenses that occur, i.e. moving of household goods, sale of residence, etc. For actual reporting requirements, contact the DCA Accounting Offices Travel Unit for details.

CHAPTER 6
OUT-OF-STATE, OUT-OF-COUNTRY AND AMENDED CLAIMS

Introduction

There are additional requirements and/or approvals when filing out-of-state, out-of-country or amended travel expense claims.

Out-of-State Travel (OST)

Before any State employee may travel out of state on official State business, specific written approval must be given by the Director, the Agency Secretary, the Department of Finance, and the Governor's Office. Click on the link below for more information. SAM Section

0710. www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap700/710.pdf

Approval must be obtained if either one of the following conditions exists:

1. The employee is on state time, or
2. The employee is representing the State in an official capacity or is acting in such a capacity that it will be perceived that he or she is representing the State.

If either of these two criteria exist, approval is necessary regardless of whether or not the State is paying for the employee's travel expenses. The trips are limited to the approved number of persons, days and funds as specified for each blanket request. Expenses exceeding the blanket limits will require an approved blanket substitution request to cover the overages prior to travel. Any cost incurred prior to the blanket approval will be at the employee's own expense.

Out-of-state travel expenses must be submitted separately from in-state travel and note the approved Blanket number on the claim. Actual lodging expense, supported by a receipt and the standard meal and incidental reimbursement, may be claimed for travel outside of California. Contact the DCA Budget or Accounting Office if you do not know the blanket number or require additional information. Refer to SAM 0760 - 0765. <http://sam.dgs.ca.gov/TOC/700.aspx>

Out-of-Country Travel

Employees will be reimbursed for actual lodging expenses, supported by a receipt, and will be reimbursed for actual meal and incidental expenses subject to maximum rates in accordance with the published Government rates for foreign travel for the dates of travel. Failure to furnish lodging receipts will limit reimbursement to meals only. The Government rates change monthly. Go to aoprals.state.gov for the current reimbursement rates.

There is no allowance for blanket substitution of funds or authority for out of country trips. Any expenses incurred that exceed the individual trip authority or funds will be at the traveler's own expense. Claims must be submitted separately with the (approved) Individual Out-of-Country trip request number written on the claim. Contact the DCA Budget Office if you do not know the trip number or require additional information.

Amended Claims

When filing an amended claim the following steps should be taken:

1. Submit a new claim.
 2. Write "AMENDED CLAIM" in bold letters at the top of the claim.
 3. Claim only the amount not submitted on the original claim.
 4. Attach a copy of the original claim to the new claim.
 5. Attach any required information, receipts, or justification not submitted with the original claim.
 6. Obtain all required approval signatures and submit the claim to Accounting for payment.
-

CHAPTER 7
TRAVEL AND EVIDENCE ADVANCES

Travel Advances

Short-term advances may be issued prior to the time travel is actually performed, to employees who must travel on State business. Refer to SAM 8116 and 8117.

- Submit the Request for Travel Advance (AISD-008) to the DCA Accounting Office within ten to fifteen working days prior to the date of travel. Original signatures are required.
- Per the Governor's Order all departments are to keep outstanding travel advances balances (accounts receivables) at a minimum. <http://gov.ca.gov/news.php?id=16991> 4-20-2011
Because of this order DCA has limited travel advance amount to Lodging, meals and airport parking which are fixed expenses in effort to keep the outstanding receivables amount at a minimum. The employee will receive reimbursement for other expenses after the processing of their travel expense claim.
- If the trip is canceled, the advance must be returned immediately to the Accounting Office. If the travel advance check is cashed, a personal check or cashiers must be submitted as payment.
- For employees who are not required to travel on more than one trip per month, additional advances will not be issued for future travel unless the outstanding advances have been cleared. Departments may issue additional travel advances for employees who are required to travel on multiple trips within a month. Additional advances will not be allowed if the employee does not submit a TEC or return the excess advance amount within 10 days of each trip.
- All advances must be cleared by submitting a travel expense claim within 10 days after the date of travel. If the advance exceeds the expense claim, to clear the advance, the employee must submit a check with the claim, money order (payable to DCA), or cash for the difference. If the claim exceeds the advance, the employee will receive the balance due them by check within 10-15 working days.
- Add a notation regarding the advance information in Section 11 or in the Note Section on CalATERS Global of the travel expense claim. (Example: March Travel Advance \$200.00) Do not deduct the advance amount from your claim total the auditor will make the adjustment when the claim is processed for payment.
- Any outstanding advances over 90 days may be deducted from your next month's salary warrant per SAM Section 8100. The DCA Accounting Office will notify the employee before this process occurs. The notification letter will allow the employee time to clear the advance balance. Failure to clear advances may preclude future advances being issued until the outstanding advances are cleared. Direct Deposit will be canceled for those employees with uncleared balances to collect any advance balances not cleared within a reasonable time.
- Travel advances that are not cleared within 90 days must be reported as taxable income. Taxes due will be withheld from the next available payroll warrant and reported as taxable income on the employee's W-2. When the advance is cleared, there is no method to refund the withheld taxes to the employee.
- Some restrictions apply to seasonal or part time employees (including Board and Committee members) who may not be issued travel advances. Exceptions requests are granted, by approval of the Deputy Director, on a limited basis.

CHAPTER 8 FILING REQUIREMENTS

Claim Form and Correction Instructions

The State of California Travel Expense Claim (TEC), STD 262 Form (Rev. 09/2007), must be completed to request reimbursement of state related travel expenses. Submit the original and one legible copy to the Accounting Office for processing. Keep a third copy for your records with any non-required original receipts. All travel expense claims should be completed in ink or typewritten. The original signature of the claimant and the approving officer are required to be completed in ink (preferably in colored ink) in the appropriate area of the form.

For minor corrections, line out the incorrect information and write in the corrected information. The claimant must initial all corrections.

Travel claims with correction fluid or correction tape in critical areas of the form (affecting the reimbursement amount) will not be accepted. Travel claims may be returned as auditable if submitted with numerous changes or if it is difficult to read.

When to Submit a Travel Expense Claim (TEC)

Travel expense claims should be filed at least once a month, but not more than twice in one month. If the amount claimed for any one month does not exceed \$10.00, filing can be deferred until the next month's travel or until June 30th, whichever comes first. Several trips may be entered on one TEC. When more than one trip is being listed, a blank line should be left between each trip. Trips that start at the end of one month and extend into the next month should be submitted after the trip has concluded.

While it is acceptable to put several trips on one claim, the following expenses must be submitted on a separate travel expense claim: Out-of-State, Out-of-Country, Long-Term assignment, Evidence and Relocation expenses. Please label the TEC header when filing reimbursement claims for other than short-term travel.

All claims for the current fiscal year must be submitted by the published year-end deadline. Do not combine fiscal years. If a trip overlaps June and July, two separate travel expense claims must be completed and filed, one for each month. However, they should be submitted together for audit purposes.

Required Information

The travel expense claim must be completed in its entirety, including heading, dates, time, amounts, mode of transportation, purpose, normal work hours, etc., and have the claimant's and the authorized approving officer's original signatures.

Itemized expenses and original receipts showing proof of payment and justifications, when necessary, are required documentation for the claim.

**CHAPTER 9
COMPLETING THE TRAVEL EXPENSE CLAIM**

Introduction

The Travel Expense Claim Form, STD 262, requires various information including Employee information, Trip information, Reimbursement amounts, Authorizations and justifications to be provided. Below is step by step description of what is required to complete a Travel Expense Claim.

Employee Information

This information describes whom, classification, bargaining unit and where the expenses should be charged.

Block	Action
Claimant's Name	Enter: First Name, Middle Initial, Last Name
SSN or Employee #*	Enter: 13-digit Position Number or "on file" <i>Note: the asterisk here and on the Travel Expense Claim form refers to the Privacy Statement provided on the reverse side of the form.</i>
Department	Enter: Department of Consumer Affairs
Position	Enter: Civil Service Classification (Title)
CB/ID No.	Enter: Bargaining Unit Number for Represented Employees OR Enter: Confidential, Exempt, Board / Committee Member, Volunteer or other specific title.
Division or Bureau	Enter: Board, Committee, Program, Division, or Unit name
Index Number	Enter: Index / PCA Number. (Contact the DCA Accounting Office for assistance if you do not know your Index / PCA number).
Residence Address* (including City, State & Zip Code)	Enter: Home address. (Do not use PO Box). <i>If confidential, contact the DCA Accounting Office for guidance. Note: the asterisk here and on the Travel Expense Claim form refers to the Privacy Statement provided on the reverse side of the form.</i>
Headquarters Address (City, State & Zip Code)	Enter: the complete Headquarters (work) address
Telephone Number	Enter: Office telephone number (Show area code)

Trip Information, Miscellaneous Information and Justifications, and Authorized Signatures

This section requests information regarding the when, where, and why the expenses occurred.

Block	Action																		
1	NORMAL WORK HOURS: Use the 24-hour clock.																		
2	Enter the license number of the private vehicle used on state business.																		
3	MILEAGE RATE CLAIMED: Enter the rate claimed for private vehicle use.																		
4	MONTH/YEAR: Month number (JAN =1, DEC = 12) and 4-digit year																		
5	DATE: Day of the month (one day per line) TIME: of Departure and Return (using the 24-hour clock)																		
6	LOCATION: Location where expenses occurred. (A brief statement describing the purpose may be entered immediately below the last entry for each trip).																		
7	Enter the actual cost of lodging, plus tax (up to the maximum reimbursement).																		
8	Enter the actual cost of meals (up to the maximum reimbursement).																		
9	Enter the actual cost of incidentals (up to the maximum reimbursement).																		
10 (A)	Enter the cost of transportation, if paid by employee.																		
10 (B)	Enter the method of transportation, using the following codes:																		
	<table border="1"> <thead> <tr> <th>Type of Transportation</th> <th>Code</th> </tr> </thead> <tbody> <tr> <td>Railway</td> <td>R</td> </tr> <tr> <td>Bus, Air porter, Light Rail, BART</td> <td>B</td> </tr> <tr> <td>Commercial Airline</td> <td>A</td> </tr> <tr> <td>Privately owned vehicle (Motorcycles not allowed)</td> <td>PC</td> </tr> <tr> <td>Private Air</td> <td>PA</td> </tr> <tr> <td>State Car</td> <td>SC</td> </tr> <tr> <td>Rental Car</td> <td>RC</td> </tr> <tr> <td>Taxi</td> <td>T</td> </tr> </tbody> </table>	Type of Transportation	Code	Railway	R	Bus, Air porter, Light Rail, BART	B	Commercial Airline	A	Privately owned vehicle (Motorcycles not allowed)	PC	Private Air	PA	State Car	SC	Rental Car	RC	Taxi	T
Type of Transportation	Code																		
Railway	R																		
Bus, Air porter, Light Rail, BART	B																		
Commercial Airline	A																		
Privately owned vehicle (Motorcycles not allowed)	PC																		
Private Air	PA																		
State Car	SC																		
Rental Car	RC																		
Taxi	T																		
10 (C)	Enter carfare, bridge road tolls, or parking expenses.																		
10 (D)	Enter the number of miles driven with private and state vehicles, and then enter the amount due for private vehicles only.																		
11	Enter any other expenses necessary for completion of state business, with justification as required. Note: Expenses over \$25.00 require Office of Administrative Services authorization. The DCA Accounting Office will obtain signatures.																		
12	Enter the total expenses for that day.																		
13	Enter the total expenses for each column.																		
14	Enter the justification and miscellaneous information, such as: <ul style="list-style-type: none"> ✓ Explanation of business expenses ✓ Phone expenses, including place, party and number called ✓ Receipt justification, if needed ✓ Justification for obtaining rental cars, other than a compact, or use of a non-contract vendor ✓ Travel advances received 																		
15	Claimant's original signature and date signed.																		
16	Approving Officer's original signature and date signed.																		
17	Special expense signatures are obtained by the DCA Accounting Office.																		

**APPENDIX
RESOURCE MATERIALS AND FORMS**

Resource Materials

The list below includes various memos, policies, procedures and web sites with information regarding travel reimbursement rules and regulations.

Subject	Issue Date	Expires	Number
Approval of Excess Lodging Rates	12/19/2013		CalHR (PML 2013-044)
FLSA Guidelines	04/16/2004		DCA DPM-PERS 02-06 http://inside.dca.ca.gov/offices/oas/hr/labour_rel.html
Travel & Relocation –Lodging Receipts	07/01/2014		http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx CalHR PML 2013-022 http://www.calhr.ca.gov/PML%20Library/2013026.pdf
Vanpool Incentives	10/22/2002		DPA PML 2002-069 http://www.dpa.ca.gov/textdocs/freepmls/PML2002069.txt
	09/27/2002		CalHR PML 2002-064 (http://www.dpa.ca.gov/textdocs/freepmls/PML2002064.txt)
	04/02/2002		CalHR PML 2002-021 (http://www.dpa.ca.gov/textdocs/freepmls/PML2002021.txt)

Useful Web Sites and Addresses

Useful Web Sites	Internet Addresses
<u>Department of General Services</u> <ul style="list-style-type: none"> ▪ State Administrative Manual ▪ Forms 	http://www.dgs.ca.gov <ul style="list-style-type: none"> ▪ http://sam.dgs.ca.gov/TOC/700.aspx ▪ http://www.dgs.ca.gov/osp/Home.aspx
<u>California Department of Human Resource</u> <ul style="list-style-type: none"> ▪ Bargaining Unit Contracts ▪ Personnel Management Letters (PML's) 	http://www.calhr.ca.gov/Pages/home.aspx
Travel Agency	www.caltravelstore.com

List of Related Forms

The travel forms mentioned in this Travel Guide are available on the DCA Intranet at (<http://inside.dca.ca.gov/eforms.htm>) and in this Appendix.

Form	Number	DCA Intranet and/or Internet Links
Authorization To Use Privately Owned Vehicle	STD 261	http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std261.pdf
Cost Comparison form	N/A	http://inside.dca.ca.gov/forms/oas/cost_comparison.p
Excess Lodging Request	STD 255C	http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std255C.pdf
Conference Request Approval	N/A	http://inside.dca.ca.gov/forms/oas/conf_attend.pdf
Hotel/Motel Transient Occupancy Tax Waiver	STD 236	http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std236.pdf
Justification for Postage Charges	AISD 12	http://inside.dca.ca.gov/forms/oas/postal_charges.pdf
Justification for Telephone Charges	AISD 11	http://inside.dca.ca.gov/forms/oas/phone_charges.pdf
Travel Advance Request	AISD 008	http://inside.dca.ca.gov/forms/oas/travel_advance.pdf
Travel Advance Policy	SAM 8100	http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap8100/8116.pdf http://www.documents.dgs.ca.gov/sam/SamPrint/new/sam_master/rev427sept14/chap8100/8116.1.pdf
Travel Expense Claim	STD 262	http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std262.pdf

Travel Expense Information Sheet and Data Needed When Filing a Claim

A sheet that outlines information needed when filing a claim for reimbursement of travel expenses and an information worksheet is provided in this section.

**TRAVEL EXPENSE INFORMATION NEEDED
WHEN FILING A CLAIM
FOR REIMBURSEMENT OF TRAVEL EXPENSES**

The travel reimbursement program continues to be subject to IRS requirements.

If the provision does not require a receipt for a given item of expense, it is the traveler's responsibility to retain receipts and other records of the expense and have them available for audit.

The following receipts are required for every item of transportation and business expense incurred as a result of conducting State business:

- **Airline travel** – airline itinerary issued for travel (must show exact amount paid for the trip)
- **Rental car** – rental car receipt from rental car agency (must show exact amount of charges incurred)
- **Shuttle** – if the cost of the shuttle is for more than \$10.00 per continuous trip (e.g. roundtrip)
- **Cab** – if cost was not paid using the State's General Services Card
- **Train** – itinerary issued for travel
- **Parking fees** of more than \$10.00 (if the cost is \$10.00 or less, no receipt is required)
- **Hotel:** - must submit original receipt that reflects a zero balance
- **Meals:** These are reimbursed at a flat rate for each 24 hours of travel (receipts are not required):
 - Breakfast: \$7.00 per day
 - Lunch: \$11.00 per day
 - Dinner: \$23.00 per day
- **Bridge tolls** – reimbursed at the flat rate
- **Mileage** – mileage will be paid at the amount of .555 cents per mile, for use of personal car for state business:
 - Roundtrip to and from the airport from your business or residence address
 - To and from a meeting site (exact addresses must be given to substantiate the mileage paid)

Reimbursement will be claimed only for the actual and necessary expenses noted above. Regardless of the above exceptions, the approving officer may require additional certification and/or explanation in order to determine that an expense was actually and reasonably incurred.

All travel accommodations should be made through the Board administration staff to ensure proper receipts, itineraries and lowest costs are retained.

Rev. 3/12

**BOARD OF REGISTERED NURSING
TRAVEL EXPENSE INFORMATION SHEET**

1. NAME:		2. HOME ADDRESS:	
3. PHONE #:		4. SOCIAL SECURITY #: N/A	
5. TRAVELED TO:		6. PURPOSE:	
7. DEPARTURE:	Date _____ Time _____	8. RETURN:	Date _____ Time _____
9. MEETING HELD: _____ Date _____ Time _____ to _____ _____ Date _____ Time _____ to _____			
10. TRANSPORTATION USED: <input type="checkbox"/> Private Car _____ mileage <input type="checkbox"/> State Car <input type="checkbox"/> Rental Car <input type="checkbox"/> Bus/Train* _____ Amount <input type="checkbox"/> Air* _____ Amount <input type="checkbox"/> Taxi/Shuttles* _____ Amount <input type="checkbox"/> Other (Explain) _____			
11. LODGING & OTHER EXPENSES: <input type="checkbox"/> Hotel* _____ Amount <input type="checkbox"/> Parking** _____ Amount <input type="checkbox"/> Bridge Tolls _____ Amount <input type="checkbox"/> Other _____ (Explain) _____			
12. MEALS: Check Box for Each Meal Purchased and Indicate Amount***			
_____ Date	<input type="checkbox"/> Breakfast _____ Amount	<input type="checkbox"/> Lunch _____ Amount	<input type="checkbox"/> Dinner _____ Amount <input type="checkbox"/> Incidentals _____ Amount
_____ Date	<input type="checkbox"/> Breakfast _____ Amount	<input type="checkbox"/> Lunch _____ Amount	<input type="checkbox"/> Dinner _____ Amount <input type="checkbox"/> Incidentals _____ Amount
_____ Date	<input type="checkbox"/> Breakfast _____ Amount	<input type="checkbox"/> Lunch _____ Amount	<input type="checkbox"/> Dinner _____ Amount <input type="checkbox"/> Incidentals _____ Amount
13. PRIVATE AUTOMOBILE LICENSE PLATE # _____			

* RECEIPTS REQUIRED (Includes rental car, train, and airline receipt even if purchased by the Board).

** RECEIPT REQUIRED FOR PARKING OVER \$6.00 (represented employees) & over \$10.00 for non-represented employees.

*** REQUIRED INFORMATION - (Only meals purchased and amounts actually spent, up to the maximum allowed (Breakfast - \$6.00, Lunch - \$10.00, Dinner - \$18.00), will be reimbursed.

NOTE: Incidental allowance of up to \$6 may only be claimed for each 24 hour period of consecutive travel.

Complete one form for each trip and send to:
BOARD OF REGISTERED NURSING
1747 NORTH MARKET BLVD., Suite 150
SACRAMENTO, CA 95834

Expinfo.sht.doc
Rev. 3/12

SECTION 7: BAGLEY-KEENE OPEN MEETINGS ACT

Guide to the Bagley-Keene Open Meetings Act

A guide prepared by the DCA Division of Legal Affairs that provides the requirements of the Open Meeting Act is included in this section.



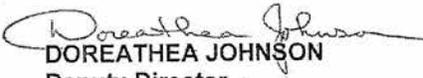
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDWARD S. BROWN JR.
DIVISION OF LEGAL AFFAIRS
1625 N. Market Blvd., Suite S 309, Sacramento, CA 95834
P (916) 574-8220 F (916) 574-8623



MEMORANDUM

DATE: January 6, 2012

TO: Executive Officers
Executive Directors
Registrar
Bureau Chiefs
Interested Parties

FROM: 
DOREATHEA JOHNSON
Deputy Director
Legal Affairs

Subject: Public Meetings (Bagley-Keene Open Meeting Act)

The attached guide includes all statutory amendments through January 1, 2012. Please disregard all of our previous memoranda on the subject, and our Guide to the Bagley-Keene Open Meeting Act, issued January 5, 2011. We have made no changes to the guide but have updated the law to reflect a change made to Government Code § 11126. The change does not impact our agencies.

We hope you find this document helpful in answering questions you may have about the requirements of the Open Meeting Act. If you have any suggestions for ways to improve the guide in the future, please let us know.

GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2012)

Prepared by:

DIVISION OF LEGAL AFFAIRS
Department of Consumer Affairs
1625 N. Market Blvd., Suite S 309
Sacramento, CA 95834
(916) 574-8220

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BAGLEY-KEENE OPEN MEETING ACT

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**GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT**
(Includes Amendments through January 1, 2012)

This guide is an update on the provisions of the public meetings law governing state agencies, officially called the Bagley-Keene Open Meeting Act. (Article 9 (commencing with Section 11120), Chapter 1, Part 1, Division 3, Title 2 of the Government Code). The Open Meeting Act closely parallels the Ralph M. Brown Act, which governs meetings of local government agencies. This guide includes all statutory changes through January 1, 2012. Please disregard all earlier memoranda and the previous Guide to the Bagley-Keene Open Meeting Act (distributed January 5, 2011) on this subject.

All statutory references are to the Government Code.

I. PUBLIC POLICY TO CONDUCT PEOPLE'S BUSINESS OPENLY

Section 11120 sets forth the purpose of the law:

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act."

Each board has essentially three duties under the Open Meeting Act. First, to give adequate notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized. We use the terms "agency" and "board" to mean not only boards, but also commissions and any examining committees or boards within the jurisdiction of the Medical Board of California.

II. BOARD, COMMITTEE, SUBCOMMITTEE, TASK FORCE MEETINGS

A. Definition of a "Meeting"

"Meeting" is defined in the Act as including "any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains." (§11122.5(a)) The law now prohibits use by a majority of the members of a state body of direct communications or a series of communications of any kind, directly or through personal intermediaries, or technological devices (such as e-mails) to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. (§11122.5(b))

B. Exemptions from Definition of Meeting

The law recognizes that not all gatherings of a majority of members of a state body at a single location constitute a meeting. Current law provides that the provisions of the Act do not apply to the following situations, **provided that** "a majority of the members do not discuss among themselves, other than as part of a scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body." (§11122.5(c))

- Individual contacts or conversations between a member of a state body and any other person. (§11122.5(c)(1))
- Attendance by a majority of members at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body. (§11122.5(c)(2))
- Attendance by a majority of members at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body. (§11122.5(c)(3))
- Attendance by a majority of members at an open and noticed meeting of another state body or of a legislative body of a local agency. (§11122.5(c)(4))
- Attendance by a majority of members at a purely social or ceremonial occasion. (§11122.5(c)(5))
- Attendance by a majority of members at an open and noticed meeting of a standing committee of that body, provided the members of the body who are not members of the committee attend only as observers. (§11122.5(c)(6))

The law does not, however, prevent an employee or official from engaging in separate communications outside of a noticed meeting with members of the legislature to answer questions or provide information about a matter within the agency's subject

matter jurisdiction – with the limitation that the person cannot communicate the comments or position of any other member.

C. Board and Committee Meetings

There are two basic types of meetings held by agencies in the Department of Consumer Affairs. The first type is a board meeting, where a quorum of the members of the board is present. The second type is a committee meeting consisting of less than a quorum of the members of the full board. Subcommittee and task force meetings are variations of committee meetings.

Board meetings have historically been required to be noticed and open to the public, except where a closed session is authorized. Committee and subcommittee meetings, where less than a quorum of the board is present, are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons. (NOTE – it is the number of persons on the committee [not the number of board members] that is determinative.)

Where a committee of fewer than three persons is to meet, and the meeting is not noticed, other members of the board should not attend the meeting, as such attendance would clearly be perceived as an Open Meeting Act violation. Board staff is not precluded from attending such a meeting.

[Restriction on Attendance at Committee Meetings] The law allows attendance by a majority of members at an open and noticed meeting of a standing committee of the board, provided the members of the board who are not members of the committee attend only as observers. (§11122.5(c)(6)) The Office of the Attorney General has addressed in a formal opinion a provision in the Brown Act relating to the attendance of "observers" at a committee meeting. The Attorney General concluded that "[m]embers of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body 'as observers.'" The opinion further concluded that such members of the legislative body may not sit in special chairs on the dais with the committee. (81 Ops.Cal.Atty.Gen. 156)

Thus, under the provisions of section 11122.5(c)(6), and the opinion of the California Attorney General, if a majority of members of the full board are present at a committee meeting, members who are not members of the committee that is meeting may attend that meeting only as observers. The board members who are not committee members may not sit on the dais with the committee, and may not participate in the meeting by making statements or asking questions.

If a board schedules its committee meetings seriatim, and other board members are typically present to ultimately be available for their own committee meeting, your notice of the committee meeting should contain a statement to the effect that "Members of the board who are not members of this committee may be attending the meeting only as observers."

Subcommittees may be appointed to study and report back to a committee or the board on a particular issue or issues. If the subcommittee consists of three or more persons, the same provisions apply to its meetings as apply to meetings of committees.

Board chairpersons may occasionally appoint a task force to study and report on a particular issue. One or two board members typically serve as task force members, along with a number of other non-board members. When this is the case, the same Open Meeting Act rules that apply to committee meetings apply to task force meetings. Such a formally appointed task force falls under the definition of "state body in Section 11121(c)."

III. TYPES OF MEETINGS; PURPOSE; NOTICE; OTHER REQUIREMENTS

Boards and committees may hold several types of meetings, including a regularly scheduled meeting, a "special" meeting, or an "emergency" meeting under the provisions of section 11125.5. This section of the memorandum addresses who can hold certain types of meetings, the purposes for which the meetings can be held, notice requirements, and any other special requirements or prohibitions.

A. Regularly Scheduled Meetings

1. Who May Hold a Regularly Scheduled Meeting

A board, committee, subcommittee, or task force may hold a regularly scheduled meeting. These are the business meetings that are scheduled throughout the year to conduct the usual and customary business of the board. Such meetings may generally be called by the chairperson, or by a majority of the body. However, you must refer to your particular licensing act, which may contain different provisions as to who may call a meeting.

2. Purposes for Which the Meeting May be Held

These meetings are to conduct the usual and customary business of the board, or the business of a committee, subcommittee or task force as directed by the board. The subject matter of the meetings is essentially dictated by the jurisdiction of the board as found in the board's licensing act. There are no statutory restrictions in the Open Meeting Act on the purposes for which a regularly scheduled meeting may be held.

3. Notice Requirements for a Regularly Scheduled Meeting

a. Board Meetings

An agency is required to give at least 10 calendar days written notice of each board meeting to be held. (§11125(a).) The notice must include the name, address, and telephone number of a person who can provide further information prior to the

meeting and must contain the website address where the notice can be accessed. The notice must also be posted on the Internet at least 10 calendar days before the meeting.

In addition to the website posting, effective January 1, 2003, the notice is required to be made available in appropriate alternate formats upon request by any person with a disability.

The notice of each board meeting must include an agenda that is prepared for the meeting. The agenda must include all items of business to be transacted or discussed at the meeting. " ... A brief general description of an item generally need not exceed 20 words. ... No item shall be added to the agenda subsequent to the provision of this notice." (§11125(b)) This provision does not, however, preclude amending an agenda provided the amended notice is distributed and posted on the Internet at least 10 calendar days prior to the meeting. Effective January 1, 2003, the notice must include information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation, including auxiliary aids or services. We suggest the following as standard language:

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting _____ at (916) _____ or sending a written request to that person at the Board [Address], Sacramento, California, [zip code]. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The definition of "action taken" in Section 11122 is of some aid in determining what the Legislature intended by use of the words "items of business to be transacted."

"11122. As used in this article 'action taken' means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action."

General agenda items such as "New Business," "Old Business," "Executive Officer's Report," "Committee Reports," "President's Report," "Miscellaneous," etc., without specifying the particular matters thereunder, cannot be used to circumvent this requirement. The Office of the Attorney General has opined that:

"... the purpose of subdivision (b) [of Government Code Section 11125] is to provide advance information to interested members of the public concerning the state body's anticipated business in order that they may

attend the meeting or take whatever other action they deem appropriate under the circumstances.

* * *

"We believe that Section 11125 was and is intended to nullify the need for . . . guesswork or further inquiry on the part of the interested public." (67 Ops.Cal.Atty.Gen. 85, 87)

Items not included on the agenda may not be discussed, even if no action is to be taken by the agency. However, we offer two suggestions so members of the public and board members may raise issues that are not on the agenda.

We strongly encourage boards to include an item on their agendas for "Public Comment on Matters Not on the Agenda." This gives persons who are attending a meeting an opportunity to raise any issues they may have, which may not be on the agenda, but which may be appropriate for future board discussion. Matters raised under this agenda item should be discussed only to the extent necessary to determine whether they should be made an agenda item at a future meeting. (§11125.7(a))

We also strongly encourage boards to include an item on their agenda for "Agenda Items for Future Meetings." This allows all board members an opportunity to request specific agenda items for a meeting. Again, these items should be discussed only to the extent necessary to determine whether they should be included as agenda items for a future meeting.

[CAVEAT: If the regularly scheduled meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

The notice and the agenda must be provided to any person who requests it. A member of the public may request notice for a specific meeting, for all meetings at which a particular subject will be discussed or action taken thereon, or for all meetings of the agency. Mailing lists of persons who desire to be notified of more than one meeting must be maintained pursuant to Section 14911, which provides:

"14911. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year. This shall be done by addressing an appropriate postcard or letter to each person on the mailing list. The name of any person who does not respond to such letter or postcard, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The response of those desiring to be on the mailing list shall be retained by these agencies for one year."

Effective 1/1/98, a sentence was added to subdivision (c) of Section 11125.1 to state that "Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication." (Stats. 1997, Chapt. 949; SB 95) The Legal Office interprets this provision to supersede any provisions in particular practice acts which require newspaper publication of board or committee meetings. Boards and committees, of course, retain the discretion to publish notices in newspapers if they so chose.

b. Committee, Subcommittee or Task Force Meetings

Each agency is required to give notice of committee, subcommittee or task force ("committee") meetings to be held. However, this requirement does not apply if the committee consists of less than three persons. It is the number of persons on the committee that is determinative, not how many of the persons are board members. Thus, if a committee consisted of two board members and two other interested persons, its meetings would have to meet all the requirements of the Open Meeting Act.

Notice of committee meetings must be provided and posted on the Internet at least 10 calendar days in advance of the meeting. (§11125(a)) The notice "shall include a brief, general description of the business to be transacted or discussed, and no item shall be added subsequent to the provision of the notice." (§11125(c)) The notice must also include the Website address where the notice can be accessed on the Internet. Although the law does not so specify, we would suggest also including in the notice the name, address, and telephone number of a contact person who can provide further information prior to the meeting. As with board meetings, there is no requirement that the notice be published in any newspaper or other periodical. However, the notice must be provided to any person or persons who have requested to be notified of the particular committee's meetings. You may elect to send such notice to those persons on your regular mailing list.

Remember you must post your notice on the Internet at least 10 calendar days in advance of the meeting and must make the notice available in appropriate alternate formats upon request by any person with a disability.

Provision is made for certain non-emergency, but sometimes necessary, committee meetings. Where, during the course of a regularly scheduled and properly noticed board meeting, the board desires that a committee presently discuss an item of business on the agenda, the committee may do so provided (a) the specific time and place of the committee meeting is announced during the public meeting of the board, and (b) the committee meeting is conducted within a reasonable time of, and nearby, the meeting of the board. (§11125(c))

4. Specific Requirements for Regularly-Scheduled Meetings

There are no specific requirements, other than those set forth above, for regularly scheduled board, committee, subcommittee or task force meetings.

5. Specific Prohibitions on Holding a Regularly-Scheduled Meeting

There are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a regularly scheduled meeting.

We again remind you that, with respect to committee meetings, members of the board who are not members of the committee that is meeting may only attend the committee meeting as observers. This means these members may not sit on the dais with the committee, make any statements, or ask any questions during the committee meeting. (81 Ops.Cal.Atty.Gen. 156)

B. "Special" Meetings

SB 95 of 1997 created a new category of meeting, that being a "special" meeting.

1. Who May Hold a Special Meeting

A board, committee, subcommittee or task force may hold a special meeting.

2. Purposes for Which a Special Meeting May be Held

The only purposes for which a special meeting may be held are set forth in section 11125.4, and are drawn from the purposes for which an emergency meeting could be held under the prior law. In essence, the Legislature recharacterized those purposes as constituting "special" circumstances rather than "emergency" circumstances. Section 11125.4 provides in part that:

"(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes where compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

- (1) To consider 'pending litigation' as that term is defined in subdivision (e) of Section 11126.
- (2) To consider proposed legislation.
- (3) To consider issuance of a legal opinion.
- (4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

* * *

Department of Consumer Affairs licensing boards would most likely hold a special meeting for the purposes set forth in subdivisions (1), (2), (3), (4), and (6).

3. Notice Requirements for a Special Meeting

A special meeting can be called at any time by the presiding officer or a majority of the members of the state body, provided the 10-day notice requirements of section 11125 "would impose a substantial hardship on the state body or where immediate action is required to protect the public interest." (§11125.4(a)) The only purposes for which the meeting can be held are those set forth above.

The normal 10-day advance notice is not required for special meetings. However, notice of the special meeting is required to be provided to each member of the state agency and to persons who have requested notice of the agency's meetings as soon as practicable after the decision to hold the meeting is made. Notice to members, newspapers of general circulation, and radio or television stations must be received at least 48 hours in advance of the meeting. Notice to newspapers, radio and television stations is satisfied by providing notice to all national press wire services. Notices to the general public may be given via appropriate electronic bulletin boards or other appropriate mechanisms. (§11125.4(b)) The notice must also be posted on the Internet at least 48 hours in advance of the meeting.

The notice must specify the time and place of the special meeting and the business to be transacted. In essence, an agenda would be prepared. No business other than that noticed may be transacted. Notice is required even if no action is subsequently taken at the meeting. (§11125.4(b)) The notice must contain the Website address where the notice may be accessed on the Internet.

[CAVEAT: If the special meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

4. Specific Requirements During Special Meetings

At the commencement of a special meeting, the agency must make a finding in open session that providing a 10-day notice of the meeting would pose a substantial hardship on the agency, or that immediate action is required to protect the public interest. The specific facts constituting the hardship or need for immediate action must be articulated. This finding must be adopted by a two-thirds (2/3) vote of the agency members present, or if less than two thirds of the members are present, by a unanimous vote of the members present. Failure to adopt the finding terminates the meeting. The agency's finding must be made available on the Internet. (§11125.4(c))

5. Specific Prohibitions on Holding a Special Meeting

As discussed above, a special meeting may only be held for the purposes set forth in section 11125.4(b). Other than the limitation on the purposes of the meeting, there are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a special meeting.

C. "Emergency" Meetings

1. Who May Hold an Emergency Meeting

A board, committee, subcommittee or task force may hold an emergency meeting.

2. Purposes for Which an Emergency Meeting May be Held

As noted above, S.B. 95 of 1997 recharacterized a number of "emergency" situations as "special" situations. This resulted in the narrowing of situations for which an emergency meeting may be held. Section 11125.5 provides an emergency meeting may be held only in the case of an "emergency situation," defined as:

"(1) Work stoppage or other activity that severely impairs public health or safety, or both.

"(2) Crippling disaster that severely impairs public health or safety, or both." (§11125.5(b))

3. Notice Requirements for an Emergency Meeting

An emergency meeting may be held without complying with the 10-day notice requirement in Section 11125 or the 48-hour notice requirement in Section 11125.4. However, newspapers of general circulation, television and radio stations that have requested notice of meetings shall be notified of the emergency by telephone at least one hour before the meeting. If telephone services are not functioning, notice is

deemed waived. The notice must be posted on the Internet as soon as practicable after the decision to call an emergency meeting has been made. However, newspapers, television and radio must be notified as soon as possible after the meeting of the fact of the meeting, its purpose, and any action taken. (§11125.5(c))

4. Specific Requirements for an Emergency Meeting

The following are required to be posted in a public place and on the Internet for a minimum of 10 days, as soon as possible after the emergency meeting:

- * Minutes of the meeting
- * A list of persons notified, or attempted to be notified, of the meeting
- * Any action taken at the meeting
- * The rollcall vote on action taken (§11125.5(d))

5. Specific Prohibitions on Holding an Emergency Meeting

As discussed above, an emergency meeting may only be held for the purposes set forth in section 11125.5(b).

IV. CLOSED SESSIONS

A. Purposes for Which Closed Session Can be Held

"Closed" sessions were formerly called "executive" sessions. Since all references in the Open Meeting Act have been changed from "executive" session to "closed" session, throughout this memorandum we will refer to such sessions as "closed" sessions.

Section 11123 states that "All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article."

Section 11126 sets forth those specific items of business which may be transacted in closed session. Only those enumerated items of business may be conducted in closed session. An agency in the Department may convene a closed session pursuant to Section 11126 for the following purposes.

1. Personnel Matters

A board may meet in closed session to "... consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person unless the employee requests a public hearing." In order to consider such disciplinary action or dismissal the "employee shall be given written notice of his or her right to have a public hearing ... which notice shall be delivered to the employee personally or by mail at

least 24 hours before the meeting." (§11126(a)) If such a notice is not given any action taken during a closed session for the above reason is null and void. Once the public hearing has been held, the agency may convene into closed session to deliberate on the decision to be reached. (§11126(a)(4))

Prior to January 1, 1995, section 11126(a) did not apply to employees who were appointed to their positions, such as executive officers, executive directors, and registrars (referred to as "executive officer" for convenience). For example, any decision or deliberations made in the selection or dismissal of an executive officer previously had to be conducted in open session. (68 Ops.Cal.Atty.Gen. 34.) However, with the enactment of SB 1316 (Stats. 1994, Chapt. 845) and SB 95 (Stats. 1997, Chapt. 949), a board can now meet in closed session to consider the appointment, employment, evaluation of, or dismissal of its executive officer, unless the executive officer requests a public hearing. (§11126(a)(1), (2)) SB 1316 supersedes the conclusion reached in 68 Ops.Cal.Atty.Gen. 34. As noted above, once the public hearing has been held, the state body may convene in closed session to deliberate on the decision to be reached. (§11126(a)(4))

If the executive officer does not request a public hearing, he or she must be given the opportunity for a hearing in closed session. After the hearing, the executive officer should be excused from the closed session, and the board may then continue in closed session to deliberate on the decision to be reached. (§11126(a)(4))

Section 11126(a) is not to be interpreted to mean that a board is required to handle civil service personnel matters itself. Normally, this function of an agency is administered by its executive officer in conjunction with the Director of Consumer Affairs, who shares authority with respect to civil service personnel.

2. Examination Matters

A board may meet in closed session to "prepare, approve, grade or administer examinations." (§11126(c)(1)) Essentially, this includes any discussion regarding the actual content of examinations, and their reliability and validity. If an agency is perusing examination samples in order to choose one over the others, this may be done in closed session. On the other hand, if an agency is discussing, for example, the general logistics of administering an examination, then this would not be proper subject matter for a closed session. A basic rule is that if a meeting concerns the grading, specific content, validity of an examination, or examination security, then it can and should be conducted in closed session.

Also, an agency may hear appeals from examinees or re-review examinations in closed session as this would be included in the "grading" of the examination.

3. Matters Affecting Individual Privacy

A committee, consisting of less than a quorum of the full board, may meet in closed session to:

" . . . discuss matters which the [committee] has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting. . . . Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body." (§11126(c)(2))

Thus, review by a committee (or subcommittee of an examining committee) of an applicant's qualifications for licensure could properly be done in a closed session. Also, for example, an enforcement committee could convene in closed session to discuss an inquiry related to a particular licensee or licensees prior to any action being filed.

CAVEAT: This closed session provision does not authorize such a review by the full board. Nor does it generally authorize a committee of a board to review complaints, investigation reports, or other information to determine whether disciplinary or other action should be filed against a licensee.

To ensure that board members render an impartial and fair decision in considering an Administrative Law Judge's proposed decision, board members are precluded from involving themselves in the investigation or prosecution phase of an action. (§11430.10 et seq.) The board's role is that of judge in the case. If a particular board member has any significant involvement in the investigative or prosecution phases, he or she must disqualify himself/herself from participation in the board's action relative to the proposed decision, and not attempt to influence any other board member regarding the decision. Legal counsel should be consulted before any enforcement actions are discussed with individual licensees, as such discussions may impact participation by the member in a final decision on a case (§11430.60), and may require disclosures under the provisions of the state's Administrative Procedure Act. (§11430.50)

Even though these committee meetings may consist entirely of subject matter proper for closed session they are required to be noticed as discussed above.

4. Administrative Disciplinary Matters

A board may meet in closed session to deliberate on a decision in an administrative disciplinary proceeding under the Administrative Procedure Act. (§11400, et seq.; §11126(c)(3)) In the closed session, the board may decide whether to adopt a Proposed Decision, review a transcript of a hearing and render a decision of its own, deliberate upon evidence heard by the agency itself, or consider a stipulation.

This section does not authorize an agency to convene into closed session for the purpose of assigning cases, i.e. deciding whether a case should be heard by a hearing officer alone or by the agency itself with a hearing officer. This section does not

authorize an agency to convene into closed session to review investigation files or complaints. Members of boards that have the discretion to hear cases should not review pending complaints or investigation files for the reasons given above.

5. Board of Accountancy Matters

The enforcement advisory committee established by the State Board of Accountancy pursuant to Business and Professions Code Section 5020 may convene in a closed session to "consider disciplinary action against an individual accountant prior to the filing of an accusation." (§11126(f)(3)) And the qualifications examining committee established by that board pursuant to Business and Professions Code Section 5023 may convene in closed session to "interview an individual applicant or accountant regarding the applicant's qualifications."

As noted above, such administrative and examining committee meetings are required to be noticed as previously discussed in this memorandum.

6. Pending Litigation

A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation. (§11126(e)(1)) Again, please note the very specific notice requirements discussed below when a closed session is to be held to discuss "pending litigation". Litigation means an adjudicatory proceeding before a court, administrative body, hearing officer or arbitrator. Litigation is considered to be pending if, (1) it has been initiated formally (e.g. a complaint, claim or petition has been filed) or (2) based on existing facts and circumstances and on the advice of its legal counsel, the state body believes there is significant exposure to litigation against it, or it is meeting to decide whether a closed session is authorized because of significant exposure to litigation or (3) based on existing facts and circumstances, the state body has decided or is deciding whether to initiate litigation. (§11126(e)(2))

The agency's legal counsel must submit a memorandum which complies with the requirements of Section 11126(e)(2)(C)(ii) prior to the closed session if possible, but no later than one week after the closed session. This document is confidential until the pending litigation has been finally adjudicated or otherwise settled. (§6254.25)

7. Response to Confidential Final Draft Audit Report

Section 11126.2 (added effective January 1, 2005) permits an agency to meet in closed session to discuss its response to a confidential final draft audit report from the Bureau of State Audits. However, once that audit report becomes final and is released to the public, the agency may only discuss it in open session.

8. Threat of Criminal or Terrorist Activity

Effective January 1, 2006, AB 277 (Chap. 288, Stats. 2005) authorizes an agency at a regular or special meeting to meet in closed session to consider "matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body," where disclosure of those considerations could compromise or impede the safety or security of the described subjects. The law (Section 11126(c)(18)) requires the agency to authorize the closed session by a two-thirds vote of the members present at the meeting.

9. Advisory Bodies/Committees May Meet in Closed Session

To the extent a licensing board, which is defined as a "state body" in the Open Meeting Act, is authorized to meet in closed session, then committees, subcommittees, or other bodies advisory to the licensing board, which are also defined as "state bodies," may meet in closed session for the same purposes as the licensing board. (§11126((f), (4)-(6))

10. Open Session Otherwise Required

Any other business transacted by an agency must be in open session. Only for the above-mentioned reasons may a board within the Department of Consumer Affairs meet in closed session. (§11132) A board may not meet in closed session for the purpose of electing officers or to discuss the proposal or adoption of rules and regulations. Further, a board may not convene in closed session to discuss testimony received during a hearing on proposed rules and regulations. Finally, an agency may not meet in closed session because it wants to have a frank and open discussion among only members on a matter of controversy. In order for an agency to meet in closed session, the closed session must be specifically authorized by statute.

B. Notice and Reporting Requirements for Closed Sessions

1. Notice of Closed Session

When a closed session will constitute part or all of a meeting, it is important to note Government Code Section 11126.3, which requires that:

"(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. [A provision applicable to the Public Utilities Commission is not included herein.] If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126 [litigation has already commenced], the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states

that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

Thus, if the meeting will consist in part or in its entirety of a closed session, you must include on the notice of the meeting the above-described information. Pay particular attention to these very specific requirements if the closed session is to discuss pending litigation. Please note that to obtain legal advice in closed session concerning pending litigation, the notice must cite subdivision (e) of Section 11126 and your attorney must prepare a memorandum stating the specific reasons and legal authority for the closed session. Subdivisions of Government Code Section 11126, discussed under "Closed Sessions" above, will generally be the statutory authority cited.

If a closed session agenda to discuss pending litigation has been properly published, and an additional pending litigation issue subsequently arises, the state agency may discuss the new matter in closed session provided that postponement of the discussion would prevent the state agency from complying with any statutory, court-ordered, or other legally-imposed deadline. The state agency must publicly announce the title of, or otherwise identify, the litigation unless to do so would jeopardize the ability to effectuate service of process, or to do so would jeopardize the agency's ability to conclude existing settlement negotiations to its advantage. (§11126.3(d))

If you intend to have a closed session during your meeting, you should first contact your Legal Division attorney to ensure that a closed session is authorized and properly noticed.

2. Reporting After a Closed Session

Section 11126.3(f), requires a state body to convene in open session after a closed session and to report as required in Section 11125.2, which states that:

"Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body."

C. Other Procedural Requirements for Closed Sessions

There are certain additional requirements that must be met when closed sessions are to be held.

1. All closed sessions must be held during a regular or special meeting (§11128); they may not be scheduled independently of a noticed meeting of the board or committee. Where, for example, a board or committee meeting is scheduled to discuss only matters appropriate for a closed session, the meeting should be opened

as a public meeting with an announcement immediately following that the agency will convene into closed session.

2. As discussed under "Notice Required," above, prior to holding the closed session the agency must announce the general reason(s) for the closed session and the specific statutory or other legal authority under which the session is held. (§11126.3(a)) With respect to litigation that has already been initiated, it must announce the title of or otherwise identify the litigation. (§11126.3(a)) Other specific notice requirements, discussed above, also apply to notices regarding pending litigation. In the closed session, only matters covered in the statement may be discussed. (§11126.3(b))

3. The agency is required to designate a staff person to attend the closed session and to record in a minute book a record of topics discussed and decisions made. (§11126.1)

4. The minute book referenced in (3) is available only to members of the agency, or if a violation of the Open Meeting Act is alleged, to a court of general jurisdiction. (§11126.1)

5. Information received and discussions held in closed session are **confidential** and must not be disclosed to outside parties by members or staff who attended the closed session. A recent opinion of the Office of the California Attorney General concluded that:

"A local school board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed." (80 Ops.Cal.Atty.Gen. 231)

That opinion also cited a previous opinion, in which the Attorney General stated that "We have ... routinely observed that it would be improper for information received during a closed session to be publicly disclosed." (76 Ops.Cal.Atty.Gen. 289, 290-291; Emphasis in the original.)

V. MEETING BY TELECONFERENCING

Prior to January 1, 1995, the Bagley-Keene Open Meeting Act contained no provision for conducting meetings where the participating members were not physically present in one location.

Effective 1/1/95, subdivision (b) was added to Government Code section 11123 to authorize meetings by teleconference. (Stats. 1994, Chapt. 1153; AB 3467) That subdivision has been amended several times, most recently by AB 192 of 2001, and it currently provides:

"(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

"(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, 'teleconference' means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video."

A method is thus available whereby meetings may be conducted by audio or video teleconferencing provided the criteria set forth in the statute have been met. Note

the restriction in subdivision (b)(1)(E) that prohibits a closed session emergency meeting. Emergency meetings in open session may be conducted by teleconference.

We emphasize that the law now requires every teleconference meeting location to be identified in the notice and agenda and to be open to the public. Most importantly, the members of the agency must attend the meeting at a public location. Members are no longer able to attend the meeting via teleconference from their offices, homes, or other convenient location unless those locations are identified in the notice and agenda, and the public is permitted to attend at those locations. Nothing prohibits additional locations, where only the public is connected to the teleconference meeting. (§11123(b)(2))

VI. DELIBERATIONS AND VOTING

Keep in mind the Open Meeting Act declaration of legislative intent that actions of state agencies be taken openly and that their deliberation be conducted openly. (§11120) In this regard, there are a number of provisions in the Open Meeting Act which address deliberations and voting.

A. Seriatim Calls to Individual Agency Members Prohibited

Except as authorized by the above-discussed teleconferencing statutes, telephone conference calls may not be used to avoid the requirements of the Open Meeting Act. A conference call including members of a board, committee, subcommittee or task force sufficient to constitute a majority of that state body is prohibited, except pursuant to an authorized teleconference meeting.

In a case involving the Ralph M. Brown Act, the court concluded that a series of one-to-one telephone calls between members of a local body, where the purpose of the calls was to obtain a collective commitment on an issue, constituted a violation of the Act. (Stockton Newspapers, Inc. v. Members of the Redevelopment Agency of the City of Stockton (1985) 171 Cal.App.3d 95) The Brown Act is the local agency counterpart to the Bagley-Keene Open Meeting Act, and decisions rendered on its provisions are frequently followed in Open Meeting Act cases.

Citing the Stockton Newspapers, Inc. case, the court in Sutter Bay Associates v. County of Sutter held that to prevent evasion of the Brown Act, a series of private meetings (known as serial meetings) by which a majority of the members of the legislative body commit themselves to a decision concerning public business or engage in collective deliberation on public business would violate the open meeting requirement. ((1997) 58 Cal.App.4th 860, 877, 68 Cal.Rptr.2d 492, 502)

Effective January 1, 2010, the Act now specifically prohibits serial communications between a majority of members "to discuss, deliberate, or take action on any item of business that is within the subject matter of the state agency." (Emphasis added.)

B. E-Mail Prohibition

AB 192 of 2001 added subdivision (b) to section 11122.5 to provide:

"Except as authorized pursuant to Section 11123, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body is prohibited."

The enactment of subdivision (b) of section 11122.5, expands upon and confirms a recent opinion of the Attorney General prohibiting the use of e-mail to reach a collective decision outside a regularly scheduled meeting. In 84 Ops.Cal.Atty.Gen. 30, the Attorney General concluded that:

"A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act even if the e-mails are also sent to the secretary and chairperson of the agency, the e-mails are posted on the agency's Internet website, and a printed version of each e-mail is reported at the next public meeting of the board."

As noted above, interpretations of the Brown Act, which governs local public agencies, are often cited as authority in interpreting similar provisions of the Bagley-Keene Open Meeting Act.

Members of a board must refrain from calling or otherwise contacting other members on a one-to-one basis, or conducting serial meetings, in order to discuss, deliberate, or take action outside the meeting on a matter within the subject matter of the board.

C. Secret Ballot Prohibited

An agency may not vote by secret ballot in a public meeting nor vote in closed session on any matter where discussion, deliberations, or action taken is required to be in an open meeting. (68 Ops.Cal.Atty.Gen. 65, 69)

For example, the election of board officers may not be conducted by secret ballot or in closed session.

D. Voting by Proxy Prohibited

Voting by proxy is not authorized. (68 Ops.Cal.Atty.Gen. 65, 70)

E. Use of Electronic Devices During Meeting

Board members should not text or email each other during an open meeting on any matter within the board's jurisdiction. Using electronic devices to communicate secretly on such a matter would violate the law. Where laptops are used by board members at the meeting because the board provides board materials electronically, the board president should make an announcement at the beginning of the meeting as to the reason for the laptops. We suggest the following (or something similar):

"You may notice board members accessing their laptops during the meeting. They are using the laptops solely to access the board meeting materials which are in electronic format."

F. Voting by Mail on Administrative Disciplinary Matters

As a general rule, all voting on items of business to be transacted must be done at a public meeting. However, the Administrative Procedure Act authorizes mail voting on all questions arising under that act. (Govt. Code §11526.) Thus, board members may vote by mail on proposed decisions, stipulated decisions, and other matters in connection with a formal disciplinary case. No other votes may be cast by mail. (68 Ops.Cal.Atty.Gen. 65, 69)

VII. MISCELLANEOUS PROVISIONS

There are several provisions governing public meetings which do not fit under any of the above headings, but of which you should be aware.

A. Conforming Board Member's Conduct

Any person who has been appointed as a member of a state body, who has not yet assumed the duties of the office, must conform his or her conduct to the provisions of the Open Meeting Act. (§11125.95)

B. Providing Open Meeting Act to New Board Members

A copy of the Bagley-Keene Open Meeting Act must be provided to each agency member upon his or her appointment to office. Each agency should insure that a copy is given to each new member. (§11121.9.)

C. Prohibition on Placing Conditions on Public's Attendance

1. Sign-in

No person can be required to register or sign-in or fulfill any other condition in order to attend a public meeting of an agency. While a person who wishes to make public comment may be asked to identify himself or herself for the board's record or

minutes, a commenter cannot be compelled to do so or prevented from speaking because the commenter refuses to identify himself or herself.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, "it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document." (§11124)

2. Discrimination in Admittance to Meeting Facility

A meeting may not be held in any facility that prohibits the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry, or sex. (§11131)

3. Access for the Disabled

All meetings must be accessible to the disabled. (§11131)

4. Charging a Fee or Requiring a Purchase for Access

The Open Meeting Act prohibits holding a meeting in any location where the public is required to pay a fee or make a purchase to attend. (§11131)

D. Agency Recording of the Proceedings

A tape or film record of an open and public meeting made by the agency must be made available for public inspection under the California Public Records Act, but may be erased or destroyed 30 days after the taping or recording. An inspection must be provided without charge on an audio or video tape player made available by the state agency. (§11124.1(b))

E. Public's Right to Record the Proceedings

Persons attending a public meeting have a right to record the proceedings with an audio or video tape recorder or still or motion picture camera, in the absence of a reasonable finding by the agency that the recording could not continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings. (§11124.1(a))

F. Media Broadcast of the Proceedings

A state body may not prohibit or otherwise restrict the broadcast of a public meeting in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. (§11124.1(c))

G. Webcasting

While webcasting is not required, if you plan to webcast your meeting, we encourage you to place the following statement on your agenda:

"While the board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources."

H. Taking Agenda Items Out of Order

Items listed on the agenda may be taken up out of order, provided the purpose of moving the agenda items is not to frustrate public or other input on the item. It is a good practice to note on either the top or the bottom of your agenda that "All times indicated and the order of business are approximate and subject to change," to alert members of the public this is a possibility.

If your agency schedules a multiple day meeting and may move items scheduled for a subsequent day to an earlier day, you should provide notice of this possibility on your agenda. Suggested language is that "Items scheduled for a particular day may be moved to an earlier day to facilitate the board's business." Again, the purpose may not be to frustrate public or other input.

I. Opportunity for Public Comment at Meetings

Section 11125.7 addresses the subject of public comment at board meetings. With specified exceptions, that section requires state agencies to provide an opportunity for members of the public to directly address the state agency on each agenda item before or during the agency's discussion or consideration of the item. This opportunity for comment need not be made available if:

1. The agenda item has previously been considered at a public meeting by a committee comprised exclusively of board members, where members of the public were provided an opportunity to address the item. However, if the item has been substantially changed since the committee meeting, a new opportunity to address the agency would be required at the full board meeting.
2. The agenda item is one that may properly be considered in closed session, which would include deliberation and action on disciplinary proceedings under the Administrative Procedure Act. (§11125.7)

If a board wishes to establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, the board may do that by adopting an administrative regulation. (§11125.7(b))

The law specifically provides that a state agency may not prohibit public criticism of its policies, programs, or services, or of the acts or omissions of the agency. (§11125.7(c))

VIII. DISCLOSURE OF DOCUMENTS

A. Documents Distributed Prior to the Meeting

When writings which are public records are distributed to all, or a majority of all, of the members of a board or committee for discussion or consideration at a public meeting, the writings must be made available for public inspection. Generally, the records must be made available for inspection at the time of distribution to agency members. (§11125.1(a)) Records exempt from disclosure under Sections 6253.5, 6254 or 6254.7 of the Public Records Act need not be disclosed even though the subject matter of the records may be considered or discussed at the meeting. This includes records which are drafts, notes or memoranda which will not be retained by the agency, attorney-client privileged communications, records of pending litigation and claims against the state, personnel, medical or similar files, complaint and investigation files, except for Accusations and Proposed Decisions, and any records or data relating to examinations.

B. Documents Distributed During the Meeting

When public records pertaining to an agenda item are prepared by the state body or a member of the state body, and distributed to state body members during a meeting, the documents must be made available for public inspection at the meeting. If records are prepared by some other person, and distributed to members of the state body during a meeting, the documents must be made available for public inspection after the meeting. (§11125.1(b)) Records exempt from public disclosure under specified statutes are not required to be publicly disclosed. (§11125.1(a), (b))

C. Charging a Fee for Public Documents

Under section 11126.7, an agency may not charge a fee for a notice, including the agenda, of a meeting, and may only charge those fees specifically authorized for public documents that are considered at the meeting

At its discretion, an agency may charge a fee to cover reproduction costs for providing the documents required to be made available, as discussed in paragraph (B), immediately above. If an agency charges a fee, it is limited to the direct costs of duplication authorized in Section 6257 for the reproduction of public records. (§11125.1(c))

Effective January 1, 2003, documents distributed prior to or during a meeting that are public records must be made available, upon request by a person with a

disability, in appropriate alternative formats. No extra charge can be imposed for putting those documents into an alternative format.

IX. PENALTIES

Under previous law, any interested person could commence court action (mandamus, injunction, declaratory relief) to stop or prevent violations or threatened violations of the Open Meeting Act. SB 95, effective 1/1/98, added the Attorney General and the district attorney to the list of those who may commence such action. Court costs and reasonable attorney's fees may be awarded to a successful plaintiff to be paid from the funds of the agency. (§11130.5)

SB 95 also expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek court action "to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, ..." (§11130(a)) This appears to be a rather unique provision, and its implications are unknown at this time.

SB 95 further expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek a court action to compel a state agency to tape record its closed sessions. Upon a judgment of a violation of Section 11126, a court could so compel an agency. Discovery procedures for the tape recordings are also set forth. (§11130(b), and (c))

Section 11130.3 authorizes a person to institute a court action to obtain a judicial determination that an action taken in violation of the notice provisions or the provisions governing closed sessions of the Act is null and void. Court costs and reasonable attorney's fees may also be awarded to a successful plaintiff under this section. This section reinforces the need for a specific, informative agenda as required by Section 11125.

These remedies extend to past actions of an agency. The statute of limitations for bringing an action is 90 days. (§§11130(c) and 11130.3(a)).

Section 11130.7 of the Act provides:

"Each member of a state body who attends a meeting of such body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor."
(Emphasis added.)

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Also included in this section is a copy of the Act itself.

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11120. Public policy; legislative finding and declaration; citation of article

It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1980, c. 1284, p. 4333, § 4; Stats. 1981, c. 968, p. 3683, § 4.)

11121. State body defined

As used in this article, "state body" means each of the following:

- (a) Every state board, or

commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1980, c. 515, § 1; Stats.1981, c. 968, p. 3683, § 5; Stats.1984, c. 193, § 38. Amended by Stats.1996, c. 1023 (S.B.1497), § 88, eff. Sept. 29, 1996; Stats.1996, c. 1064 (A.B.3351), § 783.1, operative July 1, 1997; Stats.2001, c. 243 (A.B.192), § 1; Amended Stats. 2003 ch 62 § 117 (SB 600)).

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11121.1. State body; exclusions

As used in this article, "state body" does not include any of the following:

(a) State agencies provided for in Article VI of the California Constitution.

(b) Districts or other local agencies whose meetings are required to be open to the public pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(c) State agencies provided for in Article IV of the California Constitution whose meetings are required to be open to the public pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2).

(d) State agencies when they are conducting proceedings pursuant to Section 3596.

(e) State agencies provided for in Section 109260 of the Health and Safety Code, except as provided in Section 109390 of the Health and Safety Code.

(f) The Credit Union Advisory Committee established pursuant to Section 14380 of the Financial Code.

(Added by Stats.2001, c. 243 (A.B.192), § 2. Amended by Stats. 2008, c. 344 (S.B. 1145), § 2, eff. Sept. 26, 2008.)

11121.2. Repealed by Stats. 2001, c. 243 (A.B.192), § 3

The repealed section, added by Stats.1981, c. 968, p. 3684, § 5.2, related to multimember body with authority from state body.

11121.7. Repealed by Stats. 2001, c. 243 (A.B.192), § 4

The repealed section, added by Stats.1980, c. 1284, p. 4333, § 5, amended by Stats.1981, c. 968, p. 3685, § 6, related to representatives of the state body.

11121.8. Repealed by Stats. 2001, c. 243 (A.B.192), § 5

The repealed section, added by Stats.1981, c. 968, p. 3684, § 7, related to advisory bodies.

11121.9. Provision of copy of article to members of state body

Each state body shall provide a copy of this article to each member of the state body upon his or her appointment to membership or assumption of office.

(Added by Stats.1980, c. 1284, p. 4334, § 6. Amended by Stats.1981, c. 714, p. 2659, § 175; Stats.1981, c. 968, p. 3685, § 7.1.)

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11121.95. Appointees or elected officials not yet in office; conformity of conduct to article requirements

Any person appointed or elected to serve as a member of a state body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this article and shall be treated for purposes of this article as if he or she has already assumed office.

(Added by Stats.1997, c. 949 (S.B.95), § 1.)

11122. Action taken

As used in this article "action taken" means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3685, § 7.3.)

11122.5. Meeting defined; series of communications to discuss, deliberate, or take action prohibited; exceptions

(a) As used in this article, "meeting" includes any congregation of a majority of the members of a state body at the same time and place to

hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b)(1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person that do not violate subdivision (b).

(2)(A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a

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discussion of issues of general interest to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.

(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers.

(Added by Stats.2001, c. 243 (A.B.192), § 6.
Amended by Stats.2009, c. 150 (A.B.1494), § 1.)

11123. Meetings; attendance; teleconference option

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b)(1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this

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article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this

subdivision, "teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3685, § 7.5. Amended by Stats.1994, c. 1153 (A.B.3467), § 1; Stats.1997, c. 52 (A.B.1097), § 1; Stats.2001, c. 243 (A.B.192), § 7.)

11123.1. State body meetings to meet protections and prohibitions of the Americans with Disabilities Act

All meetings of a state body that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(Added by Stats. 2002, c. 300 (A.B. 3035), § 1.)

11124. Conditions to attendance

No person shall be required, as a condition to attendance at a meeting of a state body, to register his or her name, to provide other information, to complete a questionnaire, or otherwise

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to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Added by Stats.1967, c. 1656, p. 4026, § 122.
Amended by Stats.1981, c. 968, p. 3685, § 8.)

11124.1. Audio or video recording of proceedings; inspection of state's recording; broadcast restrictions

(a) Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of

Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

(c) No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

(Added by Stats.1980, c. 1284, p. 4334, § 7.
Amended by Stats.1981, c. 968, p. 3685, § 9;
Stats.1997, c. 949 (S.B.95), § 2; Stats.2009, c. 88 (A.B.176), § 42.)

11125. Notice of meeting

(a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a

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specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

(e) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

(f) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request, by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1973, c. 1126, p. 2291, § 1; Stats.1975, c. 708, p. 1695, § 1; Stats.1979, c. 284, § 1, eff. July 24, 1979; Stats.1981, c. 968, p. 3685, § 10. Amended by Stats.1997, c. 949 (S.B.95), § 3; Stats.1999, c. 393 (A.B.1234), § 1; Stats.2001, c. 243 (A.B.192), § 8; Stats. 2002, c. 300 (A.B. 3035), § 2.)

11125.1. Agendas and other writings distributed for discussion or consideration at public meetings; public records; Franchise Tax Board; inspection; availability on the Internet; closed sessions

(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and other writings,

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when distributed to all, or a majority of all, of the members of a state body by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, or 6254.7 of this code, or Section 489.1 or 583 of the Public Utilities Code.

(b) Writings that are public records under subdivision (a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by a person with a disability.

(c) In the case of the Franchise Tax Board, prior to that state body taking final action on any item, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed to members of the state body by the Franchise Tax

Board staff or individual members prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request notice in writing pursuant to subdivision (a) of Section 11125.

(3) Made available on the Internet.

(d) Prior to the State Board of Equalization taking final action on any item that does not involve a named tax or fee payer, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by board staff or individual members to members of the state body prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request or have requested copies of these writings.

(3) Made available on the Internet.

(e) Nothing in this section shall be construed to prevent a state body from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the

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federal rules and regulations adopted in implementation thereof. The writings described in subdivision (b) are subject to the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall not be construed to limit or delay the public's right to inspect any record required to be disclosed by that act, or to limit the public's right to inspect any record covered by that act. This section shall not be construed to be applicable to any writings solely because they are properly discussed in a closed session of a state body. Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication.

(f) "Writing" for purposes of this section means "writing" as defined under Section 6252.

(Added by Stats.1975, c. 959, p. 2238, § 4. Amended by Stats.1980, c. 1284, p. 4334, § 8; Stats.1981, c. 968, p. 3686, § 10.1. Amended by Stats.1997, c. 949 (S.B.95), § 4; Stats.2001, c. 670 (S.B.445), § 1; Stats. 2002, c. 300 (A.B. 3035), § 3.5.; Stats. 2005, c. 188 (A.B. 780), § 1.)

11125.2. Appointment, employment or dismissal of public employees; closed sessions; public report

Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss

a public employee arising out of any closed session of the state body.

(Added by Stats.1980, c. 1284, p. 4335, § 9. Amended by Stats.1981, c. 968, p. 3687, § 10.3.)

11125.3. Action on items of business not appearing on agenda; notice

(a) Notwithstanding Section 11125, a state body may take action on items of business not appearing on the posted agenda under any of the conditions stated below:

(1) Upon a determination by a majority vote of the state body that an emergency situation exists, as defined in Section 11125.5.

(2) Upon a determination by a two-thirds vote of the state body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there exists a need to take immediate action and that the need for action came to the attention of the state body subsequent to the agenda being posted as specified in Section 11125.

(b) Notice of the additional item to be considered shall be provided to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after a determination of the need to consider the item is made, but shall be delivered in a manner that allows it to be received by the members and by

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newspapers of general circulation and radio or television stations at least 48 hours before the time of the meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet as soon as is practicable after the decision to consider additional items at a meeting has been made.

(Added by Stats.1994, c. 1153 (A.B.3467), § 2.
Amended by Stats.2001, c. 243 (A.B.192), § 9.)

11125.4. Special meetings; authorized purposes; notice; required finding of hardship or need to protect public interest

(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes where compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider "pending litigation" as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television

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stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the Internet Web site where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the state body a written waiver of notice. The waiver may be given by telegram, facsimile transmission, or similar means. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

(c) At the commencement of any special meeting, the state body must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 would cause a substantial hardship on the body or that immediate action is required to protect the public interest. The finding shall set forth the specific facts that constitute the hardship to the body or the impending harm to the public interest. The finding shall be adopted by a two-thirds vote of

the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present. The finding shall be made available on the Internet. Failure to adopt the finding terminates the meeting.

(Added by Stats.1997, c. 949 (S.B.95), § 5.
Amended by Stats.1999, c. 393 (A.B.1234), § 2;
Stats.2004, c. 576 (A.B.1827), § 1.; Stats. 2007,
c. 92 (S.B. 519), § 1.)

11125.5. Emergency meetings

(a) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a state body may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4.

(b) For purposes of this section, "emergency situation" means any of the following, as determined by a majority of the members of the state body during a meeting prior to the emergency meeting, or at the beginning of the emergency meeting:

(1) Work stoppage or other activity that severely impairs public health or safety, or both.

(2) Crippling disaster that severely impairs public health or safety, or both.

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(c) However, newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the state body, or a designee thereof, one hour prior to the emergency meeting by telephone. Notice shall also be made available on the Internet as soon as is practicable after the decision to call the emergency meeting has been made. If telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the presiding officer of the state body, or a designee thereof, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(d) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the state body, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place, and also made available on the Internet for a minimum of 10 days, as soon after the meeting as possible.

(Amended by Stats.1992, c. 1312 (A.B.2912), § 11, eff. Sept. 30, 1992; Stats.1997, c. 949 (S.B.95), § 6; Stats.1999, c. 393 (A.B.1234), § 3.)

11125.6. Fish and Game Commission; emergency meetings;

appeals of fishery closures or restrictions

(a) An emergency meeting may be called at any time by the president of the Fish and Game Commission or by a majority of the members of the commission to consider an appeal of a closure of or restriction in a fishery adopted pursuant to Section 7710 of the Fish and Game Code. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of an established fishery, the commission may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4 if the delay necessitated by providing the 10-day notice of a public meeting required by Section 11125 or the 48-hour notice required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the people of the state or significantly adversely impact the sustainability of a fishery managed by the state.

(b) At the commencement of an emergency meeting called pursuant to this section, the commission shall make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 or 48 hours prior to a meeting as required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the

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people of the state or significantly adversely impact the sustainability of a fishery managed by the state. The finding shall set forth the specific facts that constitute the impact to the economic benefits of the fishery or the sustainability of the fishery. The finding shall be adopted by a vote of at least four members of the commission, or, if less than four of the members are present, a unanimous vote of those members present. Failure to adopt the finding shall terminate the meeting.

(c) Newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the commission, or a designee thereof, one hour prior to the emergency meeting by telephone.

(d) The minutes of an emergency meeting called pursuant to this section, a list of persons who the president of the commission, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Added by Stats.1998, c. 1052 (A.B.1241), S 21.)

11125.7. Agenda item discussion before state body; opportunity for public address; regulation by state body; freedom of expression; application of provisions

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public, provided, however, that no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

(b) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on

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particular issues and for each individual speaker.

(c) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(d) This section is not applicable to closed sessions held pursuant to Section 11126.

(e) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(f) This section is not applicable to hearings conducted by the California Victim Compensation and Government Claims board pursuant to Sections 13963 and 13963.1.

(g) This section is not applicable to agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the

commission before or during the commission's consideration of the item.

(Added by Stats.1993, c. 1289 (S.B.367), § 2. Amended by Stats.1995, c. 938 (S.B.523), § 13, operative July 1, 1997; Stats.1997, c. 949 (S.B.95), § 7.; Stats. 2006, c. 538 (S.B. 1852), § 248.)

11125.8. Hearings to consider crimes against minors or crimes of sexual assault or domestic violence; identification of applicant; disclosure of nature of hearing

(a) Notwithstanding Section 11131.5, in any hearing that the State California Victim Compensation and Government Claims Board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, no notice, agenda, announcement, or report required under this article need identify the applicant.

(b) In any hearing that the board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, the board shall disclose that the hearing is being held pursuant to Section 13963.1. That disclosure shall be deemed to satisfy the requirements of subdivision (a) of Section 11126.3.

(Added by Stats.1997, c. 949 (S.B.95), § 9.; Stats. 2006, c. 538 (S.B. 1852, § 249.)

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11125.9. Regional water quality control boards; compliance with notification guidelines

(Added by Stats.1997, c. 301 (A.B.116), § 1.)

Regional water quality control boards shall comply with the notification guidelines in Section 11125 and, in addition, shall do both of the following:

(a) Notify, in writing, all clerks of the city councils and county boards of supervisors within the regional board's jurisdiction of any and all board hearings at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. Each clerk, upon receipt of the notification of a board hearing, shall distribute the notice to all members of the respective city council or board of supervisors within the regional board's jurisdiction.

(b) Notify, in writing, all newspapers with a circulation rate of at least 10,000 within the regional board's jurisdiction of any and all board hearings, at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting.

§ 11126. Closed sessions.

(a)(1) Nothing in this article shall be construed to prevent a state body from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing.

(2) As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of his or her right to have a public hearing, rather than a closed session, and that notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void.

(3) The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body.

(4) Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session.

(b) For the purposes of this section, "employee" does not include any person who is elected to, or appointed to a public

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office by, any state body. However, officers of the California State University who receive compensation for their services, other than per diem and ordinary and necessary expenses, shall, when engaged in that capacity, be considered employees. Furthermore, for purposes of this section, the term employee includes a person exempt from civil service pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution.

(c) Nothing in this article shall be construed to do any of the following:

(1) Prevent state bodies that administer the licensing of persons engaging in businesses or professions from holding closed sessions to prepare, approve, grade, or administer examinations.

(2) Prevent an advisory body of a state body that administers the licensing of persons engaged in businesses or professions from conducting a closed session to discuss matters that the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

(3) Prohibit a state body from holding a closed session to deliberate on a decision to be reached in a proceeding

required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(4) Grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

(5) Prevent any closed session to consider the conferring of honorary degrees, or gifts, donations, and bequests that the donor or proposed donor has requested in writing to be kept confidential.

(6) Prevent the Alcoholic Beverage Control Appeals Board from holding a closed session for the purpose of holding a deliberative conference as provided in Section 11125.

(7)(A) Prevent a state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(B) However, prior to the closed session, the state body shall hold an open and public session in which it identifies the real property or real properties that the negotiations may concern and the person or persons with whom its negotiator may negotiate.

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(C) For purposes of this paragraph, the negotiator may be a member of the state body.

(D) For purposes of this paragraph, "lease" includes renewal or renegotiation of a lease.

(E) Nothing in this paragraph shall preclude a state body from holding a closed session for discussions regarding eminent domain proceedings pursuant to subdivision (e).

(8) Prevent the California Postsecondary Education Commission from holding closed sessions to consider matters pertaining to the appointment or termination of the Director of the California Postsecondary Education Commission.

(9) Prevent the Council for Private Postsecondary and Vocational Education from holding closed sessions to consider matters pertaining to the appointment or termination of the Executive Director of the Council for Private Postsecondary and Vocational Education.

(10) Prevent the Franchise Tax Board from holding closed sessions for the purpose of discussion of confidential tax returns or information the public disclosure of which is prohibited by law, or from considering matters pertaining to the appointment or removal of the Executive Officer of the Franchise Tax Board.

(11) Require the Franchise Tax Board to notice or disclose any confidential tax information considered in closed sessions, or documents executed in connection therewith, the public disclosure of which is prohibited pursuant to Article 2 (commencing with Section 19542) of

Chapter 7 of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(12) Prevent the Corrections Standards Authority from holding closed sessions when considering reports of crime conditions under Section 6027 of the Penal Code.

(13) Prevent the State Air Resources Board from holding closed sessions when considering the proprietary specifications and performance data of manufacturers.

(14) Prevent the State Board of Education or the Superintendent of Public Instruction, or any committee advising the board or the Superintendent, from holding closed sessions on those portions of its review of assessment instruments pursuant to Chapter 5 (commencing with Section 60600) of, or pursuant to Chapter 9 (commencing with Section 60850) of, Part 33 of Division 4 of Title 2 of the Education Code during which actual test content is reviewed and discussed. The purpose of this provision is to maintain the confidentiality of the assessments under review.

(15) Prevent the California Integrated Waste Management Board or its auxiliary committees from holding closed sessions for the purpose of discussing confidential tax returns, discussing trade secrets or confidential or proprietary information in its possession, or discussing other data, the public disclosure of which is prohibited by law.

(16) Prevent a state body that invests retirement, pension, or endowment funds from holding closed sessions when considering investment decisions. For

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purposes of consideration of shareholder voting on corporate stocks held by the state body, closed sessions for the purposes of voting may be held only with respect to election of corporate directors, election of independent auditors, and other financial issues that could have a material effect on the net income of the corporation. For the purpose of real property investment decisions that may be considered in a closed session pursuant to this paragraph, a state body shall also be exempt from the provisions of paragraph (7) relating to the identification of real properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(18)(A) Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or

security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.

(B) Notwithstanding any other provision of law, a state body, at any regular or special meeting, may meet in a closed session pursuant to subparagraph (A) upon a two-thirds vote of the members present at the meeting.

(C) After meeting in closed session pursuant to subparagraph (A), the state body shall reconvene in open session prior to adjournment and report that a closed session was held pursuant to subparagraph (A), the general nature of the matters considered, and whether any action was taken in closed session.

(D) After meeting in closed session pursuant to subparagraph (A), the state body shall submit to the Legislative Analyst written notification stating that it held this closed session, the general reason or reasons for the closed session, the general nature of the matters considered, and whether any action was taken in closed session. The Legislative Analyst shall retain for no less than four years any written notification received from a state body pursuant to this subparagraph.

(19) Prevent the California Sex Offender Management Board from holding a closed session for the purpose of discussing matters pertaining to the application of a sex offender treatment provider for certification pursuant to Sections 290.09 and 9003 of the Penal Code. Those matters may include review of an applicant's qualifications for certification.

(d)(1) Notwithstanding any other

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provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

(2) Nothing in this article shall be construed to prevent the Public Utilities Commission from holding closed sessions to deliberate on the institution of proceedings, or disciplinary actions against any person or entity under the jurisdiction of the commission.

(e)(1) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

(2) For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:

(A) An adjudicatory proceeding before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the state body is a party, has been initiated formally.

(B)(i) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a

significant exposure to litigation against the state body.

(ii) Based on existing facts and circumstances, the state body is meeting only to decide whether a closed session is authorized pursuant to clause (i).

(C)(i) Based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

(ii) The legal counsel of the state body shall prepare and submit to it a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is pursuant to paragraph (1), the memorandum shall include the title of the litigation. If the closed session is pursuant to subparagraph (A) or (B), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the state body prior to the closed session, if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Section 6254.25.

(iii) For purposes of this subdivision, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(iv) Disclosure of a memorandum required under this subdivision shall not be deemed as a waiver of the lawyer-client privilege, as provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

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(f) In addition to subdivisions (a), (b), and (c), nothing in this article shall be construed to do any of the following:

(1) Prevent a state body operating under a joint powers agreement for insurance pooling from holding a closed session to discuss a claim for the payment of tort liability or public liability losses incurred by the state body or any member agency under the joint powers agreement.

(2) Prevent the examining committee established by the State Board of Forestry and Fire Protection, pursuant to Section 763 of the Public Resources Code, from conducting a closed session to consider disciplinary action against an individual professional forester prior to the filing of an accusation against the forester pursuant to Section 11503.

(3) Prevent the enforcement advisory committee established by the California Board of Accountancy pursuant to Section 5020 of the Business and Professions Code from conducting a closed session to consider disciplinary action against an individual accountant prior to the filing of an accusation against the accountant pursuant to Section 11503. Nothing in this article shall be construed to prevent the qualifications examining committee established by the California Board of Accountancy pursuant to Section 5023 of the Business and Professions Code from conducting a closed hearing to interview an individual applicant or accountant regarding the applicant's qualifications.

(4) Prevent a state body, as defined in subdivision (b) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in

closed session by the state body whose authority it exercises.

(5) Prevent a state body, as defined in subdivision (d) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the body defined as a state body pursuant to subdivision (a) or (b) of Section 11121.

(6) Prevent a state body, as defined in subdivision (c) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the state body it advises.

(7) Prevent the State Board of Equalization from holding closed sessions for either of the following:

(A) When considering matters pertaining to the appointment or removal of the Executive Secretary of the State Board of Equalization.

(B) For the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law.

(8) Require the State Board of Equalization to disclose any action taken in closed session or documents executed in connection with that action, the public disclosure of which is prohibited by law pursuant to Sections 15619 and 15641 of this code and Sections 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651, 45982, 46751, 50159, 55381, and 60609 of the Revenue and Taxation Code.

(9) Prevent the California Earthquake Prediction Evaluation Council,

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or other body appointed to advise the Secretary of Emergency Management or the Governor concerning matters relating to volcanic or earthquake predictions, from holding closed sessions when considering the evaluation of possible predictions.

(g) This article does not prevent either of the following:

(1) The Teachers' Retirement Board or the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters pertaining to the recruitment, appointment, employment, or removal of the chief executive officer or when considering matters pertaining to the recruitment or removal of the Chief Investment Officer of the State Teachers' Retirement System or the Public Employees' Retirement System.

(2) The Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

(h) This article does not prevent the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters relating to the development of rates and competitive strategy for plans offered pursuant to Chapter 15 (commencing with Section 21660) of Part 3 of Division 5 of Title 2.

(i) This article does not prevent the Managed Risk Medical Insurance Board from holding closed sessions when considering matters related to the development of rates and contracting strategy for entities contracting or seeking

to contract with the board, entities with which the board is considering a contract, or entities with which the board is considering or enters into any other arrangement under which the board provides, receives, or arranges services or reimbursement, pursuant to Part 6.2 (commencing with Section 12693), Part 6.3 (commencing with Section 12695), Part 6.4 (commencing with Section 12699.50), Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code.

(j) Nothing in this article shall be construed to prevent the board of the State Compensation Insurance Fund from holding closed sessions in the following:

(1) When considering matters related to claims pursuant to Chapter 1 (commencing with Section 3200) of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) To the extent that matters related to audits and investigations that have not been completed would be disclosed.

(3) To the extent that an internal audit containing proprietary information would be disclosed.

(4) To the extent that the session would address the development of rates, contracting strategy, underwriting, or competitive strategy, pursuant to the powers granted to the board in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, when discussion in open session concerning

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those matters would prejudice the position of the State Compensation Insurance Fund.

(k) The State Compensation Insurance Fund shall comply with the procedures specified in Section 11125.4 of the Government Code with respect to any closed session or meeting authorized by subdivision (j), and in addition shall provide an opportunity for a member of the public to be heard on the issue of the appropriateness of closing the meeting or session.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1968, c. 1272, p. 2396, § 1; Stats.1970, c. 346, p. 741, § 5; Stats.1972, c. 431, p. 791, § 43; Stats.1972, c. 1010, p. 1872, § 63, eff. Aug. 17, 1972, operative July 1, 1972; Stats.1974, c. 1254, p. 2713, § 1; Stats.1974, c. 1539, p. 3525, § 1; Stats.1975, c. 197, p. 570, § 1; Stats.1975, c. 959, p. 2238, § 5; Stats.1977, c. 730, p. 2318, § 5, eff. Sept. 12, 1977; Stats.1980, c. 1197, p. 4043, § 1; Stats.1980, c. 1284, p. 4338, § 11; Stats.1981, c. 180, p. 1096, § 1; Stats.1981, c. 968, p. 3688, § 12; Stats.1982, c. 454, p. 1842, § 40; Stats.1983, c. 143, § 187; Stats.1984, c. 678, § 1; Stats.1984, c. 1284, § 4; Stats.1985, c. 186, § 1; Stats.1985, c. 1091, § 1; Stats.1986, c. 575, § 1; Stats.1987, c. 1320, § 2; Stats.1988, c. 1448, § 29; Stats.1989, c. 177, § 2; Stats.1989, c. 882, § 2; Stats.1989, c. 1360, § 52; Stats.1989, c. 1427, § 1, eff. Oct. 2, 1989, operative Jan. 1, 1990; Stats.1991, c. 788 (A.B.1440), § 4; Stats.1992, c. 1050 (A.B.2987), § 17; Stats.1994, c. 26 (A.B.1807), § 230, eff. March 30, 1994; Stats.1994, c. 422 (A.B.2589), § 15.5, eff. Sept. 7, 1994; Stats.1994, c. 845 (S.B.1316), § 1; Stats.1995, c. 975 (A.B.265), § 3; Stats.1996, c. 1041 (A.B.3358), § 2; Stats.1997, c. 949 (S.B.95), § 8; Stats.1998, c. 210 (S.B.2008), § 1; Stats.1998, c. 972 (S.B.989), § 1; Stats.1999, c. 735 (S.B.366), § 9, eff. Oct. 10, 1999; Stats.2000, c. 1002 (S.B.1998), § 1; Stats.2000, c. 1055 (A.B.2889), § 30, eff. Sept. 30, 2000; Stats.2001, c. 21 (S.B.54), § 1, eff. June 25, 2001; Stats.2001, c. 243 (A.B.192), § 10;

Stats.2002, c. 664 (A.B.3034), § 93.7; Stats.2002, c. 1113 (A.B.2072), § 1; Stats.2005, c. 288 (A.B.277), § 1; Stats.2007, c. 577 (A.B.1750), § 4, eff. Oct. 13, 2007; Stats.2008, c. 179 (S.B.1498), § 91; Stats.2008, c. 344 (S.B.1145), § 3, eff. Sept. 26, 2008; Stats.2010, c. 328 (S.B.1330), § 81; Stats.2010, c. 32 (A.B.1887), § 2, eff. June 29, 2010; Stats. 2010, c. 618 (AB 2791), § 124; Stats. 2011, c. 357 (AB 813), § 1.)

11126.1. Record of topics discussed and decisions made at closed sessions; availability

The state body shall designate a clerk or other officer or employee of the state body, who shall then attend each closed session of the state body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available to members of the state body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction. Such minute book may, but need not, consist of a recording of the closed session.

(Added by Stats.1980, c. 1284, p. 4340, § 12. Amended by Stats.1981, c. 968, p. 3691, § 13.)

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11126.2. Closed session; response to confidential final draft audit report; public release of report

(a) Nothing in this article shall be construed to prohibit a state body that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a state body meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats.2004, c. 576 (A.B.1827), § 2.)

11126.3. Disclosure of nature of items to be discussed in closed session; scope of session; notice of meeting; announcement of pending litigation; unnecessary disclosures; disclosures at open session following closed session

(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. If the session is closed pursuant to paragraph (2) of subdivision (d) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the proceeding or disciplinary action

contemplated. However, should the body determine that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties if the proceeding or disciplinary action is commenced or that to do so would fail to protect the private economic and business reputation of the person or entity if the proceeding or disciplinary action is not commenced, then the state body shall notice that there will be a closed session and describe in general terms the purpose of that session. If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(b) In the closed session, the state body may consider only those matters covered in its disclosure.

(c) The disclosure shall be made as part of the notice provided for the meeting pursuant to Section 11125 or pursuant to subdivision (a) of Section 92032 of the Education Code and of any order or notice required by Section 11129.

(d) If, after the agenda has been published in compliance with this article,

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any pending litigation (under subdivision (e) of Section 11126) matters arise, the postponement of which will prevent the state body from complying with any statutory, court-ordered, or other legally imposed deadline, the state body may proceed to discuss those matters in closed session and shall publicly announce in the meeting the title of, or otherwise specifically identify, the litigation to be discussed, unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage. Such an announcement shall be deemed to comply fully with the requirements of this section.

(e) Nothing in this section shall require or authorize a disclosure of names or other information that would constitute an invasion of privacy or otherwise unnecessarily divulge the particular facts concerning the closed session or the disclosure of which is prohibited by state or federal law.

(f) After any closed session, the state body shall reconvene into open session prior to adjournment and shall make any reports, provide any documentation, and make any other disclosures required by Section 11125.2 of action taken in the closed session.

(g) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed

session, as long as the public is allowed to be present at that location for the purpose of hearing the announcement.

(Added by Stats.1980, c. 1284, p. 4341, § 13. Amended by Stats.1981, c. 968, p. 3692, § 14; Stats.1987, c. 1320, § 3. Amended by Stats.1997, c. 949 (S.B.95), § 10; Stats.1998, c. 210 (S.B.2008), § 2; Stats.2001, c. 243 (A.B.192), § 11.)

11126.4. Closed sessions of Gambling Control Commission; information prohibited from being disclosed by law or tribal-state gaming compact; limitations; public notice

(a) Nothing in this article shall be construed to prevent the California Gambling Control Commission from holding a closed session when discussing matters involving trade secrets, nonpublic financial data, confidential or proprietary information, and other data and information, the public disclosure of which is prohibited by law or a tribal-state gaming compact.

(b) Discussion in closed session authorized by this section shall be limited to the confidential data and information related to the agenda item and shall not include discussion of any other information or matter.

(c) Before going into closed session the commission shall publicly announce the type of data or information to be discussed in closed session, which shall be recorded upon the commission minutes.

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(d) Action taken on agenda items discussed pursuant to this section shall be taken in open session.

(Added by Stats. 2005, c. 274 (S.B. 919), § 1.)

11126.5. Disorderly conduct of general public during meeting; clearing of room

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting the state body conducting the meeting may order the meeting room cleared and continue in session. Nothing in this section shall prohibit the state body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. Notwithstanding any other provision of law, only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

(Added by Stats. 1970, c. 1610, p. 3385, § 1.
Amended by Stats. 1981, c. 968, p. 3692, § 15.)

11126.7. Fees

No fees may be charged by a state body for providing a notice

required by Section 11125 or for carrying out any provision of this article, except as specifically authorized pursuant to this article.

(Added by Stats. 1980, c. 1284, p. 4341, § 14.
Amended by Stats. 1981, c. 968, p. 3692, § 16.)

11127. Application of article

Each provision of this article shall apply to every state body unless the body is specifically excepted from that provision by law or is covered by any other conflicting provision of law.

(Added by Stats. 1967, c. 1656, p. 4026, § 122.
Amended by Stats. 1981, c. 968, p. 3692, § 17.)

11128. Time of closed session

Each closed session of a state body shall be held only during a regular or special meeting of the body.

(Added by Stats. 1967, c. 1656, p. 4026, § 122.
Amended by Stats. 1980, c. 1284, p. 4341, § 15;
Stats. 1981, c. 968, p. 3692, § 18.)

11128.5. Adjournment; declaration; notice; hour for reconvened meeting

The state body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or

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adjourned regular meeting, the clerk or secretary of the state body may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 11125.4 for special meetings, unless that notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by law or regulation.

(Added by Stats.1997, c. 949 (S.B.95), § 11.)

11129. Continuance; posting notice

Any hearing being held, or noticed or ordered to be held by a state body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the state body in the same manner and to the same extent set forth in Section 11128.5 for the adjournment of meetings. A copy of the order or notice of continuance shall be conspicuously

posted on or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(Added by Stats.1967, c. 1656, p. 4026, § 122.
Amended by Stats.1981, c. 968, p. 3692, § 19.
Amended by Stats.1997, c. 949 (S.B.95), § 12.)

11130. Actions to prevent violations or determine applicability of article; validity of rules discouraging expression; audio recording of closed sessions; discovery procedures for recordings

(a) The Attorney General, the district attorney, or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this article or to determine the applicability of this article to past actions or threatened future action by members of the state body or to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the state body to audio record its closed sessions as hereinafter provided.

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(b) The court in its discretion may, upon a judgment of a violation of Section 11126, order the state body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c)(1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by the Attorney General, the district attorney, or the plaintiff in a civil action pursuant to this section or Section 11130.3 alleging that a violation of this article has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this article, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1969, c. 494, p. 1106, § 1; Stats.1981, c. 968, p. 3693, § 20; Stats.1997, c. 949 (S.B.95), § 13; Stats.1999, c. 393 (A.B.1234), § 4; Stats.2009, c. 88 (A.B.176), §

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43.)

11130.3. Judicial determination action by state body in violation of §§ 11123 or 11125 null and void; action by interested person; grounds

(a) Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of obtaining a judicial determination that an action taken by a state body in violation of Section 11123 or 11125 is null and void under this section. Any action seeking such a judicial determination shall be commenced within 90 days from the date the action was taken. Nothing in this section shall be construed to prevent a state body from curing or correcting an action challenged pursuant to this section.

(b) An action shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement related thereto.

(2) The action taken gave rise to a contractual obligation upon which a party has, in good faith, detrimentally relied.

(3) The action taken was in substantial compliance with Sections 11123 and 11125.

(4) The action taken was in connection with the collection of any tax.

(Amended by Stats.1999, c. 393 (A.B.1234), § 5.)

11130.5. Court costs and attorney fees

A court may award court costs and reasonable attorney's fees to the plaintiff in an action brought pursuant to Section 11130 or 11130.3 where it is found that a state body has violated the provisions of this article. The costs and fees shall be paid by the state body and shall not become a personal liability of any public officer or employee thereof.

A court may award court costs and reasonable attorney's fees to a defendant in any action brought pursuant to Section 11130 or 11130.3 where the defendant has prevailed in a final determination of the action and the court finds that the action was clearly frivolous and totally lacking in merit.

(Added by Stats.1975, c. 959, p. 2240, § 6.
Amended by Stats.1981, c. 968, p. 3693, § 21;
Stats.1985, c. 936, § 2.)

11130.7. Violations; misdemeanor

Each member of a state body who attends a meeting of that body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason

SECTION 8: DEPARTMENTAL POLICIES

Media Relations Policy

The current DCA Media Relations Policy is included in this section.



Department of Consumer Affairs Policy

TITLE: MEDIA RELATIONS POLICY	SUPERSEDES: CED-00-06	POLICY #: OPA 06-01
OWNER: OFFICE OF PUBLIC AFFAIRS	EFFECTIVE: IMMEDIATELY	PAGE: 1 of 3
DISTRIBUTE TO: ALL EMPLOYEES	APPROVED BY:	
ISSUE DATE: JANUARY 3, 2006	CHARLENE ZETTEL, Director Department of Consumer Affairs	

Policy	It is the policy of the Department of Consumer Affairs (DCA) that all media relations activities conducted on behalf of the Department will be coordinated through the Office of Public Affairs (OPA).
Applicability	This policy applies to all employees, contractors, consultants, temporary staff of DCA, and its constituent bureaus, divisions, and offices. DCA's boards, committees, and commission are encouraged and requested to adhere to this policy.
Purpose	<p>This policy outlines the acceptable protocols for DCA's media relations activities.</p> <p>These protocols are in place to:</p> <ul style="list-style-type: none"> • Ensure that media representatives receive accurate, authoritative, and timely responses to their requests; • Protect DCA and its employees from potential liability that may result from unauthorized release of information to the media; • Ensure that DCA and its constituent entities receive prompt assistance with their media relations needs; and • Ensure a consistent process for all media relations activities.
Authority	<ul style="list-style-type: none"> • Financial Integrity and State Manager's Accountability Act, Government Code Section 13400, et. seq. • Business and Professions Code Sections 103 and 105
Definitions	<p>Media representatives include print, wire service, broadcast reporters, technical crews, and freelance writers and/or people whose principal employment is to gather or report news for:</p> <ul style="list-style-type: none"> • Newspapers;

**Definitions
(continued)**

- News magazines;
- Trade or industry publications;
- Statewide, national, or international news services;
- Radio or television news or newsmagazine programs;
- Entertainment programs;
- Internet news services;
- Web Logs (blogs); and
- Other similar entities.

Provisions

I. Responding to Media Inquiries

- a. DCA employees shall promptly refer all inquiries from representatives of the news media to OPA.
- b. DCA employees shall obtain prior approval from the Director, the Chief Deputy Director, or the Chief, OPA before communicating to any media representative on behalf of the Department or its constituent entities.
- c. Employees of a board, committee, or commission shall obtain prior approval from their Executive Officer before communicating to any media representative on behalf of their board, committee, or commission.
- d. Employees who wish to communicate to the media on behalf of themselves or others shall not do so on state time, in state facilities, or during the normal course of their duties without prior approval from the Director, the Chief Deputy Director, or the Chief, OPA.

II. Initiating Media Contacts

- a. DCA employees shall obtain prior approval from the Director, the Chief Deputy Director, or the Chief, OPA before initiating any form of contact with media representatives to speak on behalf of the Department regarding department-related business or issues.
 - b. DCA employees who wish to contact the media on behalf of themselves or others shall not do so on state time, in state facilities, or during the normal course of their duties without prior approval from the Director, the Chief Deputy Director, or the Chief, OPA.
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**Provisions
(continued)**

III. Media Releases

- OPA is responsible for the review and approval of media releases.
- Generally, OPA will prepare media releases on behalf of DCA's bureaus, boards, committees, or commission.
- OPA makes every effort to ensure timely review of media releases. Information to be contained in media releases should be submitted to OPA as far in advance as possible. In those instances where time is of the essence, OPA will expedite the review and approval of media releases.
- In some instances, OPA may not approve media releases announcing matters that are time-dated or no longer newsworthy.
- OPA will decide how and to whom media releases are to be distributed.

IV. Media Participation

- In some instances, media representatives may be invited to news conferences or other events. Such events must have the prior approval of the Director, the Chief Deputy Director, or the Chief, OPA.
- Generally, OPA is responsible for scheduling news conferences and other such events. It is important that employees work closely with OPA to ensure the success of such events.
- For instance, OPA can arrange for media interviews with appropriate staff, arrange for archive video, and develop and provide fact sheets, fliers, and other such collateral material. Creation and distribution of these materials will require the closest possible cooperation of staff.

Violations

Employees who violate this policy may be subject to appropriate administrative action up to and including dismissal. DCA will review alleged violations of this policy and take appropriate action.

Revisions

Determination of the need for revision of this policy is the responsibility of the Office of Public Affairs. Direct questions about the Department's *Media Relations Policy* to the Office of Public Affairs at (916) 574-8170. Direct questions regarding the status or maintenance of this policy to the Policy & Publications Development (PPD) Office at (916) 574-7370.

Guidelines for Access to Public Records

This section also contains the current DCA guidelines for access to public records according to the Public Records Act.



Department of Consumer Affairs Policy & Procedures

<i>TITLE:</i> GUIDELINES FOR ACCESS TO PUBLIC RECORDS	<i>SUPERSEDES:</i> LGL 02-01	<i>POLICY #</i> LGL 06-01
<i>POLICY OWNER :</i> LEGAL AFFAIRS DIVISION	<i>EFFECTIVE:</i> IMMEDIATELY	<i>PAGE:</i> 1 of 1 <i>ATTACHMENT(S):</i> 1 of 4
<i>DISTRIBUTE TO:</i> ALL DCA EMPLOYEES	<i>ORIGINAL APPROVED BY:</i> CHARLENE ZETTEL, Director Department of Consumer Affairs	
<i>ISSUE DATE:</i> APRIL 24, 2006		

Policy Every state agency is required under the Public Records Act (PRA) to establish written guidelines for the public to obtain access to public records. The attached guidelines comply with that requirement and the requirements under the PRA aid the member of the public in making a focused request by assisting in identifying the records and information that may be responsive to the request. A copy of the guidelines shall be posted in a conspicuous public place in your offices and shall be provided to any person, upon request, free of charge.

Applicability This policy applies to all governmental officials and employees of DCA and any of its divisions, bureaus, boards, and other constituent agencies. Within this policy, the generic acronym "DCA" applies to all of these entities.

Purpose The purpose of this policy is to establish Guidelines for Access to Public Records.

Authority Government Code section 6253.4; Business and Professions Code sections 110 and 161

Revision Determination of the need for revisions to this policy is the responsibility of the Legal Affairs Division of the DCA. Specific questions regarding the status or maintenance of this policy should be directed to the Policy & Publications Development (PPD) Office at (916) 574-7370. Questions about specific issues should be directed to the Legal Affairs Division at (916) 574-8220.

Attachments Department of Consumer Affairs Public Records Act (PRA) Guidelines

**Department of Consumer Affairs
Public Records Act (PRA) Guidelines
(Government Code Section 6253.4)**

The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. The California Public Records Act, Government Code section 6250 *et seq.*, requires that public records be available to the public upon request. The Department of Consumer Affairs has established the following guidelines to ensure that members of the public fully understand and are afforded the opportunity to exercise their right to inspect and obtain copies of public records.

Public records in the physical custody of the Department of Consumer Affairs or any of its constituent licensing agencies that are not exempt from disclosure will be made available for inspection or copying as follows:

1. Any person may review public records of the department or its constituent agencies (licensing boards) during weekdays and hours that these offices are regularly open for business. Public records will be available for inspection only at the office or location where they are regularly and routinely maintained. The operational functions of the department or its agencies will not be suspended to permit inspection of records during periods in which such records are reasonably required by personnel in the performance of their duties. If the request requires review of numerous records, a mutually agreeable time should be established for the inspection of the records.
2. Requests for inspection or copying of public records:
 - (a) may be made orally or in writing (including email);
 - (b) if made orally, the requestor should be encouraged to place the request in writing or staff should confirm the request in writing through an intake form or by confirming letter;
 - (c) should be addressed to, or directed to, the specific bureau, program or constituent agency within the department (this includes the licensing boards) that the requestor believes has physical custody of the records being sought.
3. Where a request is not specific and focused, unless the department and its constituent agencies make available an index of its records, staff to assist the requester in making a focused and effective request that reasonably describes an identifiable record or records to the extent it is reasonable under the circumstances:
 - (a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

- (b) Describe the information technology and physical location in which the records exist.
- (c) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
4. The requestor will be notified in ten (10) days whether the agency has disclosable public records. If the agency determines that it has disclosable records, the agency shall provide the requestor with an estimated date and time when the records will be made available. Where unusual circumstances exist as specified in Government Code section 6253(c), the agency may, by written notice to the requestor, extend the time for response not to exceed fourteen (14) additional days.
5. If a request is made for a record that is stored in an electronic format, the department and its constituent licensing agencies will comply with the request in accordance with Government Code section 6253.9:
- The department and its constituent agencies shall make the information available in any electronic format in which it holds the information.
 - The department and its constituent agencies shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the department or its constituent agencies to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.
 - The requestor shall bear the cost of producing a copy of the record, including the cost to construct a record from existing data, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:
 - (a) The department or one of its constituent agencies would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.
 - (b) Satisfying the request would require data compilation, extraction, or programming to produce the record.
6. The department and its constituent agencies may refuse to disclose any records that are exempt from disclosure under the Public Records Act.
7. Functions of the department or its constituent licensing agencies will not be suspended to permit, and public records will not be made available for, inspection during periods in which such records are reasonably required by department personnel in the performance of their duties. Special arrangements shall be made in advance for the inspection or copying of voluminous records.

8. Public records in the possession of the department and its constituent agencies may be inspected only in the presence of departmental personnel, except in those cases where the director or his or her designee (in the case of departmental records), or the executive officer or his or her designee (in the case of records in the custody of a licensing agency), determines otherwise. Physical inspection of such records will be permitted at places within the departmental offices or offices of the licensing agency as determined by the director or the executive officer, respectively.
9. The department and its constituent agencies will provide copies of any requested public records not exempt from disclosure upon payment of the following fees authorized by Business and Professions Code section 161:
 - Requested public records will be produced at a charge of ten (10) cents per page plus the actual costs of the staff time for retrieving and duplicating the document(s) and postage (if necessary). The cost of staff time will be computed in accordance with the guidelines contained in Section 8740 of the State Administrative Manual. However, these fees may be waived if the costs of retrieval and duplication are less than the cost of processing the payment.
 - Requests by an individual for copies of records pertaining to that individual (e.g., licensee files, personnel files, etc.) will be provided to that individual at a cost of ten (10) cents per page. In these cases, the cost of staff time for retrieving and duplicating the document(s) shall not be charged (Civil Code § 1798.33). However, these fees may be waived if the costs of duplication are less than the cost of processing the payment.
 - Lists of licensees will be provided in electronic, paper, or mailing label form at a charge sufficient to recover the estimated costs of providing the data. Further information and a list of charges may be obtained by contacting the Office of Information Services at (916) 574-8004.
 - As provided in Business and Professions Code section 163, a charge of \$2.00 will be made to certify any document. This fee is in addition to copying costs.
10. A person who inspects records of the department or its licensing agencies shall not destroy, mutilate, deface, alter or remove any such record or records from the location designated for inspection, but shall physically return these in the same condition as when received, upon either the completion of the inspection or upon verbal request of departmental or agency personnel.
11. In the event that any portion of these guidelines may be deemed at any time to conflict with any law or regulation, the law or regulation shall prevail.
12. A copy of these guidelines shall be posted in a conspicuous public place in the offices of the department, and the offices of each of the constituent licensing agencies of the department. A copy of these guidelines shall be made available free of charge to any person requesting them.

13. Constituent licensing agencies of the department may, by written addendum to these guidelines approved by the executive officer or bureau, division or program chief, specify the procedures by which requests for public records shall be processed and the manner, if any, by which a record of such request shall be maintained by the agency.

APPROVED:

CHARLENE ZETTEL, Director
Department of Consumer Affairs

Date

Incompatible Work Activities

The current DCA policy on Incompatible Work Activities is also included in this section.



TITLE	INCOMPATIBLE WORK ACTIVITIES		
POLICY OWNER	LEGAL AFFAIRS AND OFFICE OF HUMAN RESOURCES		
POLICY NUMBER	OHR 10-01	SUPERSEDES	ADM 99-02
ISSUE DATE	April 8, 2010	EFFECTIVE	IMMEDIATELY
DISTRIBUTE TO	ALL EMPLOYEES		
ORIGINAL APPROVED BY	 Brian Stiger, Director Department of Consumer Affairs		
PAGE	1 of 9	ATTACHMENT	

POLICY

It is the policy of the Department of Consumer Affairs (DCA) to promote and adhere to all policy directives and all laws, rules, and regulations concerning Incompatible Work Activities.

APPLICABILITY

This policy applies to all employees, governmental officials, contractors, consultants, and temporary staff of DCA, and any of its divisions, bureaus, boards, programs, and other constituent agencies. Within this policy, the generic acronym "DCA" applies to all of these entities.

PURPOSE

The purpose of this policy is to outline the State laws set forth in the standards of conduct with which State civil service officers and employees are expected to comply. All of the employees of the DCA have a responsibility to their employer, their fellow employees, and the people of California to conduct themselves in an ethical manner so as not to bring discredit to themselves or the State and the department.

AUTHORITY

- Government Code Section 19990
- Executive Order 66-2, "Standards of Ethical Conduct"
- Penal Code Section 502
- DPA Rule 599.859

PROVISIONS

Responsibility of Employees

Employees of the DCA have a responsibility to their employer, their fellow employees, and the people of California to conduct themselves in an ethical manner so as not to bring discredit to themselves or the State and the department.

The policy in this statement must be observed by each employee of the DCA in order to avoid activities which are clearly inconsistent, incompatible, or in conflict with his [or her] official duties. Employees must review this policy with a view toward their particular job duties and responsibilities.

This policy specifically relates to incompatible activities and does not include all provisions of law or regulations with which employees must comply.

If an employee is uncertain as to whether certain activity, employment, or enterprise is in violation of this policy, the employee should immediately consult with his [or her] supervisor who will indicate in writing whether the activity, employment or enterprise is prohibited.

State Law Prescribed Standards of Conduct

Civil Service Employees: To protect the integrity of the California State Civil Service, State law sets forth standards of conduct with which State civil service officers and employees are expected to comply. Although Government Code Section 19990 is not applicable to those persons exempt from the civil service system, they are also subject to standards of ethical conduct, discussed below. Section 19990 of the Government Code requires that:

A state officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his [or her] duties as a state officer or employee.

Each appointing power shall determine, subject to approval of the Department of Personnel Administration (DPA), those activities which, for employees under its jurisdiction, are inconsistent, incompatible or in conflict with their duties as State officers or employees. Activities and enterprises deemed to fall in these categories shall include, but not be limited to, all the following:

Using Prestige or Influence and Examples

- (a) **Using the prestige or influence of the State or the appointing authority** for the officer's or employee's private gain or advantage or the private gain of another.

Examples of such activities include:

- (1) *Soliciting business from persons licensed by the employee's agency (Board or Bureau) under the guise that the licensee may receive special benefits from the employee's agency.*

- (2) *Soliciting money from a licensee or from other departmental employees for the employee's private gain.*
- (3) *Providing or using the names and/or addresses of licensees, vendors, or other entities subject to regulation by the Department for mailing lists or solicitation unless authorized to do so as part of the employee's duties.*
- (4) *Using the badge, uniform, or identification card of a State position for private gain or advantage.*

Use of State Time, Facilities, etc., and Examples

- (b) **Using State time, facilities, equipment, or supplies** for private gain or advantage.

Examples of such activities include:

- (1) *Using State vehicles or credit cards for personal gain; using State letterhead stationery for private correspondence; using State office supplies, State postage stamping facilities, State copy machines, or computer equipment and software for home or personal business.*
- (2) *Selling products such as cosmetics, jewelry, stationery plastics, etc., at times other than regularly scheduled breaks and lunch periods, or to other employees when they are not on such breaks.*

Using Confidential Information and Examples

- (c) **Using, or having access to, confidential information** available by virtue of State employment for private gain or advantage or providing confidential information to persons to whom issuance has not been authorized.

Examples of such activities include:

- (1) *Disclosing confidential investigative reports or confidential examination materials or information.*
- (2) *Providing or using, unless authorized to do so by the department or by someone to whom that responsibility has been delegated, licensee social security numbers, birth dates, gender, and/or complaint activity reports.*
- (3) *Requesting, acquiring, examining, or disseminating confidential or employee personnel records or personal information maintained by the Department unless authorized in the assignment of related duties.*
- (4) *Willfully misusing, misplacing or destroying confidential information, including but not limited to, the disclosure of passwords or permitting access to computer information systems, programs or other data to unauthorized personnel.*

Accepting Money or Other Consideration and Examples

- (d) **Receiving or accepting money, or any other consideration**, from anyone other than the State for the performance of his [or her] duties as a State officer or employee.

Examples of such activities include:

- (1) Requesting or accepting money, or other consideration, from applicants or licensees for the priority processing of license applications.*
- (2) Charging a fee for helping an applicant complete documents for licensure.*

Performance of an Activity and Examples

- (e) **Performance of an activity, in other than his [or her] capacity as a State officer or employee**, which is subject directly or indirectly, to the control, inspection, review, audit, or enforcement by the officer or employee.

Each board should evaluate its own mission and job classifications to determine what activities are covered by this category. Specific applications may vary by board or bureau. The following examples are provided for guideline purposes only:

- (1) Engaging in a personal medical practice or activity, which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
- (2) Engaging in a nursing practice or activity, which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
- (3) Engaging in a construction business or activity, which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
- (4) Engaging in an automobile related business or activity which, is regulated by the employee's bureau, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
- (5) Engaging in a private legal practice where the employee represents clients in any matter or venture subject to the regulation of an agency in DCA, or represents any licentiate in any enforcement matter before an agency in the Department.*

Exception: to Prohibition in paragraph (e)

A board, bureau, commission, or other employment unit in the DCA may determine that it is in the interests of the agency to allow specified employees to engage in activities, which would otherwise be prohibited under the above guidelines. Examples may include allowing employees holding professional or vocational licenses to engage in the licensed business or profession in order to maintain current skills.

Any agency deciding to allow such employment or activities shall develop criteria to evaluate whether requests to engage in such employment or activities will be approved. The criteria must include, but need not be limited to: the time-base of the employee, the benefit to the organization of the employment or activity, a policy to avoid an actual conflict of interest or the appearance of a conflict of interest, and periodic review of the employment or activity.

Any employee currently engaged in, or desiring to engage in, such employment or activities shall submit a written request to his [or her] supervisor, describing the type and scope of outside employment or activity. The supervisor shall review the request and make a recommendation to approve or disapprove the request, based on the criteria developed by the agency. The request and recommendation shall be submitted through the supervisory chain to the program manager, division chief or executive officer, or designee who will make the determination. The approving officer may review the matter with the DCA's Legal Office and request legal review and a legal opinion regarding the proposed activity. The decision of the approving officer shall be in writing with reasons set forth for the decision.

Gratuities, other things of value

- (f) **Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or other thing of value** from anyone who is doing or seeking to do business of any kind with the officer's or employee's appointing authority, or whose activities are regulated or controlled by the appointing authority under circumstances from which it could reasonably be substantiated that the gift was intended to influence the officer or employee in his [or her] official duties, or was intended as a reward for any official action performed by the officer or employee.

Although this section does not preclude acceptance of gifts, it clearly establishes that if the intent of the giver is to influence future, or reward past, official actions, the gift cannot be accepted. Since determining intent may be difficult, the following guidelines are provided:

- (1) *Does the value of the gift, in itself, suggest an intent other than routine hospitality or gratuity? It may be useful to apply the Fair Political Practices laws as a general guide. These laws require certain employees (**only those who meet specific "Designated Employee" criteria**) to report gifts worth more than \$50 and also specify that gifts totaling more than \$300 during any twelve-month period from any one source establish a financial interest between the source and the recipient. Thus, it follows that gifts approaching these value limits could raise questions under Government Code Section 19990. In addition, gifts considerably below these limits can also be inappropriate if they raise concern under any of the following standards:*
- (2) *Do the circumstances surrounding the gift suggest an improper intent? For example, a gift given on the eve of an important decision involving the donor is of much greater concern than a routine holiday gift or an invitation to an annual*

reception. Gifts directly or indirectly identified as a reward for specific past decisions or actions usually raise questions of improper relationships.

- (3) *Is the gift characteristic of the gratuities, hospitalities, or other items typically received from organizations and/or individuals, similar to the donor? The key here is to not accept a gift from one party, which could be viewed as an attempt to gain an advantage over others who have a similar relationship with the recipient.*
- (4) *How strongly does the form of the gift suggest that it is a routine part of an on-going business relationship as opposed to something more? For example, occasional business lunches or the receipt of mementos bearing the name or insignia of the donor raise fewer questions than gifts of cash, merchandise, extraneous travel or entertainment that have value beyond the business relationship.*

Not Devoting Full Time Efforts to State Office

- (g) Subject to any other laws, rules, or regulations as pertained thereto, **not devoting his [or her] full time, attention, and efforts to his or her State office or employment** during his or her hours of duty as a State officer or employee.

An example of such activity would be conducting a private business during employee's regular hours of duty.

Exempt Appointees/Employees

Appointees/Employees exempt from Civil Service: Pursuant to Executive Order 66-2, please be advised that there exists a code of ethical standards, which is applicable to gubernatorial appointees, not including judicial or county board of supervisor employees. This code of ethical standards is to be followed in addition to any and all other statutes and executive orders (i.e. the Fair Political Practices Act) which might affect questions of conflict of interest, incompatibility or ethics relating to gubernatorial appointees.

Applicable portions of the Executive Order are set out below. You are requested to carefully read these sections and to comply with both their letter and spirit.

Standards of Ethical Conduct for Exempt appointees/employees

"Standards of Ethical Conduct"

"No employment, activity, or enterprise shall be engaged in by any officer or employee of the Executive Department of the State which might result in, or create the appearance of resulting in any of the following:

- (1) **Using the prestige or influence of a State office or employment** for the officer's or employee's private gain or advantage, or the private gain or advantage of another.

- (2) **Using State time, facilities, equipment, or supplies** for the officer's or employee's private gain or advantage, or the private gains or advantage of another.
- (3) **Using confidential information** acquired by virtue of State employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- (4) **Receiving or accepting money or any other consideration** from anyone other than the State for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his [or her] State employment or as a part of his [or her] duties as a State officer or employee.
- (5) **Performance of an act in other than his [or her] capacity as a State officer or employee** knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such officer or employee or the agency by which he or she is employed. [This, of course, would not preclude an "industry" member of a board or commission from performing the normal functions of his or her occupation.]
- (6) **Receiving or accepting, directly or indirectly, any gift**, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the State or whose activities are regulated or controlled in any way by the State, under circumstances from which it reasonably could be inferred that the gift was intended to influence him [or her] in his [or her] official duties or was intended as a reward for any official action on his [or her] part." (Emphasis added.)

Other Acts that maybe Incompatible

The aforementioned limitations do not attempt to specify every possible limitation on employee activity that might be determined and prescribed under the authority of Section 19990 of the Government Code. If later experience shows a need for additions to, deletions from, or clarification of the aforementioned limitations, the DCA will request the approval of the Department of Personnel Administration (DPA) in making changes it determines necessary. Upon such approval, the listing will be amended. Nothing in this statement or listing should be construed by any employee as the sole provisions of law and administrative rules, which should be observed by each State officer, and employee of this department.

Procedures for Determining Incompatible Work Activity

This procedure applies to all requests to engage in outside employment or activity other than a request for an exemption from the prohibitions contained in Government Code Section 19990(e), which procedure is set forth above.

Any officer or employee who is engaging, or intends to engage, in outside employment or an activity or enterprise which may be in conflict with the provisions of this policy shall submit a written request for review of the matter to his [or her] immediate supervisor.

The written request from the employee shall include the following information:

- (1) The name of the officer or employee.
- (2) The name of the board, unit or office by which the person is employed.
- (3) The classification of the officer or employee.
- (4) The collective bargaining unit representing the officer or employee, if applicable.
- (5) The officer's or employee's duty statement, along with a statement describing the extent to which the employee's duties pertain to any confidential information that would come under his [or her] direct review.
- (6) A detailed description of the specific activity in which the officer or employee intends to engage.

The immediate supervisor shall review the request and discuss it with the administrative head of the board, office or unit, as applicable. The administrative head may review the matter with the DCA's Legal Office and request a legal opinion on whether the proposed activity is prohibited by the DCA's Incompatible Work Activity Statement. If the supervisor approves the employee's request, then, upon written approval of the employee's first line supervisor, the employee may continue to, or proceed to, engage in the activity or business. If the supervisor denies the employee's request, a written statement detailing the reason(s) for the denial will be provided to the employee.

Represented employees may appeal a denial in accordance with the terms of the employee's collective bargaining agreement. Non-represented employees may appeal under DPA Rule 599.859 to the Director. In all cases, the Director's decision shall be final.

State Attorney and Administrative Law Judges; Service on Governmental Bodies

Service on a local appointed or elected governmental board, commission, committee, or other body or as a local elected official by an attorney employed by the state in a nonelected position or by an administrative law judge, as defined in Section 11475.10, shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to, the duties of the attorney or administrative law judge as a state officer or employee and shall not result in the automatic vacation of either office.

Nothing in this section shall be construed to prohibit an administrative law judge, as defined in Section 11475.10, or an attorney employed by the state in a nonelected position from serving on any other appointed or elected governmental board, commission, committee, or other body, consistent with all applicable conflict-of-interest statutes and regulations and judicial canons of ethics.

Violation of Policy

Failure to follow any of the provisions of this policy is cause for discipline, which may include termination of employment.

In addition, any tampering, interference, damage, or unauthorized access to computer data or computer systems may constitute a criminal violation of Penal Code Section 502.

Revision of Policy

Determination of the need for revisions to this policy is the responsibility of the Legal Affairs Division and the Office of Human Resources (916) 574-8300.

Specific questions regarding the status or maintenance of this policy should be directed to the Division of Legislative and Policy Review at (916) 574-7800.

Security Agreement and Language Attachment

Incompatible Work Activity Security Agreement is attached.

RECOMMENDED IMPLEMENTATION STRATEGY

This policy is distributed to all new employees in the new employee packets or transfer packets.

The department may wish to implement this policy on an annual basis and distribute to all employees to ensure everyone has read and signed the "Incompatible Work Activity Security Agreement."

My signature on this acknowledgement for does not modify my employment relationship with DCA as set forth in the most current Memorandum of Understanding (MOU) appropriate to my employee bargaining unit.

(Printed Name)

(Signature)

(Date)

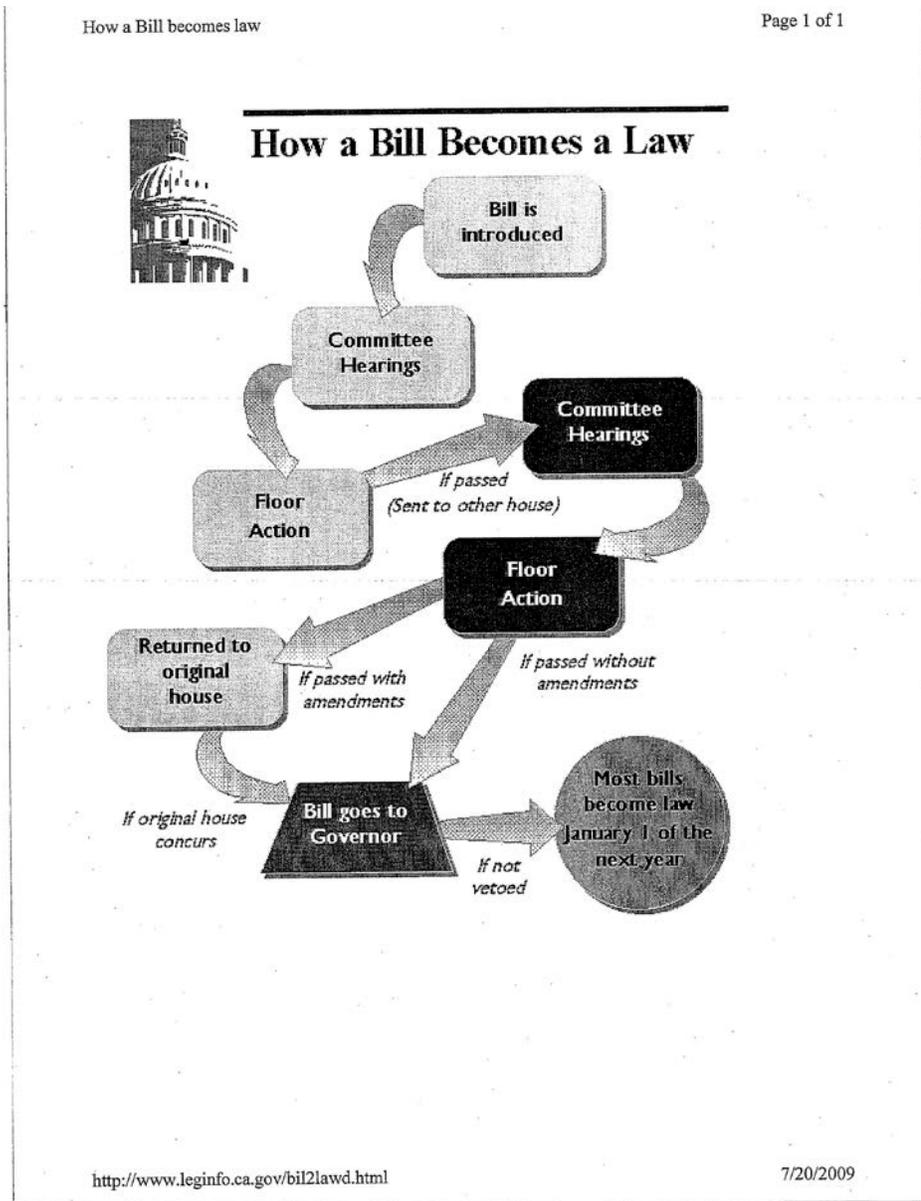
(Board/Bureau/Committee/Commission/Program/Division/Office)

Original: Office of Human Resources (Official Personnel File)
Copies: Employee, Supervisor

SECTION 9: LEGISLATIVE INFORMATION

How a Bill Becomes Law

This includes a diagram which shows the process from introduction of a bill to the bill becoming law.



A Guide for Accessing California Legislative Information on the Internet

Included in this section is the guide prepared by the State of California Legislative Counsel and includes how to access legislative information on the Internet, and glossaries of legislative and Internet terms.

**A Guide for Accessing
California Legislative Information
on the Internet**

Prepared by

The Legislative Counsel
State of California
comments@leginfo.public.ca.gov

January 2009

[HOME](#)

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Introduction

Information regarding matters pending before the Legislature has been available to the citizens of California in printed form since 1849. That same information is now available on the Internet pursuant to California law.

This Public Access guide is designed to assist the general public in obtaining legislative information from the Public Access computer over the Internet. The guide also provides the following appendices: Overview of the Legislative Process, Glossary of Legislative Terms, and Glossary of Internet Terms. A review of the guide, including the appendices, should be completed before attempting to look at legislative information on the Internet. This guide is also available on the Internet.

<http://www.leginfo.ca.gov/guide.html>

7/20/2009

TOP HOME***What Legislative Information is Available?***

California Law requires that for each current legislative session, the following information be made available on the Internet:

- The Legislative Calendar
- The schedule of legislative committee hearings
- A list of matters pending on the floors of both houses of the Legislature
- A list of the committees of the Legislature and their members
- The text of each bill introduced, including each amended, enrolled, and chaptered form of each bill
 - The history of each bill introduced and amended
 - The status of each bill introduced and amended
 - All bill analyses prepared by legislative committees in connection with each bill
 - Any veto message concerning a bill
 - The California Codes
 - The California Constitution
 - All statutes enacted on or after January 1, 1993
 - Rules of the Legislature are rules the Legislature adopts to govern its own legislative procedures. These rules are available on the Internet, as is information provided by individual Legislators. In addition to legislative information for the current session, information for the prior legislative session is also available.

All of the information is directly related to the legislative process and how a bill becomes law. Once laws are passed by the Legislature they can have a direct impact on your life. In a representative form of government, citizens possessing knowledge about issues and the process of government can affect the policy decisions under consideration by the Legislature.

Prior to selecting any of the legislative information, it is important that you understand the legislative process and how and where the legislative information fits into the process. A review of Appendix A. Overview of the Legislative Process and Appendix B. Glossary of Legislative Terms should be helpful.

TOP HOME***How do I Access the Legislative Information?***

World Wide Web The Legislative Counsel's World Wide Web site on the Internet provides official California legislative information. The Legislative Counsel's home page offers easy access to various categories of legislative information. To access the Legislative Counsel's home page, use the following Uniform Resource Locator (URL): <http://www.leginfo.ca.gov>

The Home Page contains eight buttons or selections: Today's Events, Bill Information, California Law, Your Legislature, Legislative Publications, Legislative WWW Sites, Legislative Counsel, and New Features. Each of these selections will take you to subsequent pages for retrieving specific legislative information. You can quickly retrieve the current day's schedule of floor sessions and committee meetings. You can also retrieve bill information by requesting a particular bill or searching the bills by

subject, author or both.

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File Transfer Protocol (FTP) File Transfer Protocol (FTP) is an Internet tool that allows you to transfer files from the public access computer to your local computer using FTP commands. FTP commands are used to transfer files directly. The legislative information that is available through the public access Web Site is contained on a database that supports the Web site. The FTP commands permit you, by identifying designated directories and subdirectories, to directly download the same database that is used to create the "Official California Legislative Information" Web site. Understanding the directories is critical to your understanding of the information.

There is a main legislative information directory and subsequent directories that contain the Daily File, Bill Information, California Codes, California Constitution, Statutes, Rules of the Legislature, and prior session information. Each of these directories is broken down further into sub-directories to allow you to more readily retrieve the information. The main legislative information directory can be thought of as a tree trunk with branches representing the other directories and sub-directories.

There is also a directory entitled "bill" that contains the bill information, statutory text, and other legislative information in a structured, relational database, as well as instructions on its use.

Direct File Transfer provides a direct connection to the public access computer by way of an Internet FTP prompt. To access the Internet FTP prompt from your system's prompt, type:

ftp://leginfo.public.ca.gov/pub

At the user ID prompt, type anonymous. At the password prompt, type your Electronic Mail (E-mail) address or a word of your choice. At the Internet FTP prompt, use FTP commands to access the files of legislative information.

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What Help is Available?

As with any other computer program you have obtained, help can be provided by a variety of sources. For example, colleges and universities, libraries, public schools, instructors and students, and your friends, many of whom are very knowledgeable about computers and/or the Internet, can provide helpful assistance. If you are accessing the legislative information by way of the WWW Site, there is a Help button on most pages that will provide you with assistance on retrieving information from that page. Help will also provide additional information about the contents of the legislative information.

There is also a Feedback button on each page that allows you to send us questions or comments about our service. If you would like to send us any questions or comments, or would like to be placed on the E-mail list, send your request to the following E-mail address: **comments@leginfo.public.ca.gov**

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Overview of Legislative Process

<http://www.leginfo.ca.gov/guide.html>

7/20/2009

The process of government by which bills are considered and laws enacted by the California State Legislature is commonly referred to as the legislative process. The California State Legislature is made up of two houses: the Senate and the Assembly. There are 40 Senators and 80 Assembly Members representing the people of the State of California. The Legislature maintains a legislative calendar governing the introduction and processing of the legislative measures during its two-year regular session.

Idea

All legislation begins as an idea or concept. Ideas and concepts can come from a variety of sources. The process begins when a Senator or Assembly Member decides to author a bill.

The Author

A legislator sends the idea for the bill to the Office of the Legislative Counsel, where it is drafted into bill form. The draft of the bill is returned to the legislator for introduction. If the author is a Senator, the bill is introduced in the Senate. If the author is an Assembly Member, the bill is introduced in the Assembly.

First Reading/Introduction

A bill is introduced or read the first time when the bill number, the name of the author, and the descriptive title of the bill are read on the floor of the house. The bill is then sent to the Office of State Publishing. No bill except the Budget Bill may be acted upon until 30 days have passed from the date of its introduction.

Committee Hearings

After introduction, a bill goes to the rules committee of the house, where it is assigned to the appropriate policy committee for its first hearing. Bills are assigned to policy committees according to subject area. For example, a Senate bill dealing with health care facilities would first be assigned to the Senate Health and Human Services Committee for policy review. Bills that require the expenditure of funds must also be heard in the fiscal committees, Senate Appropriations and Assembly Appropriations. Each committee is made up of a specified number of Senators or Assembly Members.

During the committee hearing the author presents the bill to the committee, and testimony may be heard in support or opposition to the bill. The committee then votes on whether to pass the bill out of committee, or that it be passed as amended. Bills may be amended several times. It takes a majority vote of the committee membership for a bill to be passed and sent to the next committee or to the floor.

Each house maintains a schedule of legislative committee hearings. Prior to a bill's hearing, a bill analysis is prepared that explains the intended effect of the bill on current law, together with background information. Typically the analysis also lists organizations that support or oppose the bill.

Second and Third Reading

Bills passed by committees are read a second time on the floor in the house of origin and then assigned to third reading. Bill analyses are also prepared prior to third reading. When a bill is read the third time it is explained by the author, discussed by the Members, and voted on by a roll call vote. Bills that require an appropriation, or that take effect immediately, ordinarily require 27 votes in the Senate and 54 votes in the Assembly to be passed. Other bills generally require 21 votes in the Senate and 41 votes in the Assembly. If a bill is defeated, the Member may seek reconsideration and another vote.

Repeat Process in Other House

Once the bill has been approved by the house of origin it proceeds to the other house where the

procedure described above is repeated.

Resolution of Differences

If a bill is amended in the second house, it must go back to the house of origin for concurrence, meaning agreement on those amendments. If the house of origin does not concur in those amendments, the bill is referred to a two-house conference committee to resolve the differences. Three members of the committee are from the Senate and three are from the Assembly. If a compromise is reached, the bill is returned to both houses for a vote.

Governor

If both houses approve a bill, it goes to the Governor. The Governor has three choices: sign the bill into law, allow it to become law without his or her signature, or veto it. A governor's veto can be overridden by a two-thirds vote in both houses. Most enacted bills go into effect on the first day of January of the next year. Urgency bills, and certain other measures, take effect immediately after they are enacted into law.

California Law

Each bill that is passed by the Legislature and approved by the Governor is assigned a chapter number by the Secretary of State. These chaptered bills are statutes, and ordinarily become part of the California Codes. The California Codes are a comprehensive collection of laws grouped by subject matter.

The California Constitution sets forth the fundamental laws by which the State of California is governed. All amendments to the California Constitution come about as a result of constitutional amendments approved by the voters at a statewide election.

TOP HOME**Glossary of Legislative Terms****Across the Desk**

The official act of introducing a bill or resolution. The measure is given to the Chief Clerk or his or her representative at the Assembly Desk in the Assembly Chamber or to the Secretary of the Senate or his or her representative in the Senate Chamber. The measure then receives a number and becomes a public document available from the bill room (or at www.leginfo.ca.gov). Each proposed amendment to a measure also must be put across the desk in the Assembly or Senate in order to be considered for adoption.

Act

A bill passed by the Legislature and enacted into law.

Adjournment

Termination of a meeting, occurring at the close of each legislative day upon the completion of business, with the hour and day of the next meeting being set prior to adjournment.

Adjournment Sine Die

Final adjournment of the Legislature; regular sessions of the Legislature, and any special session not previously adjourned, are adjourned sine die at midnight on November 30 of each even-numbered year.

Adoption

Approval or acceptance; usually applied to amendments, resolutions, or motions.

Amendment

Proposal to change the text of a bill after it has been introduced. Amendments must be submitted to the Legislative Counsel for drafting or approval.

Author's amendments - Amendments proposed by the bill's author. Author's amendments to a bill may be adopted on the floor prior to the committee hearing on the bill with the committee chair's approval.

Hostile amendments - Amendments proposed by another member and opposed by the author in a committee hearing or during Assembly or Senate floor consideration.

Analysis of the Budget Bill

The Legislative Analyst's comprehensive examination of the Governor's budget, available to legislators and the public about six weeks after the Governor submits the budget to the Legislature.

Appropriation

The amount of money made available for expenditure by a specific entity for a specific purpose, from the General Fund or other designated state fund or account.

Appropriations Limit

A limitation in the California Constitution on the maximum amount of tax proceeds that state or local government may appropriate in a fiscal year. The limit is based on 1986-87 fiscal year appropriations, and is adjusted annually.

Approved by the Governor

Signature of the Governor on a bill passed by the Legislature.

Archives

Refers to both location and contents of public records kept by the Secretary of State, including copies of all measures considered at each session, journals, committee reports, and documents of historic value.

Assembly

The house of the California Legislature consisting of 80 members, elected from districts determined on the basis of population. Two Assembly districts are situated within each Senate district.

Assistant Chief Clerk

Performs the duties of the Chief Clerk of the Assembly in his or her absence.

Author

Member of the Legislature who introduces a legislative measure.

BCP (Budget Change Proposal)

A document prepared by a state agency, and submitted to the Department of Finance, to propose and document budget changes to support operations of the agency in the next fiscal year; used in preparing the Governor's budget.

Bicameral

Refers to a legislature consisting of two houses (see Unicameral).

Bill

A proposed law, introduced during a session for consideration by the Legislature, and identified numerically in order of presentation; also, a reference that may include joint and concurrent resolutions and constitutional amendments.

Bill Analysis

A document prepared by committee and/or floor analysis staff prior to hearing the bill in that committee or on the floor of the Assembly or Senate. It explains how a bill would change current law and sometimes identifies major interest groups in support or opposition.

Blue Pencil

The California Constitution grants the Governor "line item veto" authority to reduce or eliminate any item of appropriation in any bill including the Budget Bill. Years ago the Governor used an editor's blue pencil for the task.

Bond Bill (general obligation bonds)

A bill authorizing the sale of state general obligation bonds to finance specified projects or activities. Subsequent to enactment, a general obligation bond bill must be approved by the voters.

Budget

Proposed expenditure of state moneys for the next fiscal year, presented by the Governor in January of each year for consideration by the Legislature; compiled by the Department of Finance, in conjunction with state agency and department heads.

Budget Act

The Budget Bill after it has been enacted into law.

Budget Bill

The bill setting forth the spending proposal for the next fiscal year, containing the budget submitted to the Legislature by the Governor.

Budget Change Proposal

See BCP.

Budget Year

The fiscal year addressed by a proposed budget, beginning July 1 and ending June 30.

COLA

Cost-of-living adjustment.

Cal-SPAN (The California Channel)

The cable television channel that televises Assembly and Senate proceedings.

Call of the House

On motion from the floor to place a call of the house, the presiding officer directs the Sergeant-at-Arms to lock the chambers and bring in the absent Members (by arrest, if necessary) to vote on a measure under consideration. Action is not taken on an item under call until the call is lifted, at which time it must be immediately voted on.

Call the Absentees

Order by the presiding officer directing the reading clerk to call the names of Members who have not responded to the roll call.

Capital Outlay

Generally, expenditures to acquire or construct real property.

Capitol Press Corps

Those members of the press who cover events in the Capitol.

Casting Vote

The deciding vote the Lieutenant Governor may cast in the case of a tie vote in the Senate.

Caucus

(1) A closed meeting of legislators of one's own party.

(2) Any group of legislators who coalesce formally because of their common interest in specific issues.

Chair

The current presiding officer, usually in the context of a committee hearing.

Chamber

The Assembly or Senate location where floor sessions are held.

Chapter

When a bill has been passed by the Legislature and enacted into law, the Secretary of State assigns the bill a "chapter number" such as "Chapter 123, Statutes of 1992," which is subsequently used to refer to the measure in place of the bill number.

Chapter Out

When, during a calendar year, two or more bills amend the same section of law and more than one of those bills becomes law, the bill enacted last (and therefore given a higher chapter number) becomes law and prevails over the bill or bills previously enacted (see Double Joint).

Check-in Session

Certain weekdays when legislators do not meet in formal legislative sessions, they are required to "check in" with the Chief Clerk of the Assembly or Secretary of the Senate. Mondays and Thursdays are ordinarily floor session days. Check-in days are typically Tuesdays and Wednesdays.

Chief Clerk

An Assembly employee elected by Assembly Members at the beginning of every two-year session to serve as principal parliamentarian and record keeper of the Assembly. Responsible for all Assembly daily and weekly publications.

Coauthor

A member of either house whose name is added to a bill as a coauthor by amending the bill, usually indicating support for the proposal.

Codes

Bound volumes of law organized by subject matter. The code sections to be added, amended, or repealed by a bill are identified in the title of the bill.

Committee of the Whole

The Assembly or Senate meeting as a committee for the purpose of receiving information.

Companion Bill

An identical bill introduced in the other house. This procedure is far more common in Congress than in the California Legislature.

Concurrence

The approval by the house of origin of a bill as amended in the other house. If the author is unwilling to move the bill as amended by the other house, the author requests "nonconcurrence" in the bill and asks for the formation of a conference committee.

Concurrent Resolution

A measure introduced in one house that, if approved, must be sent to the other house for approval. The Governor's signature is not required. These measures usually involve the internal business of the Legislature.

Conferees

Members of a conference committee.

Conference Committee

Usually composed of three legislators (two voting in the majority on the disputed issue, one voting in the minority) from each house, a conference committee meets in public session to forge one version of a bill when the house of origin has refused to concur in amendments to the bill adopted by the other house. For the bill to pass, the conference committee version must be approved by both Assembly and Senate. Assembly conferees are chosen by the Speaker; Senate conferees are chosen by the Senate Committee on Rules.

Confirm

The process whereby one or both houses approve the Governor's appointments to executive offices, departments, boards, and commissions.

Consent Calendar

File containing bills that received no dissenting votes in committee.

Constituent

A person who resides within the district represented by a legislator.

Constitutional Amendment

A resolution proposing a change to the California Constitution. It may be presented by the Legislature or by initiative, and is adopted upon voter approval at a statewide election.

Consultant

Ordinarily, a professional staff person who works for a legislative committee.

Contingent Effect

Section in a bill indicating that it is to become operative only upon the enactment of another measure (to be distinguished from double jointing).

Contingent Funds

The funds from which moneys are appropriated by the respective houses for their operating expenses.

Convene

To assemble a meeting. Each house of the Legislature usually convenes twice a week.

Daily File

Publication produced by each house for each day the house is in session. The publication provides information about bills to be considered at upcoming committee hearings and bills that are eligible for consideration during the next scheduled floor session. Pursuant to Joint Rule 62(a), any bill to be heard in committee must be noticed in the Daily File for four days, including weekend days. The Daily File also contains useful information about committee assignments and the legislative calendar.

Daily History

Produced by the Assembly and Senate respectively the day after each house has met. The History lists specific actions taken on legislation. Each measure acted upon in that house the previous day is listed in numerical order.

Daily Journal

Produced by the Assembly and Senate respectively the day after a floor session. Contains roll call votes on bills heard in policy committees and bills considered on the floor, and other official action taken by the body. Any official messages from the Governor are also included. A Member may seek approval to publish a letter in the Journal on a specific legislative matter. At the end of a legislative session, the Journals are bound.

Desk

The long desk in front of the presiding officer's rostrum where much of the clerical work of the body is conducted. Also, a generic term for the staff and offices of the Secretary of the Senate and the Chief Clerk of the Assembly.

Desk Is Clear

Statement by the presiding officer that there is no further business before the house.

Digest

Prepared by the Legislative Counsel, it summarizes the effect of a proposed bill on current law. It appears on the first page of the printed bill.

District

The area of the state represented by a legislator. Each district is determined by population and is designated by a number. There are 40 Senate districts and 80 Assembly districts.

District Bill

A bill that generally affects only the district of the Member of the Legislature who introduced the bill.

Do Pass

Motion that, if adopted by a committee, moves a bill to the floor or to the next committee.

Do Pass As Amended

Committee motion that a bill be passed with the recommendation that the floor adopt specified amendments.

Double Joint

Amendments to a bill providing that the amended bill does not override the provisions of another bill, where both bills propose to amend the same section of law (see Chapter Out).

Double Refer

Legislation recommended for referral to two policy committees for hearing rather than one. Both committees must approve the measure to keep it moving in the process. Typically used for sensitive subject areas that transcend the jurisdiction of one policy committee. Bill referrals are made by the Assembly and Senate Committees on Rules for their respective houses.

Dropped

Author has decided not to pursue the passage of the bill.

Enacting Clause

The following phrase at the beginning of the text of each bill: "The people of the State of California do enact as follows."

Engrossment

When a bill is amended, the printed form of the bill is proofread by staff to assure that the amendments are inserted properly. After being proofread, the bill is "correctly engrossed" and is thereupon deemed to be in proper form.

Enrollment

Whenever a bill passes both houses of the Legislature, it is ordered enrolled. In enrollment, the bill is again proofread for accuracy and then delivered to the Governor. The "enrolled bill" contains the complete text of the bill with the dates of passage certified by the Secretary of the Senate and the Chief Clerk of the Assembly. A resolution, when enrolled, is filed directly with the Secretary of State.

Ex Officio

(literally: out of or because of one's office) The act of holding one office by reason of holding another. For example, the Lieutenant Governor is, ex officio, a member of the Regents of the University of California.

Executive Session

A committee meeting restricted to committee members and specifically invited persons.

Expunge

A motion by which an action taken in a floor session is deleted from the Daily Journal (for example, "Expunge the record").

Extraordinary Session

A special legislative session called by the Governor by proclamation to address only those issues specified in the proclamation; also referred to as a special session. Measures introduced in these sessions are numbered chronologically with a lower case "x" after the number (for example, AB 28x).

File

See Daily File.

File Number

The number assigned to a measure in the Assembly or Senate Daily File. The file number changes each

day as bills move on or off the Daily File. File numbers are assigned to measures on second and third reading; in conference; unfinished business (a bill amended in the other house and awaiting concurrence in amended form); and Governor's appointments. Legislation is taken up on the Assembly or Senate floor in chronological order according to file number. Items considered on the floor are ordinarily referred to by file number.

Final History

The publication printed at the end of every session showing the final disposition of all measures.

Finance Letter

Revisions to the Budget Bill proposed by the Department of Finance and addressed to appropriate committee chairs in the Assembly and Senate.

First Reading

Each bill introduced must be read three times before final passage. The first reading of a bill occurs when it is introduced.

Fiscal Bill

Generally, a measure that contains an appropriation of funds or requires a state agency to incur additional expense. The Legislative Counsel's designation of whether a bill is a fiscal bill appears at the end of the Digest found in the printed bill. Fiscal bills must be heard by the Assembly and Senate Appropriations Committees in addition to the policy committees in each house.

Fiscal Committee

The Appropriations Committee in the Assembly and the Appropriations Committee in the Senate, to which each fiscal bill is referred upon approval by policy committee. If the fiscal committee approves a bill, it then moves to the floor.

Fiscal Deadline

The date on the legislative calendar by which all bills with fiscal effect must have been taken up in a policy committee and referred to a fiscal committee. Any fiscal bill missing the deadline is considered "dead" unless it receives a rule waiver allowing further consideration.

Fiscal Year

The 12-month period on which the state budget is planned, beginning July 1 and ending June 30 of the following year. The federal fiscal year begins October 1 and ends September 30 of the following year.

Floor

(1) The Assembly or Senate Chamber.

(2) The term used to describe the location of a bill or the type of session, connoting action to be taken by the house. Matters may be said to be "on the floor."

Floor Manager

The legislator responsible for taking up a measure on the floor. This is always the bill's author in the house of origin, and a Member of the other house designated by the author when the bill is considered by the other house. The name of the floor manager in the other house appears in parentheses after the author's name in the second or third reading section of the Daily File.

Floor Pass

A visitor may not observe the Assembly or Senate from the rear of the chamber without a floor pass. Assembly passes are issued by the Speaker's office; Senate passes are issued by the President pro Tempore's office. Passes are not required for the viewing area in the gallery above the chambers.

Foreign Amendments

Amendments not drafted by the Office of Legislative Counsel.

Four-Day File Notice

As set forth in Joint Rule 62(a), the requirement that each bill in the first committee of reference be noticed in the Daily File for four days prior to the committee hearing at which it will be considered. At a second or subsequent committee of reference, a notice of only two days is required.

Germaneness

Referring to the legislative rule requirement that an amendment to a bill be relevant to the subject matter of the bill as introduced. The Legislative Counsel may be asked to opine on germaneness, but the matter is subject to final determination by the full Assembly, or the Senate Committee on Rules.

Governor's Budget

The spending plan submitted by the Governor in January for the next fiscal year (see Budget).

Grandfathering

When a preexisting situation is exempted from the requirements of a new law.

Handbook

The 3" x 5-3/4" hardbound edition of "California Legislature" published for each two-year legislative session. Contains indexed versions of the Assembly, Senate, and Joint Rules; biographies of members; and other useful information. Published by the Chief Clerk of the Assembly and Secretary of the Senate.

Hearing

A committee meeting convened for the purpose of gathering information on a subject or considering specific legislative measures.

Held in Committee

Status of a bill that fails to receive sufficient affirmative votes to pass out of committee.

Hijack

Adoption of amendments that delete the contents of a bill and insert provisions on a different subject (see Germaneness). May occur with or without the author's permission.

House

In California, refers to either the Senate or the Assembly.

Inactive File

The portion of the Daily File containing legislation that is ready for floor consideration, but, for a variety of reasons, is dead or dormant. An author may move a bill to the inactive file, and move it off the inactive file at a later date. During the final weeks of the legislative session, measures may be moved there by the leadership as a method of encouraging authors to take up their bills promptly.

Initiative

A legislative proposal to change statutory law or the California Constitution, submitted directly by

members of the public rather than by the Legislature, and requiring voter approval at a statewide election. To qualify for a statewide ballot, a statutory initiative must receive signatures equal to 5 percent, and a constitutional amendment initiative must receive signatures equal to 8 percent, of the votes for all candidates for Governor at the last gubernatorial election.

Inquiry System

A database containing bill analyses, bill status, bill text, votes, and other useful information for bill tracking and research by legislative employees in Sacramento and district offices. The system is maintained by the Legislative Data Center, which is a part of the Office of Legislative Counsel.

Interim

The period of time between the end of a legislative year and the beginning of the next legislative year. The legislative year ends on August 31 in even-numbered years and in mid-September in odd-numbered years.

Interim Study

The assignment of the subject matter of a bill to the appropriate committee for study during the period the Legislature is not in session.

Joint Committee

A committee composed of equal numbers of Assembly Members and Senators.

Joint Resolution

A resolution expressing the Legislature's opinion about a matter within the jurisdiction of the federal government, which is forwarded to Congress for its information. Requires the approval of both Assembly and Senate but does not require signature of the Governor.

Joint Session

The Assembly and Senate meeting together, usually in the Assembly Chamber. The purpose ordinarily is to receive special information such as the Governor's State of the State address.

Journal

See Daily Journal.

Laws

The rules adopted by formal governmental action that govern our lives in various respects.

Lay On The Table

A motion to temporarily postpone consideration of a matter before a committee or the house, such that the matter may later be brought up for consideration by a motion to "take from the table."

Legislative Advocate

An individual (commonly known as a lobbyist) engaged to present to legislators the views of a group or organization. The law requires formal registration with the Secretary of State if an individual's lobbying activity exceeds 25 contacts with decision makers in a two-month period.

Legislative Analyst

The Legislative Analyst, who is a legislative appointee, and his or her staff provide thorough, nonpartisan analysis of the budget submitted by the Governor; also analyze the fiscal impact of other legislation and prepare analyses of ballot measures published in the state ballot pamphlet.

Legislative Counsel

The Legislative Counsel (who is appointed jointly by both houses) and his or her legal staff are responsible for, among other things, drafting all bills and amendments, preparing the Digest for each bill, providing legal opinions, and representing the Legislature in legal proceedings.

Legislative Counsel's Digest

See Digest.

Legislative Data Center

Department of the Office of Legislative Counsel that maintains the Inquiry System, operates the database under which legislation is drafted and conveyed to the Office of State Publishing to be printed, and otherwise provides technological support to the Legislature.

Lieutenant Governor

The President of the Senate, as so designated by the California Constitution, allowing him or her to preside over the Senate and cast a vote only in the event of a tie. If the Governor cannot assume his or her duties or is absent from the state, the Lieutenant Governor assumes that office for the remainder of the term or during the absence.

Line Item Veto

See Blue Pencil.

Lobbyist

See Legislative Advocate.

Lobbyist Book

The Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers published every legislative session by the Secretary of State; available to the public for \$12.00 from the Legislative Bill Room at the State Capitol, or from the Secretary of State's office at www.ss.ca.gov/prd/ld/cover.htm. Photos and addresses of lobbyists are included with a list of the clients each represents. Employers of lobbyists are also listed alphabetically.

Lower House

The Assembly.

Majority Floor Leader

Assembly Member who is an issues and political strategist for the Assembly's majority party, second in command to the Assembly Speaker. Elected by the members of the Assembly's majority party.

Majority Leader

Senator who is an issues and political strategist for the Senate's majority party, second in command to the Senate President pro Tempore. Elected by the members of the Senate's majority party.

Majority Vote

A vote of more than half of the legislative body considering a measure. Constituted by 41 votes in the Assembly, and by 21 votes in the Senate.

Majority Whip

One of the members of the majority party's leadership team in the Assembly or Senate; responsible for monitoring legislation and securing votes for legislation on the floor.

Mason's Manual

The reference manual that governs matters of parliamentary procedure that are not covered by the Legislature's own written rules.

May Revision

Occurring in early May, the updated estimate of revenues and expenditures that replaces the estimates contained in the Governor's budget submitted in January.

Measure

A bill, resolution, or constitutional amendment that is considered by the Legislature.

Minority Floor Leader

The highest-ranking minority party post in each house; chief policy and political strategist for the minority party.

Minority Whip

One of the members of the minority party's leadership team in the Assembly or Senate; responsible for monitoring legislation and securing votes for legislation on the floor.

Minutes

An accurate record of the proceedings (see Daily Journal).

Motion

A formal proposal for action made by a legislator during a committee hearing or floor session.

Nonfiscal Bill

A measure not having specified financial impact on the state and, therefore, not required to be heard in an Assembly or Senate fiscal committee as it moves through the legislative process. Nonfiscal bills are subject to different legislative calendar deadlines than fiscal bills.

Officers

Those Members and employees of the Legislature who are elected by the membership of each house at the beginning of each session to perform specific functions on behalf of the house. Assembly officers include the Speaker, Speaker pro Tempore, Chief Clerk, and Sergeant-at-Arms. Senate officers include the President pro Tempore, Secretary of the Senate, and Sergeant-at-Arms.

On Call

A roll call vote in a committee or an Assembly or Senate floor session that has occurred but has not yet been concluded or formally announced. Members may continue to vote or change their votes as long as a measure remains "on call." Calls are usually placed at the request of a bill's author in an effort to gain votes. Calls can be lifted by request any time during the committee hearing or floor session, but cannot be carried over into the next legislative day.

On File

A bill on the second or third reading file of the Assembly or Senate Daily File.

Out of Order

A parliamentary ruling by the presiding officer of a committee or the house that a matter is not, at that time, appropriate for consideration by the body.

Override

Enactment of a bill despite the Governor's veto, by a vote of two thirds of the members of each house (27 votes in the Senate and 54 votes in the Assembly).

Parliamentary Inquiry

A procedural question posed by a legislator during a committee hearing or floor session. A member must be recognized for this purpose and the question answered by the committee chair or presiding officer.

Pass on File

A bill is taken up during a floor session by its author or floor manager according to its order in the Assembly or Senate Daily File. An author may choose to "pass on file," thus temporarily giving up his or her opportunity to take up a measure on the floor.

Passage

Adoption of a measure by the Assembly or the Senate.

Per Diem

(literally: per day) Daily living expense payment made to legislators when a house is in session.

Petition

A formal request submitted to the Legislature by an individual or group of individuals.

Point of Order

A request that the presiding officer remedy a breach of order or of the rules.

Point of Personal Privilege

Assertion by a Member that his or her rights, reputation, or conduct have been impugned, entitling the Member to repudiate the allegations.

Postpone

A motion to delay action on a matter before the house.

President of the Senate

See Lieutenant Governor.

President Pro Tempore of the Senate

(literally: for the time) Highest-ranking member of the Senate; also chairs the Senate Committee on Rules. Elected by Senators at the beginning of each two-year session.

Presiding

Managing the proceedings during a floor session. In the Assembly, the presiding officer can be the Speaker, Speaker pro Tempore, or any other Assembly Member appointed by the Speaker. In the Senate, the presiding officer can be the President, President pro Tempore, or any other Senator appointed by the President pro Tempore.

Press Conference

A presentation of information to a group of reporters. Press conferences are frequently held in Room 1190 of the Capitol, the Governor's press room, which is available to Members on a reservation basis (445-4571).

Previous Question

If a Member seeks to cut off all further debate on a measure, he or she may call the previous question to seek to compel the body to vote immediately on the issue.

Principal Coauthor

A Member who is so designated on a bill or other measure, indicating that the Member is a primary supporter of the measure.

Privilege of the Floor

Permission given, by the presiding officer, to view the proceedings from the floor of the Chamber, rather than from the gallery. Members request that permission on behalf of constituents or other guests.

Put Over

A motion to delay action on a measure until a future date.

Quorum

A simple majority of the membership of a committee or the Assembly or Senate; the minimum number of legislators needed to begin conducting official business. The absence of a quorum is grounds for immediate adjournment of a committee hearing or floor session.

Quorum Call

Transmitting the message that members are needed to establish a quorum so that proceedings may begin.

Reading

Presentation of a bill before the house by reading its number, author, and title. A bill is on either first, second, or third reading until it is passed by both houses.

Reapportionment

Revising the allocation of congressional seats based on census results. Also used to refer to redistricting (the revision of legislative district boundaries) to reflect census results.

Recess

(1) An official pause in a committee hearing or floor session that halts the proceedings for a period of time but does not have the finality of adjournment.

(2) A break of more than four days in the regular session schedule such as the "Easter recess."

Reconsideration

A motion giving the opportunity to take another vote on a matter previously decided in a committee hearing or floor session.

Referendum

The method, used by members of the public, by which a measure adopted by the Legislature may be submitted to the electorate for a vote. A referendum petition must be signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election.

Rescind

A motion to revoke an action previously taken.

Resolution

See Concurrent Resolution and Joint Resolution.

Roll Call

Recording the vote of each member of a committee or of the full Assembly or Senate. Committee roll calls are conducted by the committee secretary, who calls each member's name in alphabetical order with the name of the chair called last. Assembly roll calls are conducted electronically, with each Member pushing a button from his or her assigned seat. Senate roll calls are conducted by the Reading Clerk, who reads each Senator's name in alphabetical order.

Rule Waiver

Exemption to the Assembly, Senate, or Joint Rules, for which formal permission must be granted.

Rules

Principles formally adopted to govern the operation of either or both houses. These include Standing Rules of the Assembly, Standing Rules of the Senate, and Joint Rules of the Senate and Assembly.

Second Reading

Each bill introduced must be read three times before final passage. Second reading occurs after a bill has been reported to the floor from committee.

Second Reading File

The portion of the Daily File that lists measures that have been reported out of committee and are ready for consideration on the floor. Measures stay on the second reading file for one day before moving to the third reading portion of the File.

Secretary of the Senate

A Senate employee serving as principal parliamentarian and record keeper for the Senate, elected by Senators at the beginning of each two-year session. The Senate Secretary and his or her staff are responsible for publishing the Senate daily and weekly publications.

Section

Ordinarily, a portion of the California Codes or other statutory law; alternatively, a portion of the text of a bill. The text of code sections is set forth in bills as proposed to be amended, repealed, or added.

Senate

The house of the California Legislature consisting of 40 members elected from districts apportioned on the basis of population, one-half of whom are elected or re-elected every two years for four-year terms.

Sergeant-At-Arms

Employee responsible for maintaining order and providing security for the Legislature. The Chief Sergeant-at-Arms in each house is elected by the Members of that house at the beginning of every legislative session.

Session

The period during which the Legislature meets. The Legislature may meet in either regular or special (extraordinary) session.

Short Committee

A hearing of a committee attended by less than a quorum of the members of the committee.

Sine Die

See Adjournment Sine Die.

Speaker

The presiding officer of the Assembly, elected by the membership of the Assembly at the beginning of the two-year session. This is the highest-ranking Member of the Assembly.

Speaker Pro Tempore

Member, appointed to this office by the Speaker, who presides over a floor session of the Assembly at the request of the Speaker.

Special Order of Business

Occasionally a bill is of such importance that advance notice is given as to when it will be considered by the Assembly or Senate. Notice is given during a floor session by requesting unanimous consent to set the bill as a special order of business on a specific date and time. This assures adequate time for debate and allows all Members the opportunity to be present.

Special Session

See Extraordinary Session.

Sponsor

The Member of the Legislature, private individual, or group who develops a measure and advocates its passage.

Spot Bill

A bill that proposes nonsubstantive amendments to a code section in a particular subject; introduced to assure that a bill will be available, subsequent to the deaBRine to introduce bills, for revision by amendments that are germane to the subject of the bill.

State Auditor

Head of the Bureau of State Audits, which conducts financial and performance audits of the state and local government agencies at the request of the Joint Legislative Audit Committee.

State Mandate

State legislative enactment or administrative regulation that mandates a new program or higher level of service on the part of a local government, the costs of which are required by the California Constitution to be reimbursed.

Statutes

Enacted bills, which are chaptered by the Secretary of State in the order in which they become law.

Stop the Clock

The term used to describe the process of continuing legislative business after the passage of a deaBRine imposed by legislative rule.

Subcommittee

A subgroup of a full committee, appointed to perform work on one or more functions of the committee.

Summary Digests

Digests of each bill enacted in a two-year session, as prepared and compiled by the Legislative Counsel.

The measures are listed by chapter number, reflecting the order in which they were signed into law.

Suspend the Constitution

A motion to waive requirements that the California Constitution imposes, but permits to be waived in a specified manner. A motion to suspend requires an extraordinary vote.

Table

See Lay on the Table.

Tax Levy

Any bill that imposes, repeals, or materially alters a state tax. The Legislative Counsel indicates in the title and Digest of the bill whether the bill is a tax levy.

Third House

Collective reference to lobbyists (see Legislative Advocates).

Third Reading

Each bill introduced must be read three times before final passage. Third reading occurs when the measure is about to be taken up on the floor of either house for final passage.

Third Reading Analysis

A summary of a measure that is ready for floor consideration. Describes most recent amendments and contains information regarding how Members voted on the measure when it was heard in committee. Senate floor analyses also list support or opposition by interest groups and government agencies.

Third Reading File

That portion of the Daily File listing the bills that are ready to be taken up for final passage.

Title

The material on the first page of a bill that identifies the provisions of law affected by the bill and the subject matter of the bill.

Two-Thirds Vote

In the Assembly, 54; in the Senate, 27. Required, for example, for urgency measures and most measures making appropriations from the General Fund.

Unanimous Consent

The consent of all of those Members present, ordinarily presumed to exist in the absence of objection.

Unfinished Business

That portion of the Daily File that contains measures awaiting Senate or Assembly concurrence in amendments adopted by the other house. Also contains measures vetoed by the Governor for a 60-day period after the veto.

Unicameral

A legislature consisting of one house (Nebraska has the only unicameral state legislature).

Upper House

The Senate.

Urgency Measure

A bill affecting the public peace, health, or safety, containing an urgency clause, and requiring a two-thirds vote for passage. An urgency bill becomes effective immediately upon enactment.

Urgency Clause

Section of a bill stating that the bill will take effect immediately upon enactment. A vote on the urgency clause, requiring a two-thirds vote in each house, must precede a vote on the bill.

Veto

The Governor's formal rejection of a measure passed by the Legislature. The Governor may also exercise a line item veto, whereby the amount of an appropriation is reduced or eliminated, while the rest of the bill is approved (see Blue Pencil). A veto may be overridden by a two-thirds vote in each house.

Voice Vote

A vote that requires only an oral "aye" or "no," with no official count taken. The presiding officer determines whether the "ayes" or "noes" carry.

TOP HOME**APPENDIX C****Glossary of Internet Terms****ARPANet**

An experimental network established in the 1970's on which the Internet is based, but no longer exists.

Dial-up

A connection made from your computer to an Internet computer by way of a modem and a telephone.

Directory

A listing of a collection of files related by topic.

Electronic Mail

Method of on-line communication for sending and receiving messages and files of information.

Electronic Mail List

A list that an individual voluntarily signs up to be on to receive notices regarding the legislative information system.

File

A document containing related information.

File Transfer Protocol (FTP)

Internet tool that allows you to send and retrieve files of information over the Internet.

Internet

World-wide computer network make up of many interconnected networks.

InterNIC

An Internet information service (800-444-4345).

Modem

A device that connects your computer to a telephone line in order to send and receive information by way of the Internet.

Network

A collection of computers linked together to allow the exchange of information.

README file

On-line help file that contains information on how to retrieve files of legislative information.

Service Providers

Commercial (for a fee) services that provide direct access or access through electronic mail to the Internet.

Sub-directory

Any directory that is subordinate to a higher and more general directory.

Uniform Resource Locator (URL)

The standard way to give the address of any resource on the Internet that is part of the World Wide Web (WWW). The URL for Official Legislative Information for the State of California is:

<http://www.leginfo.ca.gov>

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SECTION 10: REGULATIONS/RULEMAKING

How to Participate in the Rulemaking Process

Included in this section is a booklet from the California Office of Administrative Law that outlines and provides information on how to develop regulations and take them through the approval process.

HOW TO PARTICIPATE IN THE RULEMAKING PROCESS

A CALIFORNIA STATE AGENCY MUST CONSIDER RECOMMENDATIONS AND OBJECTIONS FROM THE PUBLIC BEFORE IT ADOPTS OR CHANGES ANY REGULATION NOT EXPRESSLY EXEMPTED FROM THE CALIFORNIA ADMINISTRATIVE PROCEDURE ACT (APA). A “REGULATION” IS A POLICY OR PROCEDURE AFFECTING THE PUBLIC OR ANY SEGMENT OF THE PUBLIC THAT IMPLEMENTS, INTERPRETS, OR MAKES SPECIFIC A STATUTE THE STATE AGENCY ENFORCES OR ADMINISTERS.

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THE PROCEDURE FOR RULEMAKING Every department, division, office, officer, bureau, board or commission in the executive branch of California state government must follow the rulemaking procedures in the Administrative Procedure Act (Government Code § 11340 *et seq.*) The Government Code is available at <http://www.leginfo.ca.gov/calaw.htm>. Rulemaking must also comply with regulations adopted by the Office of Administrative Law (OAL) (California Code of Regulations, Title 1, §§ 1-120; <http://ccr.oal.ca.gov/>) unless expressly exempted by statute from some or all of these requirements. OAL's publication, *California Rulemaking Law Under the Administrative Procedure Act*, is an annotated compilation of the California statutes and regulations governing rulemaking and is available from OAL for a nominal fee. The checklists used by OAL in its review of regulation filings are available online at <http://www.oal.ca.gov/rulemaking.htm>.

THE CALIFORNIA CODE OF REGULATIONS Regulations are printed in the California Code of Regulations after they are adopted by the rulemaking agency, approved by OAL and filed with the Secretary of State. You may access regulations in the California Code of Regulations at <http://ccr.oal.ca.gov>.

PRE-NOTICE INVOLVEMENT An agency may involve the public in workshops or other preliminary activities well before the start of the formal rulemaking process. Government Code section 11346.46 requires an agency proposing to adopt complex proposals or a large number of proposals to involve the public. You can contact the agency and request to be added to their regulations mailing list to ensure you are notified of this opportunity. Also, agency websites often provide information on upcoming rulemaking actions. For websites, go to the State Agency Index under "Quick Hits" at: <http://www.ca.gov>.

COMMENTING ON THE INITIAL PROPOSAL A 45 day opportunity to submit written, faxed, or e-mail comments on all or any part of a proposed rulemaking action starts when the notice of proposed rulemaking is published in the California Regulatory Notice Register. The Notice Register may be accessed online at <http://www.oal.ca.gov/notice.htm>. The notice of proposed rulemaking is also mailed to those who have asked to be on the agency's notice mailing list, and is posted on the rulemaking agency's website. The notice tells you how to obtain access to the proposed regulation text and the initial statement of reasons and who to call if you have questions. The notice may also schedule a public hearing at which you may comment on the proposal orally and/or in writing.

COMMENTING ON MODIFICATIONS TO THE INITIAL PROPOSAL You will receive a notice of any 15 day opportunity to comment (1) on proposed modifications or (2) new material relied upon if you commented on the initial proposal or have requested such notice. The rulemaking agency also posts a copy of the notice of opportunity to comment on proposed modifications on its website.

MAKING AN EFFECTIVE COMMENT Effective comments are based on an understanding of the statutes and factual material the agency relies on in proposing the regulation, on an understanding of what the proposed regulation is intended to do, and on an understanding of the standards the regulation must satisfy. The Authority and Reference citations that follow the text of each regulation section identify the statutes on which the section is based. The initial statement of reasons describes the purpose and rationale of each regulation and identifies the factual material upon which the agency relies in proposing it. The response to comments in the final statement of reasons must demonstrate that each relevant, timely comment has been considered.

STANDARDS FOR REGULATIONS A regulation must be easily understandable, have a rationale, and be the least burdensome, effective alternative. A regulation cannot alter, amend, enlarge, or restrict a statute, or be inconsistent or in conflict with a statute.

EMERGENCY REGULATIONS An emergency regulation takes effect immediately, before the regular public opportunity for notice and comment. A state agency may adopt an emergency regulation if it can show that the regulation is necessary for the immediate preservation of public peace, health and safety, or general welfare, or if a statute deems the regulation to be an emergency for purposes of the APA. The public may comment directly to OAL on emergency regulations within 5 days after the regulation is submitted to OAL for review, if OAL has not taken action on the regulations before that time. The state agency may submit a rebuttal to any comments made on an emergency regulation up to eight days after the regulation is submitted to OAL. OAL has up to 10 calendar days to review an emergency regulation. You will find additional information about emergency regulations and how to comment on them at <http://www.oal.ca.gov/emergency.htm>. OAL reviews emergency regulations to determine whether an emergency has been demonstrated, or deemed by statute and whether the regulation satisfies the Authority, Reference, Consistency, Clarity, Nonduplication, and Necessity standards. Once approved, an emergency regulation remains in effect for 120 days, unless the state agency has a special statute allowing more or less time. During the time the emergency is effective, the rulemaking agency must conduct

the regular rulemaking process to permanently adopt the regulation. If, however, the agency is unable to complete the rulemaking process within that time, the agency may request permission from OAL to readopt the emergency regulation for another 120 days.

AN OVERVIEW OF THE RULEMAKING PROCESS Administrative Procedure Act requirements are designed to provide the public with a meaningful opportunity to participate in the adoption of regulations by California state agencies and to ensure the creation of an adequate record for the public and for OAL and judicial review. Every California state agency must satisfy the basic minimum procedural requirements established by the APA for the adoption, amendment or repeal of an administrative regulation unless the agency is expressly exempted by statute. (Graphic on pages 6 and 7 illustrates the rulemaking process.)

A DELEGATION OF RULEMAKING AUTHORITY How can a state agency in the executive branch adopt rules and regulations that have the force of law? The California Constitution separates the powers of the state government into legislative, executive, and judicial powers, and provides that persons charged with the exercise of one power may not exercise either of the others except as permitted by the Constitution. The Constitution also vests the legislative power of the State in the Legislature, but reserves to the people the powers of initiative and referendum.

California courts have long recognized that under the Constitution the Legislature may by statute delegate quasi-legislative powers to a state agency in the executive branch, so long as adequate standards are provided to guide the agency. The adequacy of such a delegation is virtually never an issue in a rulemaking because all state agencies, including OAL, must presume that any California statute, including one delegating rulemaking authority, is constitutional unless an appellate court has made a determination to the contrary. (California Constitution, Article 3, Section 3.5.) Thus every rulemaking action must be based upon a statutory delegation of rulemaking authority from the Legislature to a state agency.

PRELIMINARY ACTIVITIES What does a state agency do once it decides to conduct a rulemaking action? It makes the decisions and develops the documents required to conduct a formal APA rulemaking proceeding. Some agencies involve the public during this stage. Others do not. The APA in Government Code section 11346.45 provides that an agency must engage in pre-notice public discussions regarding complex proposals or large proposals. A decision to engage or not engage in such discussions, however, is not subject to review by OAL or the

courts. The agency develops four documents during the preliminary activity stage, which are needed to initiate the formal rulemaking process: the express terms of the proposed regulation (the proposed text), the initial statement of reasons, the STD 399 Fiscal Impact Statement, and the notice of proposed rulemaking.

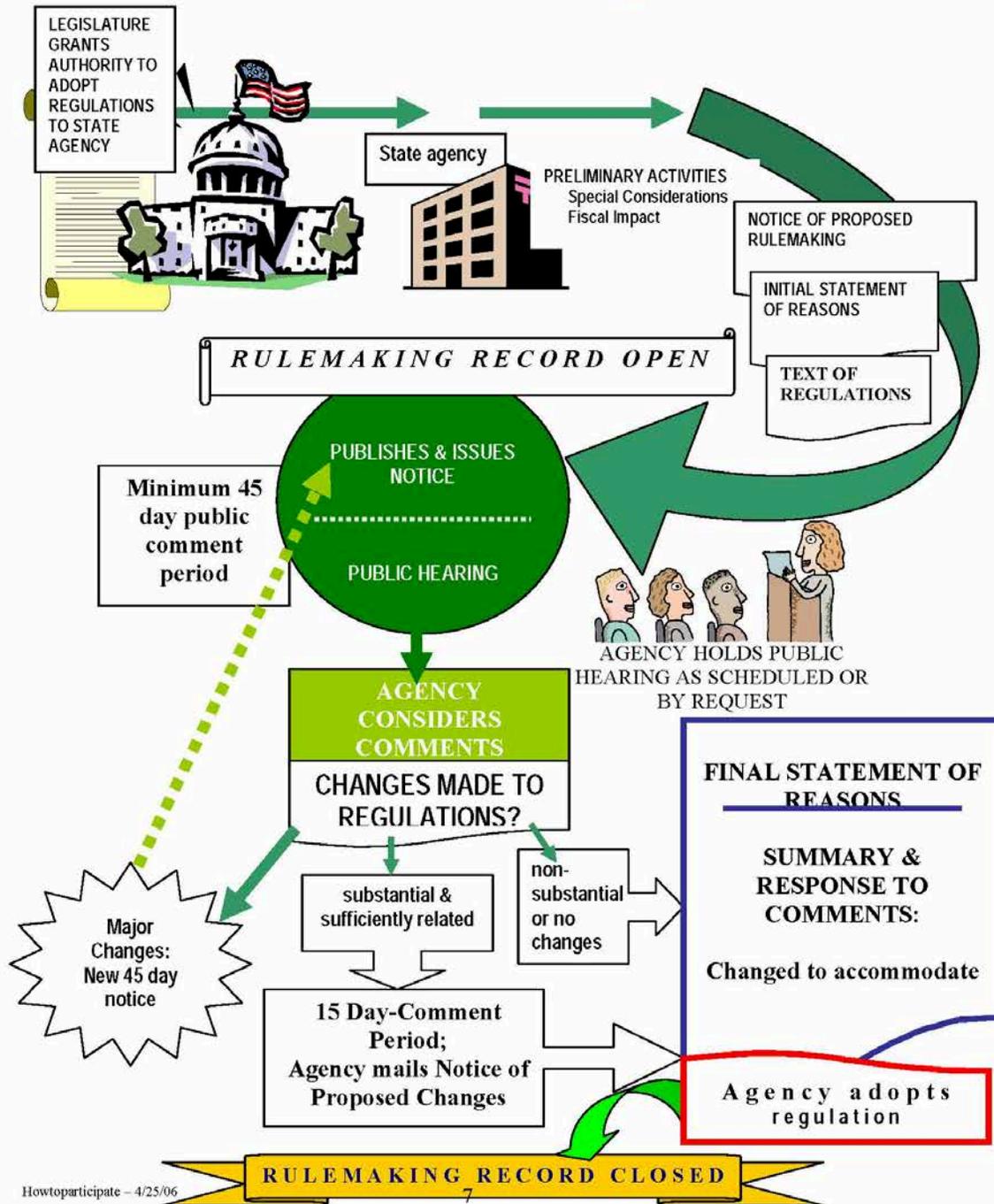
SPECIAL CONSIDERATIONS The APA requires a rulemaking agency to make specified determinations and findings with regard to a proposed action.

- An agency must find that no alternative would be more effective in carrying out the purpose for which a regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation.
- A rulemaking agency must determine whether the regulation “may have,” or “will not have” a significant, statewide adverse impact directly affecting business. The agency must solicit alternatives if it “may have.”
- A rulemaking agency must describe the potential cost impact of a regulation on a representative private person or business, if known.
- A rulemaking agency must assess whether and to what extent the regulation will create or eliminate jobs and businesses. A rulemaking agency must find that any business reporting requirement is necessary for the public health, safety, or welfare.
- A rulemaking agency must consider the substitution of performance standards for prescriptive standards.
- A rulemaking agency must state whether a regulation affects small business.
- A rulemaking agency must state whether a regulation differs from a federal statute or regulation and avoid unnecessary duplication or conflict.
- If a rulemaking agency makes a determination regarding significant effect on housing costs it must include the determination in the notice.

ISSUING THE NOTICE To initiate a rulemaking action, an agency issues a notice of a proposed rulemaking by having the notice published in the California Regulatory Notice Register, by mailing the notice to those persons who have filed a request for notice of regulatory actions, and by posting the notice, text, and statement of reasons on its website, if it has one. Once the notice is issued, the APA rulemaking process is officially under way.

AVAILABILITY OF THE PROPOSED TEXT AND THE INITIAL STATEMENT OF REASONS Agencies that have websites must make notice, the proposed text and the initial statement of reasons available there. The proposed text and the initial statement of reasons are also available on request to the agency contact person identified in the notice.

The Rulemaking Process



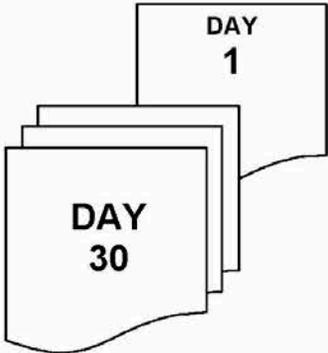
OAL REVIEW

State agency must submit rulemaking record within 1 year of notice publication

OAL has 30 WORKING days to review a regulation

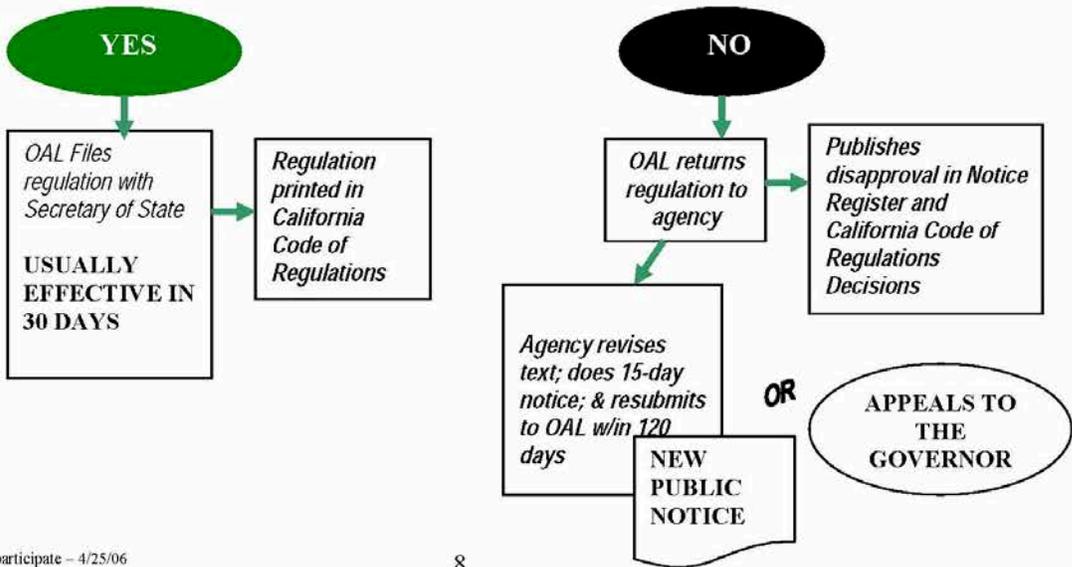
APA STANDARDS:

AUTHORITY
REFERENCE
CONSISTENCY
CLARITY
NON-DUPLICATION
NECESSITY



& PROCEDURAL REQUIREMENTS

DOES THE RULEMAKING SATISFY THE APA?



THE 45 DAY COMMENT PERIOD The APA requires, at minimum, a 45 day opportunity to comment in writing, by fax, or e-mail on the regulation changes as initially proposed by the agency. The notice of proposed rulemaking specifies where the comments must be directed and when this opportunity to comment in writing on the initial proposal closes.

THE PUBLIC HEARING Under the APA, an agency has an option as to whether it wishes to hold a public hearing on a proposed rulemaking action. (An agency's enabling statutes may eliminate this option by requiring a public hearing.) However, if an agency doesn't schedule a public hearing, and any interested person submits a written request for one within 15 days prior to the close of the written comment period, the agency must give notice of, and hold a public hearing. Because of this requirement, a rulemaking agency usually schedules a public hearing unless it is confident that one will not be requested.

CONSIDERATION OF PUBLIC INPUT ON THE INITIAL PROPOSAL The APA requires a rulemaking agency to consider all relevant matter presented to it during a comment period before adopting, amending, or repealing any regulation.

ASSESSING THE NATURE OF MODIFICATIONS TO THE INITIAL PROPOSAL After the initial public comment period, a rulemaking agency will often decide to change its initial proposal either in response to public comments or on its own. The agency must then decide whether a change is: (1) nonsubstantial, (2) substantial and sufficiently related, or (3) substantial and *not* sufficiently related.

MAKING CHANGES AVAILABLE FOR PUBLIC COMMENT The APA provides that a rulemaking agency must make each substantial, sufficiently related change to its initial proposal available for public comment for at least 15 days before adopting such a change. Thus, before a rulemaking agency adopts such a change, it must mail a notice of opportunity to comment on proposed changes along with a copy of the text of the proposed changes to each person who has submitted written comments on the proposal, testified at the public hearing, or asked to receive a notice of proposed modification. The agency must also post the notice on its website. No public hearing is required. The public may comment *on the proposed modifications* in writing. The agency must then consider comments received during the comment period, which are directed at the proposed changes. An agency may conduct more than one 15 day opportunity to comment on a large, complicated, or sensitive rulemaking action before the final version is adopted.

OPPORTUNITY FOR PUBLIC COMMENT BASED UPON NEW MATERIAL RELIED UPON A rulemaking agency must specifically identify in the initial statement of reasons and include in the rulemaking record the material it relies upon in proposing a rulemaking action. If during a rulemaking proceeding an agency decides to rely on material that it did not identify in the initial statement of reasons or otherwise identify or make available for public review prior to the close of the public comment period, the agency must make the document available for comment for 15 days.

SUMMARY AND RESPONSE TO COMMENTS A rulemaking agency must summarize and respond on the record to timely comments that are directed at the rulemaking proposal or at the procedures followed. The summary and response to comment demonstrates that the agency has understood and considered all relevant material presented to it before adopting, amending, or repealing a regulation. An agency may respond to a comment in one of two ways. The agency must either (1) explain how it has amended the proposal to accommodate the comment, or (2) explain the reasons for making no change to the proposal. An agency's summary and response to comments is included as part of the final statement of reasons.

SUBMISSION OF A RULEMAKING ACTION TO OAL FOR REVIEW A rulemaking agency must transmit a rulemaking action to OAL for review within a year from the date that the notice of proposed rulemaking action was published in the California Regulatory Notice Register. OAL then has 30 working days in which to review the rulemaking record to determine whether it demonstrates that the rulemaking agency satisfied the procedural requirements of the APA, and to review regulations for compliance with the six standards: Authority, Reference, Consistency, Clarity, Nonduplication, and Necessity. OAL may not substitute its judgment for that of the rulemaking agency with regard to the substantive content of the regulations.

WHAT MUST BE ADOPTED PURSUANT TO THE APA?



Not every statute requires the adoption of an implementing regulation. In this regard, it is useful to think about three types of statutory provisions:

self-executing--wholly-enabling--susceptible to interpretation.

A self-executing provision is so specific that no implementing or interpreting regulation is necessary to give it effect. An example is a statutory provision that provides: “The annual licensing fee is \$500.”

In contrast, a wholly-enabling statutory provision is one that has no legal effect without the enactment of a regulation. An example is a statute that provides: “The department may set an annual licensing fee up to \$500.” This type of statute cannot be legally enforced without a regulation setting the fee.

The third type, a statutory provision that is susceptible to interpretation, may be enforced without a regulation, but may need a regulation for its efficient enforcement. An example is a statute that provides: “There shall be adequate space between hospital beds.” Conceptually, this statute could be enforced on a case-by-case basis, but such enforcement would probably present significant difficulties. *(It does not violate the APA to enforce or administer a statute on a case-by-case basis so long as no rule or standard of general application is used that should have been adopted pursuant to the APA.)*

Every "regulation" is subject to the rulemaking procedures of the APA unless expressly exempted by statute.

Government Code Section 11346

IT'S MANDATORY Compliance with the rulemaking requirements of the Administrative Procedure Act is mandatory. (*Armistead v. State Personnel Board.*) All regulations are subject to the APA, unless expressly exempted by statute. (*Engelmann v. State Board of Education.*) Any doubt as to the applicability of the APA should be resolved in favor of the APA. (*Grier v. Kizer.*) If a rule looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated by the courts as a regulation whether or not the issuing agency so labeled it. (*SWRCB v. OAL.*)

"Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

Government Code section 11342.600

A GENERAL RULE A standard or procedure of general application (general rule) is a standard or procedure that applies to an open class. (*Roth v. Department of Veterans Affairs.*) An open class is one whose membership could change. *This broad definition includes many classes of rules that are exempt from notice and comment under the federal Administrative Procedure Act.*

THE PROHIBITION The APA specifically prohibits any state agency from making any use of a state agency rule which is a "regulation" as defined in Government Code section 11342.600, that should have, but has not been adopted pursuant to the APA (unless expressly exempted by statute). Such a rule is called an "underground regulation" and its efficacy may be challenged to OAL or to a court.

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a "regulation" under the APA unless it has been adopted as a regulation and filed with the Secretary of State pursuant to the APA. Government Code section 11340.5(a)

ARMISTEAD V. STATE PERSONNEL BOARD

In 1978, the California Supreme Court made it clear that compliance with the rulemaking requirements of the Administrative Procedure Act is mandatory. (*Armistead v. State Personnel Board.*) In doing so, the court quoted a 1955 legislative report finding that noncompliance with APA rulemaking requirements was common.

"The committee is compelled to report to the Legislature that it has found many agencies which avoid the mandatory requirements of the Administrative Procedure Act of public notice, opportunity to be heard by the public, filing with the Secretary of State, and publication in the Administrative Code.

"The committee has found that some agencies did not follow the act's requirements because they were not aware of them; some agencies do not follow the act's requirements because they believe they are exempt; at least one agency did not follow the act because it was too busy; some agencies feel the act's requirements prevent them from administering the laws required to be administered by them; and many agencies . . . believe the function being performed was not in the realm of quasi-legislative powers.

"The manner of avoidance takes many forms, depending on the size of the agency and the type of law being administered, but they can all be briefly described as 'house rules' of the agency.

"They consist of rules of the agency, denominated variedly as 'policies,' 'interpretations,' 'instructions,' 'guides,' 'standards,' or the like, and are contained in internal organs of the agency such as

manuals, memoranda, bulletins, or are directed to the public in the form of circulars or bulletins." [First Report of the Senate Interim Committee on Administrative Regulations (1955) as cited in *Armistead*, p. 205.]

HOW TO DETERMINE WHETHER AGENCY'S POLICY OR PROCEDURE SHOULD BE ADOPTED PURSUANT TO THE APA Preliminarily determine whether the particular policy or procedure is already set out in an applicable statute or duly adopted regulation. (Generally, duly adopted regulations are printed in the California Code of Regulations.) The adoption of a policy or procedure as a "regulation" pursuant to the APA is not required if you find the specific policy or procedure in an applicable statute or duly adopted regulation.

If you determine that the policy or procedure (i.e., rule) is not set out in an applicable statute or duly adopted regulation, use the following three-step analysis to determine whether the policy or procedure must be adopted as a regulation pursuant to the requirements and procedures of the APA:

First, is the policy or procedure either:

- a rule or standard of general application, *or*
- a modification or supplement to such a rule?

Second, has the policy or procedure been adopted by the agency to either:

- implement, interpret, or make specific the law enforced or administered by the agency, *or*
- govern the agency's procedure?

Third, has the policy or procedure been expressly exempted by statute from the requirement that it be adopted as a "regulation" pursuant to the APA?

If the policy or procedure satisfies steps one and two, then it is a "regulation" as defined in the APA and must be adopted pursuant to the APA unless it falls within an express statutory exemption from the requirements of the APA. Generally, all "regulations" issued by state agencies are required to be adopted pursuant to the APA, unless *expressly* exempted by statute. (Government Code section 11346.) If

the policy or procedure does not fall within an express statutory exemption, then it is subject to the rulemaking requirements of the APA.

EXPRESS STATUTORY EXEMPTIONS ARE FOUND IN THE APA AND IN OTHER STATUTES. THE FOLLOWING ARE SOME OF THE EXPRESS EXEMPTIONS SET OUT IN THE APA.

- **INTERNAL MANAGEMENT:** “A regulation that relates only to the internal management of the state agency.” (Government Code Section 11340.9(d).)

The internal management exception to the APA is narrow. A regulation is exempt as internal management if it:

- (1) directly affects only the employees of the issuing agency, and
- (2) does not address a matter of serious consequence involving an important public interest. (*Armistead, Stoneham, Poschman, and Grier.*)

- **FORMS:** “A form prescribed by a state agency or any instructions relating to the use of the form, but this provision is not a limitation on any requirement that a regulation be adopted pursuant to this chapter when one is needed to implement the law under which the form is issued.” (Government Code Section 11340.9(c).)

This legislative language creates a limited statutory exemption relating to forms. A regulation is *not* needed if the form's contents consist only of existing, specific legal requirements.

By contrast, if an agency *adds any language which satisfies the definition of “regulation” to the existing legal requirements*, then, under Government Code section 11340.9(c), a formal regulation is “needed to implement the law under which the form is issued.” Section 11340.9(c) cannot be interpreted as permitting state agencies to avoid mandatory APA rulemaking requirements by simply typing regulatory language into a form because this interpretation would allow state agencies to ignore the APA at will.

- **AUDIT GUIDELINES:** “A regulation that establishes criteria or guidelines to be used by the staff of an agency in performing an audit, investigation, examination, or inspection, settling a commercial dispute, negotiating a commercial arrangement, or in the defense, prosecution, or settlement of a

case, if disclosure of the criteria or guidelines would do any of the following:

“(1) Enable a law violator to avoid detection.

“(2) Facilitate disregard of requirements imposed by law.

“(3) Give clearly improper advantage to a person who is in an adverse position to the state.” (Government Code Section 11340.9(e).)

- **ONLY LEGALLY TENABLE INTERPRETATION:** “A regulation that embodies the only legally tenable interpretation of a provision of law.” (Government Code Section 11340.9(f).)
- **RATE, PRICE, TARIFF:** “A regulation that establishes or fixes rates, prices, or tariffs.” (Government Code Section 11340.9(g).)
- **LEGAL RULING OF TAX COUNSEL:** “A legal ruling of counsel issued by the Franchise Tax Board or State Board of Equalization.” (Government Code Section 11340.9(b).)
- **PRECEDENT DECISION:** A quasi-judicial decision by a state agency that is designated pursuant to Government Code Section 11425.60 as a precedent decision is expressly exempt from being adopted as a "regulation" pursuant to the APA.



AUTHORITY-REFERENCE-CONSISTENCY CLARITY-NONDUPLICATION-NECESSITY

OAL REVIEW FOR COMPLIANCE WITH THE AUTHORITY AND REFERENCE STANDARDS

Each regulation must satisfy the Authority and Reference standards. Complying with the Authority and Reference standards involves a rulemaking agency in two activities: picking appropriate Authority and Reference citations for the note that follows each regulation section to be printed in the California Code of Regulations, and adopting a regulation that is within the scope of the rulemaking power conferred on the agency.

"Authority" means the provision of law which permits or obligates the agency to adopt, amend, or repeal a regulation. Government Code Section 11349(b).

"Reference" means the statute, court decision, or other provision of law which the agency implements, interprets, or makes specific by adopting, amending, or repealing a regulation. Government Code Section 11349(e).

Each regulation section printed in the California Code of Regulations must have a citation to the specific statutory authority under which it was enacted and a citation to the specific statute or other provision of law that the regulation is implementing, interpreting, or making specific. As an example the Authority and Reference Citations for Section 55 of Title 1 of the California Code of Regulations reads as follows: "Authority cited: Sections 11342.4 and 11349.1, Government Code. Reference: Sections 11346.1, 11349.1, 11349.3 and 11349.6, Government Code."

The statutes and other provisions of law cited in Authority and Reference notes are the agency's interpretation of its power to adopt a particular regulation. A rulemaking agency initially selects Authority and Reference citations when it is drafting the proposed regulation text and may revise and refine the citations during

the course of a rulemaking proceeding. The goal is to have accurate, precise, and complete Authority and Reference citations printed in the California Code of Regulations with each regulation.

EXPRESS AND IMPLIED RULEMAKING AUTHORITY A statutory delegation of rulemaking authority may be either express or implied. In an express delegation, the statute expressly states that the state agency may or shall “adopt rules and regulations necessary to carry out this chapter” or some variation on that phrase. Thus, an express delegation *expressly* specifies that regulations shall or may be adopted by the agency.

In contrast, in an implied delegation of rulemaking authority, the applicable statutes do not expressly state that the agency may or shall adopt rules or regulations. Instead, a statute expressly gives a duty or power to a specified state agency, but makes *no* express mention of the authority to adopt rules or regulations. In similar circumstances, courts tell us that agencies which have expressly been given a duty or power by statute have implicitly been delegated the authority to adopt those rules and regulations necessary for the due and efficient exercise of a duty or power expressly granted.

OAL REVIEW FOR

AUTHORITY OAL reviews regulations to ensure that they are authorized under controlling statutes. The statutes (and other provisions of law) the agency cites as Authority and Reference identify the sources of the rulemaking power that the agency is drawing on in promulgating a particular regulation. A regulation that is not within the scope of an agency's express or implied rulemaking authority is void and cannot become effective.

**Each regulation adopted, to be effective, shall be *within the scope of authority conferred* and in accordance with standards prescribed by other provisions of law.
Government Code Section 11342.1.**

In determining whether a rulemaking agency is empowered to adopt a particular regulation, OAL applies the same analytical approach employed by the California Supreme Court and the California Court of Appeal, as evidenced in published opinions of those courts.

JUDICIAL REVIEW OF AUTHORITY TO ADOPT A PARTICULAR REGULATION

When reviewing a quasi-legislative regulation, courts consider whether the regulation is within the scope of the authority conferred, essentially a question of the validity of an agency's statutory interpretation. The courts must determine whether the rulemaking agency has exercised its authority within the bounds established by statute.

Whenever by the express or implied terms of any statute a state agency has authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute, no regulation adopted is valid or effective unless consistent and not in conflict with the statute and reasonably necessary to effectuate the purpose of the statute. Government Code Section 11342.2.

The courts apply the following principle to determine whether a rulemaking agency has exercised its authority within the bounds established by statute.

An administrative regulation may not alter or amend a statute or enlarge or impair its scope. Such a regulation is void and must be struck down by a court.

In deciding whether a regulation alters, amends, enlarges, or restricts a statute, or merely implements, interprets, makes specific, or otherwise gives effect to a statute often a court must interpret the meaning of the statute. In so doing, courts apply principles of statutory interpretation developed primarily in case law. It examines the language of the statute, and may consider appropriate legislative history materials to ascertain the will of the Legislature so as to effectuate the purpose of the statute. In making this determination, a court may consider, but is not bound by the rulemaking agency's interpretation of the statute at issue. As the California Supreme Court explained in *Yamaha v State Board of Equalization*, "Whether judicial deference to an agency's interpretation is appropriate and, if so, its extent—the 'weight' it should be given is ... fundamentally situational." The court identified factors to be considered relating to (1) the possible interpretive advantage of the agency and (2) to the likelihood that the agency is correct and suggested the following. "The deference due an agency interpretation ... 'will depend upon the

thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control."

OAL REVIEW FOR COMPLIANCE WITH THE CONSISTENCY STANDARD

Each regulation must satisfy the Consistency standard. In reviewing for compliance with the Consistency standard, OAL uses the same analytical approach used in judicial review of a regulation. This approach includes the principles discussed above regarding deference to an agency's interpretation of a statute.

"Consistency" means being in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or other provisions of law. Government Code, Section 11349(d).

Commenters on proposed regulations often comment that a proposed regulation is inconsistent with a statute because it requires certain tasks not specifically set out in statute. This situation does not present a Consistency problem so long as the tasks specified in the regulation are reasonably designed to aid a statutory objective, do not conflict with or contradict (or alter, amend, enlarge or restrict) any statutory provision.

In other words, no conflict is presented if the statute says "Thou shall do A" and the regulation says "Thou shall do B," if one can do both A and B, and B is reasonably necessary to effectuate the purpose of A, and does not alter, amend, enlarge, or restrict A. In contrast, a conflict is presented if the statute says "Thou shall do A" and the regulation says "Thou shall not do A."

OAL REVIEW FOR COMPLIANCE WITH THE CLARITY STANDARD

Each regulation must satisfy the Clarity standard. Regulations are frequently unclear and unnecessarily complex, even when the technical nature of the subject matter is taken into account. They are often confusing to persons who must comply with them. The performance goal for drafting a regulation is the following. A rulemaking agency must draft regulation text in plain, straightforward language avoiding technical terms as much as possible using

coherent and easily readable language. The measure of compliance with the performance goal is the Clarity standard. OAL has a duty to ensure that each regulation can be easily understood.

**Clarity means written or displayed so that the meaning of regulations will be easily understood by those persons directly affected by them.
Government Code Sec. 11349(c).**

Persons presumed to be "directly affected" by a regulation are those who: (a) must comply with the regulation; or (b) must enforce the regulation; or (c) derive a benefit from the enforcement of the regulation that is not common to the public in general; or (d) incur from the enforcement of the regulation a detriment that is not common to the public in general. California Code of Regulations, Title 1, Sec. 16(b).

Situations in which OAL may presume a regulation is unclear.

1. The regulation has more than one meaning.
2. The language of the regulation conflicts with the description of its effect.
3. The regulation uses an undefined term which does not have a meaning generally familiar to those who are "directly affected."
4. The regulation uses language incorrectly, including incorrect spelling, grammar, or punctuation.
5. The regulation presents information in a format not readily understandable.
6. The regulation does not use citations which clearly identify published material cited in the regulation.

The following regulation drafting tips are drawn from Drafting Legislation and Rules in Plain English, by Robert J. Martineau, (West, 1991) pp 65-105.

1. Use only necessary words.
2. Use common words.
3. Avoid lawyerisms.
4. Be consistent.
5. Use short sentences.
6. Arrange words properly.
7. Tabulate to simplify.
9. Look for omissions and ambiguities.
10. Think through common application situations.

OAL REVIEW FOR COMPLIANCE WITH THE NONDUPLICATION STANDARD

**Nonduplication means a regulation does not serve the same purpose as a state or federal statute or another regulation.
Government Code Section 11349(f)**

Each regulation must satisfy the Nonduplication standard. A regulation that repeats or rephrases a statute or regulation "serves the same purpose" as that statute or regulation. Any overlapped or duplicated statute or regulation must be identified and the overlap or duplication must be justified. Citing the overlapped or duplicated statute or regulation in the authority or reference note satisfies the identification requirement. Overlap or duplication is justified if information in the rulemaking record establishes that the overlap or duplication is necessary to satisfy the Clarity standard.

OAL REVIEW FOR COMPLIANCE WITH THE NECESSITY STANDARD

An agency conducting a rulemaking action under the APA must compile a complete record of a rulemaking proceeding including all of the evidence and other material upon which a regulation is based.

In the record of the rulemaking proceeding (record), the agency must state the specific purpose of each regulatory provision and explain why the provision is reasonably necessary to accomplish that purpose. It must also identify and include in the record any materials relied upon in proposing the provision and any other information, statement, report, or data the agency is required by law to consider or prepare in connection with the rulemaking action. The agency does this first in the initial statement of reasons. During the rulemaking proceeding, the agency may add new material on which it relies by notifying the public and providing a 15 day opportunity to comment on the proposal in light of the new material relied upon. The agency then states in the final statement of reasons what material has been added during the proceeding.



In addition, during the rulemaking, the public may submit recommendations or objections to the proposed regulation and submit material, including studies, reports, data, etc. for consideration by the agency and inclusion in the record. In the final statement of reasons, the agency must respond to all relevant input and explain a reason for rejecting each recommendation or objection directed at the proposed action, or explain how the proposal has been amended to accommodate the input. All of these materials constitute the record.

At the end of a rulemaking proceeding, the rulemaking agency must certify under penalty of perjury that the rulemaking record is complete and closed. The rulemaking agency then submits the complete record to OAL for review. In reviewing for compliance with the Necessity standard, OAL is limited to applicable provisions of law and the record of the rulemaking proceeding. Once OAL review is complete and the record is returned to the rulemaking agency, the file is the agency's permanent record of the rulemaking proceeding. No item in the file may be removed, altered or destroyed. Any judicial review of the regulation is based only on the evidence included in the rulemaking record.

What must be addressed in the record? Each regulation must satisfy the Necessity standard. OAL reviews the rulemaking record to ensure that each provision of regulation text that is adopted, amended, or repealed satisfies the Necessity standard.

“Necessity” means the record of the rulemaking proceeding demonstrates by substantial evidence the need for a regulation to effectuate the purpose of the statute, court decision, or other provision of law that the regulation implements, interprets, or makes specific taking into account the totality of the record. For purposes of this standard, evidence includes, but is not limited to facts, studies, and expert opinion. Government Code Section 11349(a).

What is “substantial evidence”? The “substantial evidence” standard used by OAL is the same as the “substantial evidence” standard used in judicial review of regulations. The following is a definition of “substantial evidence” drawn from the legislative history of the Necessity standard.

Such evidence as a reasonable person reasoning from the evidence would accept as adequate to support a conclusion.

A number of principles and limitations are involved in the application of this standard. Clearly, “substantial evidence” is more than “any evidence,” but is nowhere near “proof beyond a reasonable doubt.” A key characteristic of the standard is its deferential nature. The “substantial evidence” test was added to the Necessity standard by Chapter 1573, Statutes of 1982 (AB 2820). The following letter from Assemblyman Leo McCarthy to Speaker Willie Brown summarized the “substantial evidence” test as used in the Necessity standard:

“The principal addition AB 2820 makes to what we approved in AB 1111 in 1979 is a specific level of evidence that an agency must meet to demonstrate the need for a particular regulation. The standard is substantial evidence taking the record as a whole into account.

“That standard is a familiar one in the law and has been given a definite interpretation by the courts in the past. Our intent is that an agency must include in the record facts, studies or testimony that are specific, relevant, reasonable,

credible and of solid value, that together with those inferences that can rationally be drawn from such facts, studies or testimony, would lead a reasonable mind to accept as sufficient support for the conclusion that the particular regulation is necessary. Suspicion, surmises, speculation, feelings, or incredible evidence is not substantial.

"Such a standard permits necessity to be demonstrated even if another decision could also be reached. This standard does not mean that the particular regulation necessarily be 'right' or the best decision given the evidence in the record, but that it be a reasonable and rational choice. It does not mean that the only decision permitted is one that OAL or a court would make if they were making the initial decision. It does not negate the function of an agency to choose between two conflicting, supportable views.

"The proposed standard requires the assessment to determine necessity to be made taking into account the totality of the record. That means the standard is not satisfied simply by isolating those facts that support the conclusion of the agency. Whatever in the record that refutes the supporting evidence or that fairly detracts from the agency's conclusion must also be taken into account. In other words, the supporting evidence must still be substantial when viewed in light of the entire record." (California, Assembly Daily Journal, 208th Sess. 13, 663-34 (1982).)

CITATIONS

Armistead v. State Personnel Board (1978) 22 Cal.3d 198, 149 Cal.Rptr.1

Engelmann v. State Bd. of Education (1991) 2 Cal.App.4th 47, 3 Cal.Rptr.2d 264

Grier v. Kizer (1990) 219 Cal.App.3d 422, 268 Cal.Rptr. 244

Poshman v. Dumke (1973) 31 Cal.App.3d 932, 107 Cal.Rptr. 596

Roth v. Dept. of Veteran Affairs (1980) 110 Cal.App.3d 622, 167 Cal.Rptr. 552

State Water Resources Control Board v. OAL (1993) 12 Cal.App.4th 697, 16 Cal.Rptr.2d 25

Stoneham v. Rushen (Stoneham I) (1982) 137 Cal.App.3d 729, 188 Cal.Rptr. 130

Yamaha v. State Board of Equalization (1998) 19 Cal.4th 1, 78 Cal.Rptr.2d

SECTION 11: MISCELLANEOUS

What is the NCSBN?

Included in this section is information about the National Council of State Boards of Nursing (NCSBN), who they are, and how they assist the Boards of Nursing.

The California Board of Registered Nursing is a member of the National Council of State Boards of Nursing (NCSBN). NCSBN is the organization through which boards of nursing (registered and vocational) act and counsel on matters of common interest and concern affecting public health, safety and welfare. Sixty-one boards of nursing from all 50 United States, the District of Columbia, Guam, the Virgin Islands, Puerto Rico, American Samoa, and the Commonwealth of Northern Mariana Islands have membership with NCSBN.

Staff at NCSBN report to a Board of Directors which is comprised of representatives from and elected by the boards of nursing. The Board of Directors appoints committees, subcommittees, and task forces to work on the various nursing issues of interest to the boards. Members of the committees are comprised of representatives from the boards of nursing, which allows boards of nursing from around the country to have the opportunity to collaborate and work together on nursing issues of national concern.

The State of California benefits from pooling resources with the other state boards of nursing in a number of ways, including:

- **Examination.** Combined efforts result in a high-quality, computerized licensing examination which is used nationwide, thus facilitating reciprocity for a mobile profession.
- **Discipline Information.** A nationwide discipline reporting system permits states to promptly act on out-of-state disciplinary actions against nurses.
- **Consumer Protection Issues.** The combined resources of NCSBN provide a means to quickly and efficiently research emerging nursing issues and to provide recommendations so that each state does not need to “reinvent the wheel.” This includes federal and state legislative upgrades and insight into new nursing trends, such as tele-nursing.
- **Information Exchange.** Through the exchange of ideas, innovations, and emerging issues, state boards have formed an informational network to plan and anticipate problems and formulate solutions to consumer protection issues. The exchange occurs via electronic means, meetings, and written reports.

Attachment B

Relationship of Committees to the Board and Membership of Each Committee



Attachment C

Major Studies and Publications

MARJOR STUDIES

1. **Biennial Demographic/Workforce Survey of RNs and Forecasting Analysis**
2012 RN Survey Report: <http://rn.ca.gov/pdfs/forms/survey2012.pdf>
2013 RN Forecasting Report: <http://rn.ca.gov/pdfs/forms/forecasts2013.pdf>
2012 RN Interactive Data Summary: <http://rn.ca.gov/forms/datasummaries2012.shtml>
2. **Annual Survey of RN Educational Programs**
2012-13 Annual School Trend Report: <http://rn.ca.gov/pdfs/schools/schoolrpt12-13.pdf>
2012-13 Annual School Data Summary Report: <http://rn.ca.gov/pdfs/schools/prelicensure12-13.pdf>
3. **2012-2013 California New Graduate Hiring Survey**
<http://cinhc.wpengine.netdna-cdn.com/wp-content/uploads/2013/02/2012-2013-California-New-Grad-Hiring-Survey.pdf>
4. **2013 Survey of Nurses' Educational Experiences:**
<http://rn.ca.gov/pdfs/forms/survey2013.pdf>
5. **The Diversity of California's Registered Nursing Workforce**
2013 Analysis: <http://rn.ca.gov/pdfs/forms/diversityupdate.pdf>
2012 Analysis: <http://rn.ca.gov/pdfs/schools/diversity.pdf>
6. **2010 Survey of Nurse Practitioners and Certified Nurse Midwives:**
<http://rn.ca.gov/pdfs/forms/survey2010npcnm.pdf>
7. **2010 Survey of Clinical Nurse Specialists:**
<http://rn.ca.gov/pdfs/forms/survey2010cns.pdf>
8. **A Study of California Nurses Placed on Probation:**
<http://rn.ca.gov/pdfs/forms/probnurse.pdf>

MAJOR PUBLICATIONS

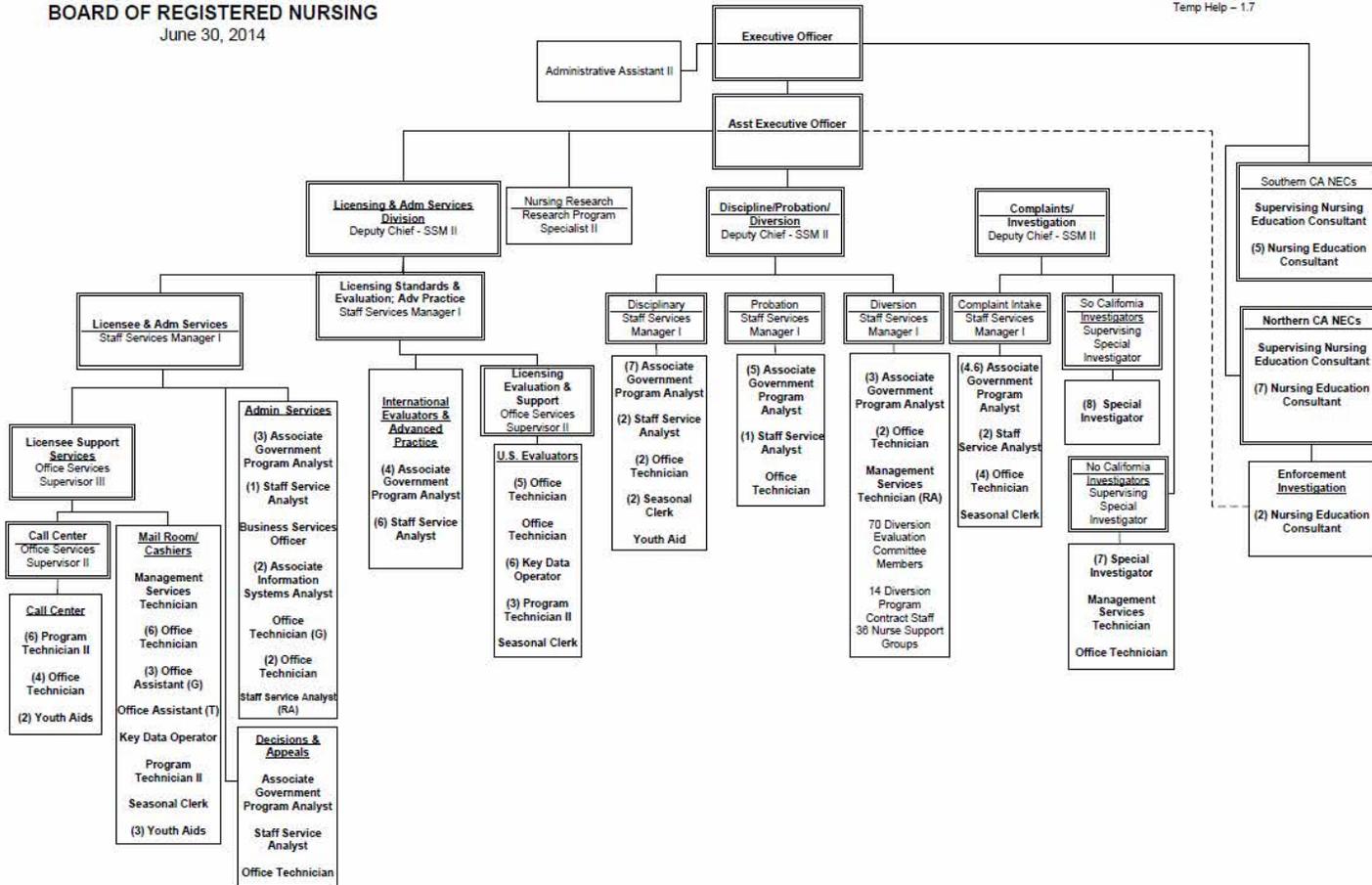
1. **BRN Report**
Winter 2013 Edition: <http://rn.ca.gov/pdfs/forms/brnwinter2013.pdf>
2. **Strategic Plan**
2014-2017 Edition: http://rn.ca.gov/pdfs/about_us/stratplan14-17.pdf
3. **Annual Report – DCA**
2012-13 Edition: http://www.dca.ca.gov/publications/12_13_annrpt.pdf

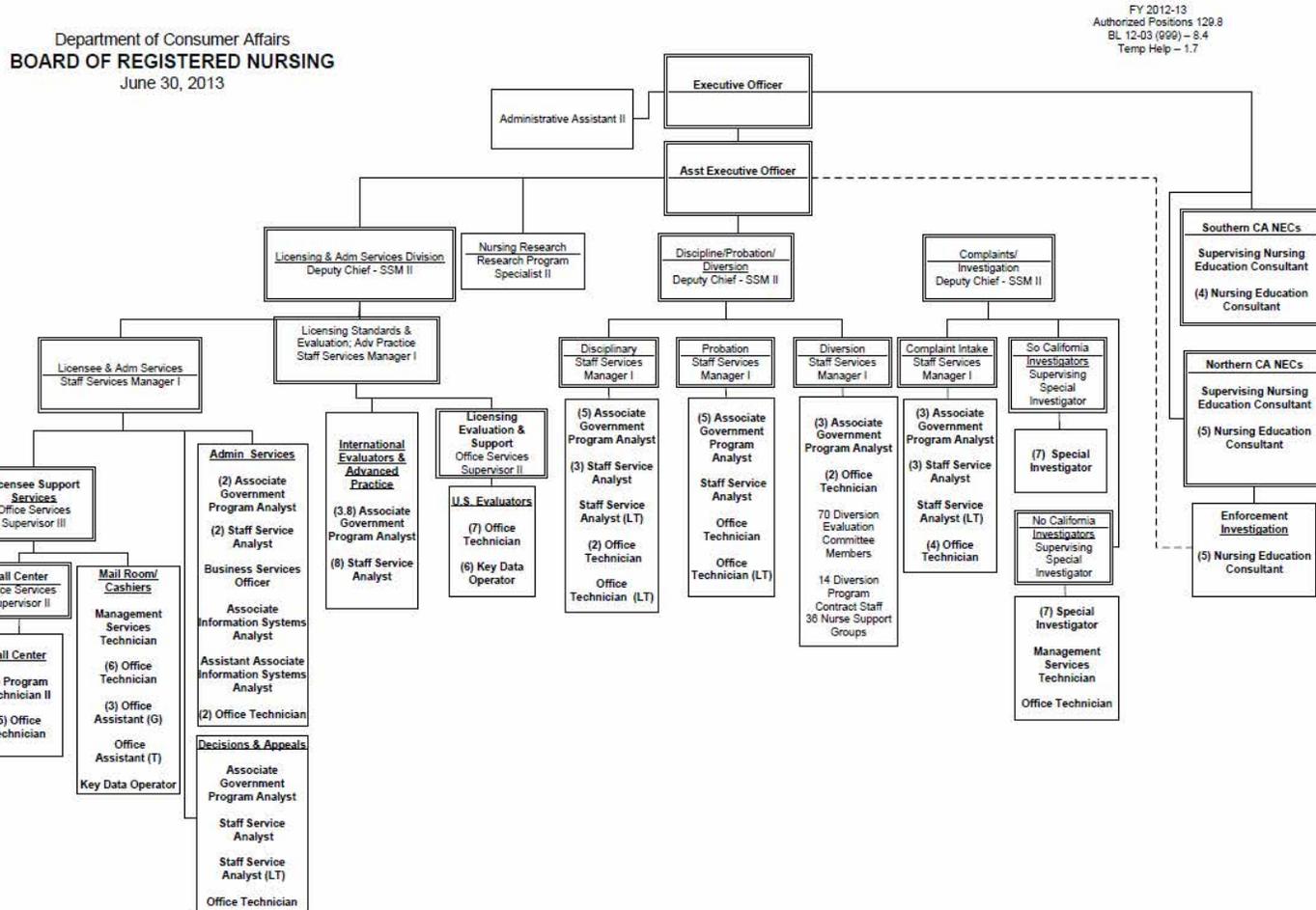
Attachment D

Year-End Organizational Charts for Last Four Fiscal Years

Department of Consumer Affairs
BOARD OF REGISTERED NURSING
 June 30, 2014

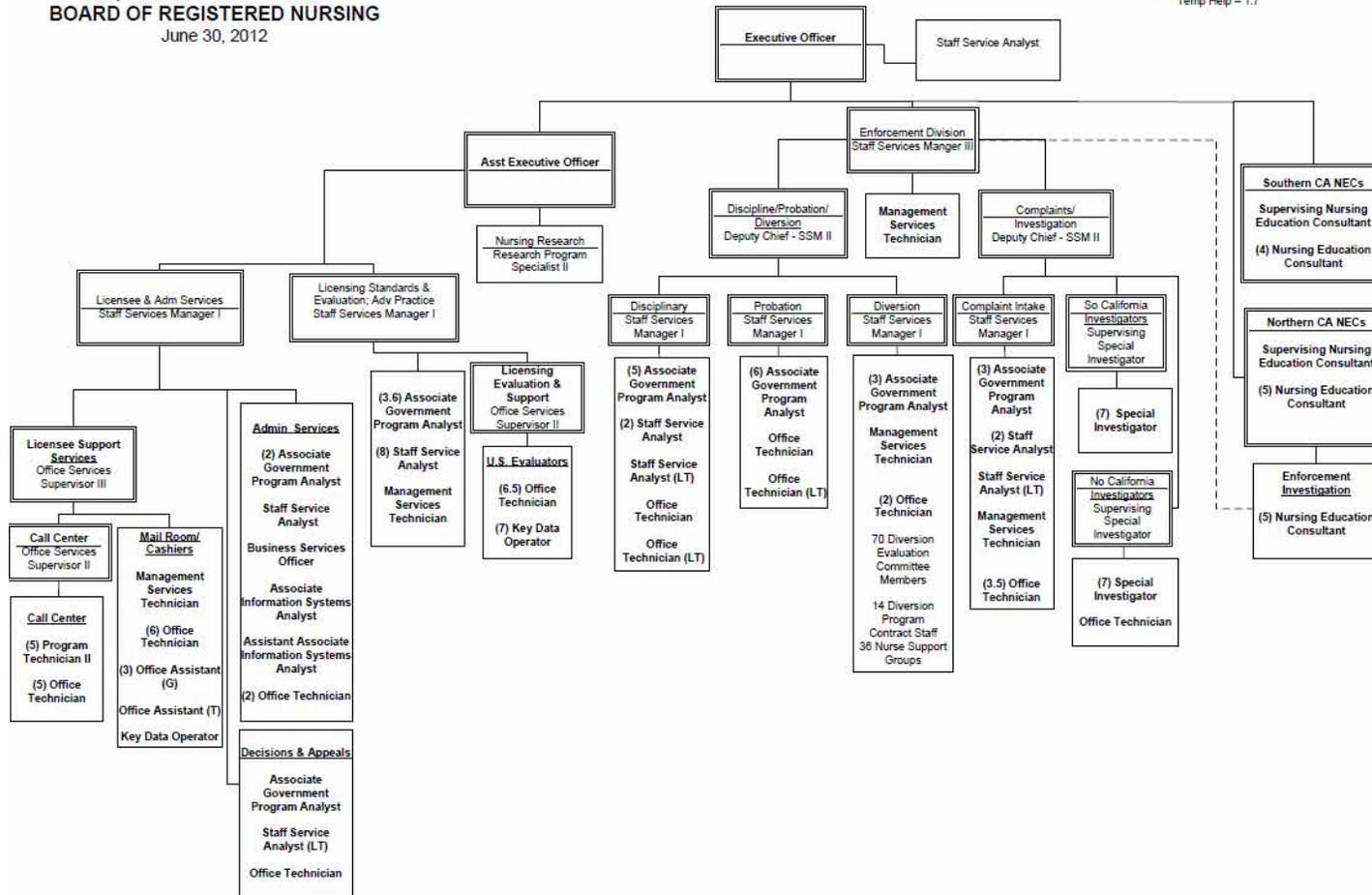
FY 2013-14
 Authorized Positions 129.1
 BL 12-03 (999) - 8.4
 Temp Help - 1.7

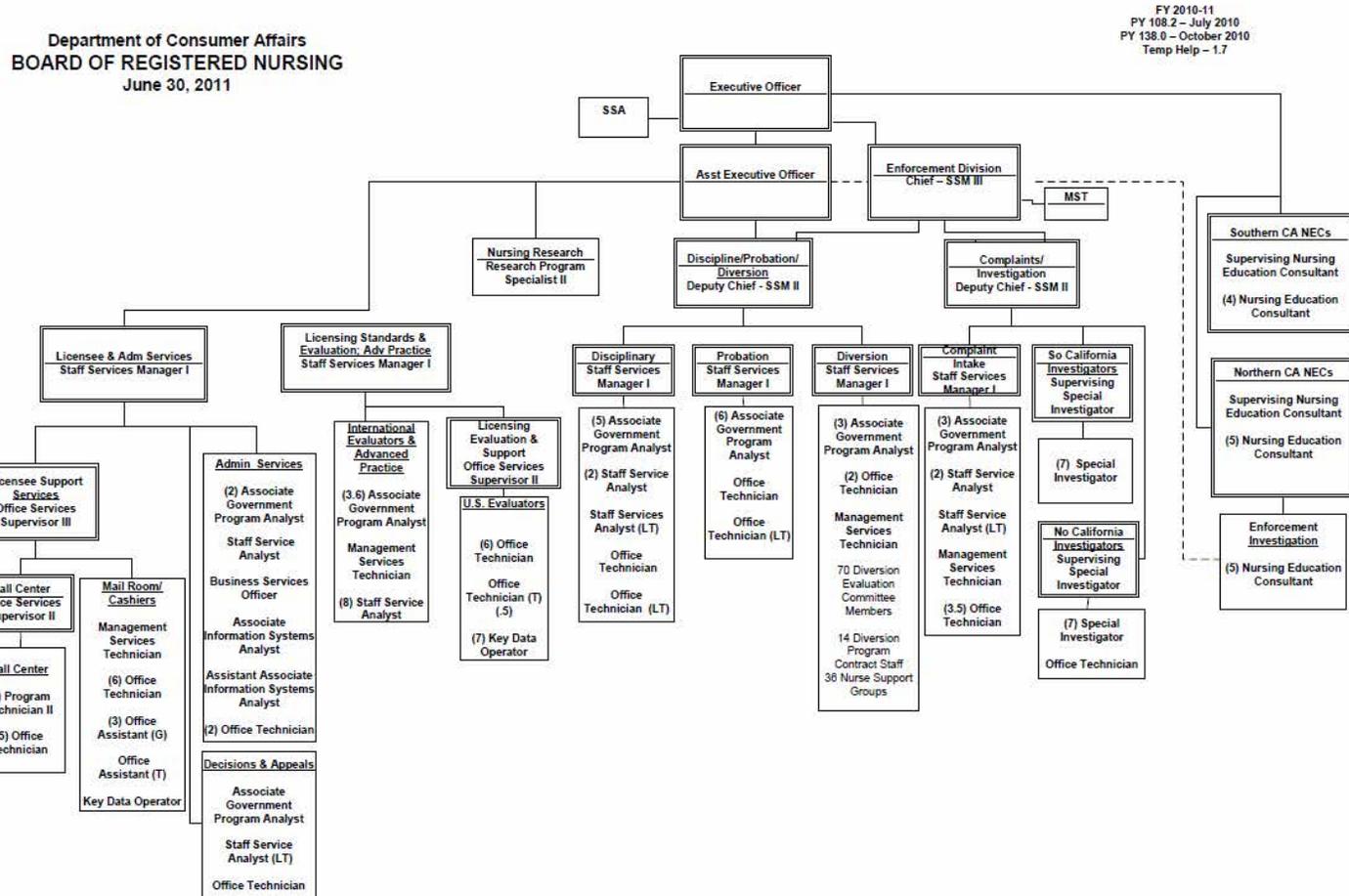




Department of Consumer Affairs
BOARD OF REGISTERED NURSING
 June 30, 2012

FY 2011-12
 Authorized Positions 142.5
 Temp Help - 1.7





Attachment E

Sunset Report Form with Questions and Guide for Completing Questions

[BOARD NAME]
**BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT
 REGULATORY PROGRAM**
As of [date]

Section 1 Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.¹ Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

Table 1a. Attendance

[Enter board member name]			
Date Appointed:	[Enter date appointed]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Meeting 1	[Enter Date]	[Enter Location]	[Y/N]
Meeting 2	[Enter Date]	[Enter Location]	[Y/N]
Meeting 3	[Enter Date]	[Enter Location]	[Y/N]
Meeting 4	[Enter Date]	[Enter Location]	[Y/N]

Table 1b. Board/Committee Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re- appointed	Date Term Expires	Appointing Authority	Type (public or professional)

¹ The term "board" in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?
3. Describe any major changes to the board since the last Sunset Review, including:
 - Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)
 - All legislation sponsored by the board and affecting the board since the last sunset review.
 - All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.
4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).
5. List the status of all national associations to which the board belongs.
 - Does the board's membership include voting privileges?
 - List committees, workshops, working groups, task forces, etc., on which board participates.
 - How many meetings did board representative(s) attend? When and where?
 - If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

Section 2 Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website
7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

Section 3 Fiscal and Staff

Fiscal Issues

8. Describe the board's current reserve level, spending, and if a statutory reserve level exists.
9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Beginning Balance						
Revenues and Transfers						
Total Revenue	\$	\$	\$	\$	\$	\$
Budget Authority						
Expenditures						
Loans to General Fund						
Accrued Interest, Loans to General Fund						
Loans Repaid From General Fund						
Fund Balance	\$	\$	\$	\$	\$	\$
Months in Reserve						

10. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

11. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component								(list dollars in thousands)	
	FY 2010/11		FY 2011/12		FY 2012/13		FY 2013/14		
	Personnel Services	OE&E							
Enforcement									
Examination									
Licensing									
Administration *									
DCA Pro Rata									
Diversion (if applicable)									
TOTALS	\$	\$	\$	\$	\$	\$	\$	\$	

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

Table 4. Fee Schedule and Revenue							
(list revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2010/11 Revenue	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	% of Total Revenue

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

15. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

Section 4 Licensing Program

16. What are the board's performance targets/expectations for its licensing² program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
17. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?
18. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population

		FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				
[Enter License Type]	Active				
	Out-of-State				
	Out-of-Country				
	Delinquent				

² The term "license" in this document includes a license certificate or registration.

Table 7a. Licensing Data by Type

Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2011/12	(Exam)					-	-	-	-	-	-
	(License)					-	-	-	-	-	-
	(Renewal)			n/a		-	-	-	-	-	-
FY 2012/13	(Exam)										
	(License)										
	(Renewal)			n/a							
FY 2013/14	(Exam)										
	(License)										
	(Renewal)			n/a							

* Optional. List if tracked by the board.

Table 7b. Total Licensing Data

	FY 2011/12	FY 2012/13	FY 2013/14
Initial Licensing Data:			
Initial License/Initial Exam Applications Received			
Initial License/Initial Exam Applications Approved			
Initial License/Initial Exam Applications Closed			
License Issued			
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)			
Pending Applications (outside of board control)*			
Pending Applications (within the board control)*			
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)			
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
License Renewal Data:			
License Renewed			

* Optional. List if tracked by the board.

19. How does the board verify information provided by the applicant?
- What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?
 - Does the board fingerprint all applicants?
 - Have all current licensees been fingerprinted? If not, explain.
 - Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?
 - Does the board require primary source documentation?
20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.
21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.
- Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?
 - How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?
 - What regulatory changes has the board made to bring it into conformance with BPC § 35?
 - How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?
 - How many applications has the board expedited pursuant to BPC § 115.5?
22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

Examinations

Table 8. Examination Data			
California Examination (include multiple language) if any:			
		License Type	
		Exam Title	
FY 2010/11	# of 1 st Time Candidates		
	Pass %		
FY 2011/12	# of 1 st Time Candidates		
	Pass %		
FY 2012/13	# of 1 st Time Candidates		
	Pass %		
FY 2013/14	# of 1 st time Candidates		
	Pass %		
		Date of Last OA	
		Name of OA Developer	
		Target OA Date	
National Examination (include multiple language) if any:			
		License Type	
		Exam Title	
FY 2010/11	# of 1 st Time Candidates		
	Pass %		
FY 2011/12	# of 1 st Time Candidates		
	Pass %		
FY 2012/13	# of 1 st Time Candidates		
	Pass %		
FY 2013/14	# of 1 st time Candidates		
	Pass %		
		Date of Last OA	
		Name of OA Developer	
		Target OA Date	

23. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?

24. What are pass rates for first time vs. retakes in the past 4 fiscal years? (*Refer to Table 8: Examination Data*)
25. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?
26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

School approvals

27. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?
28. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?
29. What are the board's legal requirements regarding approval of international schools?

Continuing Education/Competency Requirements

30. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.
- How does the board verify CE or other competency requirements?
 - Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.
 - What are consequences for failing a CE audit?
 - How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?
 - What is the board's course approval policy?
 - Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?
 - How many applications for CE providers and CE courses were received? How many were approved?
 - Does the board audit CE providers? If so, describe the board's policy and process.
 - Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

Section 5 Enforcement Program

31. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
32. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Table 9a. Enforcement Statistics			
	FY 2011/12	FY 2012/13	FY 2013/14
COMPLAINT			
Intake (Use CAS Report EM 10)			
Received			
Closed			
Referred to INV			
Average Time to Close			
Pending (close of FY)			
Source of Complaint (Use CAS Report 091)			
Public			
Licensee/Professional Groups			
Governmental Agencies			
Other			
Conviction / Arrest (Use CAS Report EM 10)			
CONV Received			
CONV Closed			
Average Time to Close			
CONV Pending (close of FY)			
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied			
SOIs Filed			
SOIs Withdrawn			
SOIs Dismissed			
SOIs Declined			
Average Days SOI			
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed			
Accusations Withdrawn			
Accusations Dismissed			
Accusations Declined			
Average Days Accusations			
Pending (close of FY)			

Table 9b. Enforcement Statistics (continued)			
	FY 2011/12	FY 2012/13	FY 2013/14
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions			
Stipulations			
Average Days to Complete			
AG Cases Initiated			
AG Cases Pending (close of FY)			
Disciplinary Outcomes (Use CAS Report 096)			
Revocation			
Voluntary Surrender			
Suspension			
Probation with Suspension			
Probation			
Probationary License Issued			
Other			
PROBATION			
New Probationers			
Probations Successfully Completed			
Probationers (close of FY)			
Petitions to Revoke Probation			
Probations Revoked			
Probations Modified			
Probations Extended			
Probationers Subject to Drug Testing			
Drug Tests Ordered			
Positive Drug Tests			
Petition for Reinstatement Granted			
DIVERSION			
New Participants			
Successful Completions			
Participants (close of FY)			
Terminations			
Terminations for Public Threat			
Drug Tests Ordered			
Positive Drug Tests			

Table 9c. Enforcement Statistics (continued)			
	FY 2011/12	FY 2012/13	FY 2013/14
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned			
Closed			
Average days to close			
Pending (close of FY)			
Desk Investigations (Use CAS Report EM 10)			
Closed			
Average days to close			
Pending (close of FY)			
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed			
Average days to close			
Pending (close of FY)			
Sworn Investigation			
Closed (Use CAS Report EM 10)			
Average days to close			
Pending (close of FY)			
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued			
PC 23 Orders Requested			
Other Suspension Orders			
Public Letter of Reprimand			
Cease & Desist/Warning			
Referred for Diversion			
Compel Examination			
CITATION AND FINE (Use CAS Report EM 10 and 095)			
Citations Issued			
Average Days to Complete			
Amount of Fines Assessed			
Reduced, Withdrawn, Dismissed			
Amount Collected			
CRIMINAL ACTION			
Referred for Criminal Prosecution			

Table 10. Enforcement Aging						
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year						
2 Years						
3 Years						
4 Years						
Over 4 Years						
Total Cases Closed						
Investigations (Average %)						
Closed Within:						
90 Days						
180 Days						
1 Year						
2 Years						
3 Years						
Over 3 Years						
Total Cases Closed						

33. What do overall statistics show as to increases or decreases in disciplinary action since last review.
34. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.
35. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?
36. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?
37. Describe the board's efforts to address unlicensed activity and the underground economy.

Cite and Fine

38. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?
39. How is cite and fine used? What types of violations are the basis for citation and fine?
40. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?
41. What are the 5 most common violations for which citations are issued?
42. What is average fine pre- and post- appeal?
43. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

Cost Recovery and Restitution

44. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.
45. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.
46. Are there cases for which the board does not seek cost recovery? Why?
47. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.
48. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

Table 11. Cost Recovery				
				(list dollars in thousands)
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Total Enforcement Expenditures				
Potential Cases for Recovery *				
Cases Recovery Ordered				
Amount of Cost Recovery Ordered				
Amount Collected				
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Table 12. Restitution				
(list dollars in thousands)				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Amount Ordered				
Amount Collected				

Section 6 Public Information Policies

49. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?
50. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long to webcast meetings remain available online?
51. Does the board establish an annual meeting calendar, and post it on the board's web site?
52. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?
53. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?
54. What methods are used by the board to provide consumer outreach and education?

Section 7 Online Practice Issues

55. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

Section 8 Workforce Development and Job Creation

56. What actions has the board taken in terms of workforce development?
57. Describe any assessment the board has conducted on the impact of licensing delays.

58. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.
59. Provide any workforce development data collected by the board, such as:
- Workforce shortages
 - Successful training programs.

Section 9 Current Issues

60. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?
61. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?
62. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

Section 10 Board Action and Response to Prior Sunset Issues

Include the following:

- Background information concerning the issue as it pertains to the board.
- Short discussion of recommendations made by the Committees/Joint Committee during prior sunset review.
- What action the board took in response to the recommendation or findings made under prior sunset review.
- Any recommendations the board has for dealing with the issue, if appropriate.

Section 11 New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

- Issues that were raised under prior Sunset Review that have not been addressed.

2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

Section 12 Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

Section 13 Board Specific Issues

THIS SECTION ONLY APPLIES TO SPECIFIC BOARDS, AS INDICATED BELOW.

Diversion

Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate, the overall costs of the program compared with its successes

Diversion Evaluation Committees (DEC) (for BRN, Dental, Osteo and VET only)

1. DCA contracts with a vendor to perform probation monitoring services for licensees with substance abuse problems, why does the board use DEC? What is the value of a DEC?
2. What is the membership/makeup composition?
3. Did the board have any difficulties with scheduling DEC meetings? If so, describe why and how the difficulties were addressed.
4. Does the DEC comply with the Open Meetings Act?

5. How many meetings held in each of the last three fiscal years?
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. How is DEC used? What types of cases are seen by the DEC?
11. How many DEC recommendations have been rejected by the board in the past four fiscal years (broken down by year)?

Disciplinary Review Committees (Board of Barbering and Cosmetology and BSIS only)

1. What is a DRC and how is a DRC used? What types of cases are seen by the DRCs?
2. What is the membership/makeup composition?
3. Does the DRC comply with the Open Meetings Act?
4. How many meeting held in last three fiscal years?
5. Did the board have any difficulties with scheduling DRC meetings? If so, describe why and how the difficulties were addressed.
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. Provide statistics on DRC actions/outcomes.

Guide for Completing Tables in BP&ED Oversight Review Questionnaire

Table 1a. Attendance

To complete *Table 1a. Attendance*, include the information for each board³ member who served on the board since the board's last sunset review.

Table 1b. Board/Committee Member Roster

Table 1b. Board/Committee Member Roster, should be completed for each board/committee meeting in the last four complete fiscal years. Each meeting date, location, member name, and meeting type should be noted. Indicate attendance at the meeting with a "yes", absence with a "no", and if they were not a member at the time of the meeting note that with "n/a."

Table 2. Fund Condition

For projected fiscal year revenues and budget authority, please use the numbers included in the most recent Governor's proposed budget. When determining projections for expenditures in future fiscal years, assume reversions based on the percentage reverted in the prior three full fiscal years. When determining months in reserve, one month's expenditure is one-twelfth of the budget authority for the next fiscal year based on the Governor's proposed budget.

Table 3. Expenditure by Program Component

The DCA Budget Office can prepare this table.

Table 4. Fee Schedule and Revenue Table

Include all fees charged by the board. Revenue totals can be obtained from Month 13 Calstars reports. Please report the percentage of revenue based on the most recent full fiscal year results.

³ "Board" refers to a board, bureau, commission, committee, department, division, program or agency, as applicable.

Table 6. License⁴ Population

These data elements can be obtained from the Month 13 Calstars report.

Tables 7a. Licensing Data by Type and 7b. Total Licensing Data

Licensing data elements can be obtained from the Licensing for Job Creation (LJC) reports generated by the Department. Boards that self-report the LJC data should use the definitions below when compiling this table.

Table 7a requires initial license and initial exam data input. Each data element has been defined below. It is important to remember that this table only asks for "Initial (first time)" licensure and exam information.

Definitions for Licensing Data (Tables 7a, 7b)	
Application Type	License or Exam application name plus designate if data is for an exam or license (example: ARB (Exam) or ARB (Lic))
Closed	Applicant withdrew application, application was abandoned, or application was denied during the reporting period.
Issued	Represents the number of licenses issued during the reporting period. The term "License" means initial licensure, temporary permits, interim licenses, registrations, and certificates.
Pending Applications (Total as of the close of the fiscal year)	Initial License/Initial Exam applications that have not been approved, issued, or closed. This number should include both applications for which the board is waiting on material from the applicant (incomplete applications) AND applications that the board has not reviewed yet.

⁴ "License" includes a license certificate or registration.

<p>Pending Applications outside of the board control: Incomplete)</p>	<p>A subset of “Pending Applications” – This is all applications that do not, upon initial submission, contain all necessary documents for examination eligibility and/or initial license and the board has advised the applicant. This entry is optional, and should be listed if tracked by the board.</p>
<p>Pending Applications within the board control: Complete)</p>	<p>A subset of “Pending Applications” – This is all applications that the board is working on which are not incomplete (missing information from the applicant). This entry is optional, and should be listed if tracked by the board.</p>
<p>Cycle Time/Processing Time (complete app)</p>	<p>Total days to process complete initial license/initial exam applications (applicant submitted all paperwork required). This is the timeframe from when the board received the application for initial exam and/or initial licensure to the time the application was approved for exam eligibility or license issuance.</p>
<p>Cycle Time/Processing Time (incomplete app)</p>	<p>Total days to process incomplete initial license/initial exam applications (applicant still owes the board documentation/information to complete the application). This means the application was deficient at some point during the approval process. This is the timeframe from when the board received the application for initial exam and/or initial licensure to the time the application was approved for exam eligibility or license issuance.</p>
<p>Cycle Time/Processing Time (Combined: Complete/Incomplete)</p>	<p>This is a weighted average of days to process applications (Combined initial license/initial exam applications). If the board is unable to separate the processing time, then a combined time for all applications should be entered. This is the timeframe from when the board received the application for initial exam and/or initial licensure to the time the application was approved for exam eligibility or license issuance.</p>

Table 8. Examination Data

This data is generated internally by each board.

Tables 9a, 9b, 9c. Enforcement Statistics

The following CAS reports will provide most of the enforcement data needed to complete Tables 9a, 9b, and 9c: EM 10, 091, 096 and 095. However, additional reports may be needed.

Boards that do not use the CAS enforcement modules, please use the “Definitions for Enforcement Data” below

Definitions for Enforcement Data (Tables 9a, 9b, 9c)	
COMPLAINTS	Cases that are generated by consumer complaints, internal complaints and referrals from other agencies.
Received	Total count of complaints received by the board.
Closed	Total count of complaints closed, and NOT referred for investigation, by the board.
Referred to Investigation	Total count of complaints referred to Investigation (either Desk Investigation, Non-Sworn Investigation, or Sworn Investigation).
Average Time to Close	Cycle time; from complaint received to complaint closed OR referred to investigation. Calculated in days.
Pending (close of FY)	Total count of complaints which have been received by the board, but have not yet been closed or referred to investigation.
CONVICTIONS/ARRESTS	Cases generated by criminal history reports.
CONV Received	Total count of convictions received by the board.

CONV Closed	Total count of convictions closed by the board or referred for investigation.
Average Time to Close	Cycle time; from convictions received to complaint closed OR referred to investigation. Calculated in days.
CONV Pending (close of FY)	Total count of convictions which have been received by the board, but have not yet been closed or referred to investigation.
ALL INVESTIGATIONS	When a case is assigned to investigation.
First Assigned	Total number of initial assignments to investigation (Desk, Non-Sworn, or Sworn).
Closed	Total number of Investigations (Desk, Non-Sworn and/or Sworn) which are closed.
Average days to close	Cycle time; from when the case was received as a complaint, to when it is closed at the Desk, Non-Sworn, or Sworn investigation level.
Pending (close of FY)	Total count of Investigations which have been received by the board, but have not yet been closed or referred to further investigation.
Desk Investigations	When a case is assigned to an analyst for desk review.
Closed	Total count of Desk Investigations closed by the board.
Average Time to Close	Cycle time; from the dated when the Desk Investigation was received as a complaint, to the dated when it is closed OR referred to further investigation. Calculated in days.
Pending (close of FY)	Total count of Desk Investigations which have been received by the board, but have not yet been closed or referred to further investigation.

Non-Sworn Investigation	When a case is assigned for field investigation by an investigator who is NOT a sworn peace officer.
Closed	Total count of Non-Sworn Investigations closed by the board.
Average Days to Close	Cycle time; from the date when the Non-Sworn Investigations was received as a complaint, to the date when it is closed OR referred to further investigation. Calculated in days.
Pending (close of FY)	Total count of Non-Sworn Investigations which have been received by the board, but have not yet been closed or referred to further investigation.
Sworn Investigation	When a case is assigned for field investigation by an investigator who IS a sworn peace officer.
Closed	Total count of Sworn Investigations closed by the board.
Average days to close	Cycle time; from the date when the Sworn Investigation was received as a complaint, to the date when it is closed OR referred to further investigation. Calculated in days.
Pending (close of FY)	Total count of Sworn Investigations which have been received by the board, but have not yet been closed or referred to further investigation.
LICENSE DENIALS	
License Applications Denied	Number of License Denials Issued
SOIs	Statement Of Issues
SOIs Filed	Total count of SOIs filed.
SOIs Withdrawn	Total count of SOIs withdrawn.

SOIs Dismissed	Total count of SOIs dismissed.
SOIs Declined	Total count of SOIs declined.
Average Days SOI	Cycle time; from the date the case was received as a complaint to the date when the SOI was issued. Calculated in days.
ACCUSATIONS	
Accusations Filed	Total count of Accusations filed.
Accusations Withdrawn	Total count of Accusations withdrawn.
Accusations Dismissed	Total count of Accusations dismissed.
Accusations Declined	Total count of Accusations declined.
Average Days Accusations	Cycle time; from the date the case was received as a complaint to the date when the Accusation was issued. Calculated in days.
DISCIPLINE	
Disciplinary Actions	
Proposed/Default Decisions	Total count of Proposed/Default Decisions filed.
Stipulations	Total count of Stipulations filed.
Average Days to Complete	Cycle time; from the date the case was received as a complaint to the date when the Disciplinary Order was issued. Calculated in days.
AG Cases Initiated	Total count of cases referred to the Attorney General.

AG Cases Pending (close of FY)	Total count of cases pending at the AG.
ISO	Total count of Interim Suspension Orders (ISOs) issued.
Disciplinary Outcomes	
Revocation	Total count of Disciplinary Orders to revoke a license.
Voluntary Surrender	Total count of Disciplinary Orders to surrender a license.
Suspension	Total count of Disciplinary Orders requiring only the Suspension of a license.
Probation with Suspension	Total count of Disciplinary Orders requiring both Suspension of a License and Probation.
Probation	Total count of Disciplinary Orders requiring only the Probation of a license.
Probationary License Issued	Total count of Probationary Licenses issued.
Compliance Actions	
ISO & TRO Issued	Total count of Interim Suspension Orders & Temporary Restraining Orders issued.
PC 23 Orders Requested	Total count of Cease Practice Orders sought per Penal Code Section 23.
Public Letter of Reprimand	Total count of Public Letters of Reprimand issued.
Cease & Desist/Warning	Total count of Cease & Desist or Warning Letters issued.

Referred for Diversion	Total count of individuals referred to the board's Diversion Program.
Compel Examination	Total count of orders compelling a Physical or Mental Examination.
CITATIONS & FINES	
Citations Issued	Total count of Citations issued.
Average Days to Complete	Cycle time; from the date the case was received as a complaint to the date when the citation was issued. Calculated in days.
Amount of Fines Assessed	Total amount of fines assessed.
Reduced, Withdrawn, Dismissed	Total count of fines reduced and citations withdrawn or dismissed.
Amount Collected	Total amount of revenue generated by collection of fines.
PROBATION	
New Probationers	Total count of individuals beginning probation.
Probations Successfully Completed	Total count of individuals who successfully completed probation.
Probationers (close of FY)	Total count of probationers as of the close of the fiscal year.
Petitions to Revoke Probation	Total count of petitions filed to revoke a probation order.
Probations Revoked	Total count of individuals whose licenses were revoked due to probation violations.

Probations Extended	Total count of individuals whose probations were extended.
Probationers Subject to Drug Testing	Total count of probationers required to be tested for drugs.
Drug Tests Ordered	Total count of drug tests ordered.
Positive Drug Tests	Total count of positive drug tests.
Petition for Reinstatement Granted	Total count of those probationers that have been granted reinstatement in the fiscal year.

Table 11. Cost Recovery

This data is generated internally by each board.

Table 12. Restitution

This data is generated internally by each board.

Attachment F

Board Member's Attendance

Current Board Member's Attendance

Table 1a. Attendance			
<i>Imelda Ceja-Butkiewicz</i>			
Date Appointed: February 6, 2014			
Meeting Type	Meeting Date	Meeting Location	Attended?
Strategic Planning Session	03/04/2014	Riverside	Yes
Board Meeting	03/05/2014	Riverside	Yes
Committee Meeting	03/06/2014	Riverside	Yes
Board Meeting	04/02/2014	Riverside	Yes
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	Yes
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	Yes
Board Meeting	06/12/2014	Sacramento	Yes
<i>Jeanette Dong</i>			
Date Appointed: November 14, 2012			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/28/2012	Burlingame	No
Board Meeting	11/29/2012	Burlingame	No
Committee Meeting	01/09/2013	Costa Mesa	Yes
Board Meeting	02/06/2013	Garden Grove	Yes
Board Meeting	02/07/2013	Garden Grove	Yes
Committee Meeting	03/06/2013	Sacramento	No
Board Meeting	04/10/2013	Sacramento	Yes
Board Meeting	04/11/2013	Sacramento	Yes
Committee Meeting	05/08/2013	Los Angeles	Yes
Board Meeting	05/09/2013	Los Angeles	Yes
Board Meeting	06/12/2013	Ontario	Yes
Board Meeting	06/13/2013	Ontario	Yes
Committee Meeting	08/07/2013	Oakland	Yes
Board Meeting	09/11/2013	Oakland	Yes
Board Meeting	09/12/2013	Oakland	Yes
Committee Meeting	10/01/2013	Ontario	No
Board Meeting	11/07/2013	San Diego	Yes

Jeanette Dong (continued)			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	01/08/2014	Burlingame	No
Board Meeting	01/09/2014	Burlingame	No
Board Meeting	02/05/2014	Emeryville	No
Board Meeting	02/06/2014	Emeryville	No
Strategic Planning Session	03/04/2014	Riverside	No
Board Meeting	03/05/2014	Riverside	No
Committee Meeting	03/06/2014	Riverside	No
Board Meeting	04/02/2014	Riverside	Yes
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	Yes
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	No
Board Meeting	06/12/2014	Sacramento	No
Beverly Hayden-Pugh			
Date Appointed: August 20, 2013			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/11/2013	Oakland	Yes
Board Meeting	09/12/2013	Oakland	Yes
Committee Meeting	10/01/2013	Ontario	Yes
Board Meeting	11/06/2013	San Diego	Yes
Board Meeting	11/07/2013	San Diego	Yes
Committee Meeting	01/08/2014	Burlingame	Yes
Board Meeting	01/09/2014	Burlingame	Yes
Board Meeting	02/05/2014	Emeryville	Yes
Board Meeting	02/06/2014	Emeryville	Yes
Strategic Planning Session	03/04/2014	Riverside	Yes
Board Meeting	03/05/2014	Riverside	Yes
Committee Meeting	03/06/2014	Riverside	Yes
Board Meeting	04/02/2014	Riverside	Yes
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	Yes
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	Yes
Board Meeting	06/12/2014	Sacramento	Yes

Michael D. Jackson			
Date Appointed: May 10, 2012			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	06/21/2012	Sacramento	Yes
Board Meeting	06/22/2012	Sacramento	Yes
Board Meeting	07/25/2012	Ontario	Yes
Board Meeting	07/26/2012	Ontario	Yes
Committee Meeting	08/29/2012	Ontario	Yes
Board Meeting	09/27/2012	San Diego	Yes
Board Meeting	09/28/2012	San Diego	Yes
Committee Meeting	10/30/2012	Berkeley	Yes
Board Meeting	11/28/2012	Burlingame	Yes
Board Meeting	11/29/2012	Burlingame	Yes
Committee Meeting	01/09/2013	Costa Mesa	Yes
Board Meeting	02/06/2013	Garden Grove	Yes
Board Meeting	02/07/2013	Garden Grove	Yes
Committee Meeting	03/06/2013	Sacramento	Yes
Board Meeting	04/10/2013	Sacramento	Yes
Board Meeting	04/11/2013	Sacramento	Yes
Committee Meeting	05/08/2013	Los Angeles	Yes
Board Meeting	05/09/2013	Los Angeles	Yes
Board Meeting	06/12/2013	Ontario	Yes
Board Meeting	06/13/2013	Ontario	Yes
Committee Meeting	08/07/2013	Oakland	Yes
Board Meeting	09/11/2013	Oakland	Yes
Board Meeting	09/12/2013	Oakland	Yes
Committee Meeting	10/01/2013	Ontario	Yes
Board Meeting	11/06/2013	San Diego	Yes
Board Meeting	11/07/2013	San Diego	Yes
Committee Meeting	01/08/2014	Burlingame	Yes
Board Meeting	01/09/2014	Burlingame	Yes
Board Meeting	02/05/2014	Emeryville	Yes
Board Meeting	02/06/2014	Emeryville	Yes
Strategic Planning Session	03/04/2014	Riverside	Yes
Board Meeting	03/05/2014	Riverside	Yes
Committee Meeting	03/06/2014	Riverside	Yes

Michael D. Jackson (continued)			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	04/02/2014	Riverside	Yes
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	Yes
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	Yes
Board Meeting	06/12/2014	Sacramento	Yes
Cynthia C. Klein			
Date Appointed: May 10, 2012 and June 6, 2014			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	06/21/2012	Sacramento	Yes
Board Meeting	06/22/2012	Sacramento	Yes
Board Meeting	07/25/2012	Ontario	Yes
Board Meeting	07/26/2012	Ontario	Yes
Committee Meeting	08/29/2012	Ontario	Yes
Board Meeting	09/27/2012	San Diego	Yes
Board Meeting	09/28/2012	San Diego	Yes
Committee Meeting	10/30/2012	Berkeley	Yes
Board Meeting	11/28/2012	Burlingame	Yes
Board Meeting	11/29/2012	Burlingame	Yes
Committee Meeting	01/09/2013	Costa Mesa	Yes
Board Meeting	02/06/2013	Garden Grove	Yes
Board Meeting	02/07/2013	Garden Grove	Yes
Committee Meeting	03/06/2013	Sacramento	Yes
Board Meeting	04/10/2013	Sacramento	Yes
Board Meeting	04/11/2013	Sacramento	Yes
Committee Meeting	05/08/2013	Los Angeles	Yes
Board Meeting	05/09/2013	Los Angeles	Yes
Board Meeting	06/12/2013	Ontario	Yes
Board Meeting	06/13/2013	Ontario	Yes
Committee Meeting	08/07/2013	Oakland	Yes
Board Meeting	09/11/2013	Oakland	Yes
Board Meeting	09/12/2013	Oakland	Yes

Cynthia C. Klein (continued)			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	10/01/2013	Ontario	Yes
Board Meeting	11/06/2013	San Diego	Yes
Board Meeting	11/07/2013	San Diego	Yes
Committee Meeting	01/08/2014	Burlingame	Yes
Board Meeting	01/09/2014	Burlingame	Yes
Board Meeting	02/05/2014	Emeryville	Yes
Board Meeting	02/06/2014	Emeryville	Yes
Strategic Planning Session	03/04/2014	Riverside	No
Board Meeting	03/05/2014	Riverside	No
Committee Meeting	03/06/2014	Riverside	No
Board Meeting	04/02/2014	Riverside	Yes
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	Yes
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	No
Board Meeting	06/12/2014	Sacramento	Yes
Raymond H. Mallel			
Date Appointed: May 10, 2012 and February 6, 2014			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	06/21/2012	Sacramento	Yes
Board Meeting	06/22/2012	Sacramento	Yes
Board Meeting	07/25/2012	Ontario	Yes
Board Meeting	07/26/2012	Ontario	Yes
Committee Meeting	08/29/2012	Ontario	Yes
Board Meeting	09/27/2012	San Diego	Yes
Board Meeting	09/28/2012	San Diego	Yes
Committee Meeting	10/30/2012	Berkeley	Yes
Board Meeting	11/28/2012	Burlingame	Yes
Board Meeting	11/29/2012	Burlingame	Yes
Committee Meeting	01/09/2013	Costa Mesa	Yes
Board Meeting	02/06/2013	Garden Grove	Yes
Board Meeting	02/07/2013	Garden Grove	Yes

Raymond Mallel (continued)			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	03/06/2013	Sacramento	Yes
Board Meeting	04/10/2013	Sacramento	No
Board Meeting	04/11/2013	Sacramento	No
Committee Meeting	05/08/2013	Los Angeles	Yes
Board Meeting	05/09/2013	Los Angeles	Yes
Board Meeting	06/12/2013	Ontario	Yes
Board Meeting	06/13/2013	Ontario	Yes
Committee Meeting	08/07/2013	Oakland	Yes
Board Meeting	09/11/2013	Oakland	Yes
Board Meeting	09/12/2013	Oakland	Yes
Committee Meeting	10/01/2013	Ontario	Yes
Board Meeting	11/06/2013	San Diego	No
Board Meeting	11/07/2013	San Diego	No
Committee Meeting	01/08/2014	Burlingame	Yes
Board Meeting	01/09/2014	Burlingame	Yes
Board Meeting	02/05/2014	Emeryville	Yes
Board Meeting	02/06/2014	Emeryville	Yes
Strategic Planning Session	03/04/2014	Riverside	Yes
Board Meeting	03/05/2014	Riverside	Yes
Committee Meeting	03/06/2014	Riverside	Yes
Board Meeting	04/02/2014	Riverside	No
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	Yes
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	Yes
Board Meeting	06/12/2014	Sacramento	Yes
Erin Niemela			
Date Appointed July, 2009 and March 1, 2012			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	07/13/2010	Sacramento	Yes
Board Meeting	07/14/2010	Sacramento	Yes
Board Meeting	07/15/2010	Sacramento	Yes
Board Meeting	09/13/2010	Sacramento/Teleconference	Yes

Erin Niemela (continued)			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	09/22/2010	San Diego	Yes
Board Meeting	09/23/2010	San Diego	Yes
Board Meeting	09/24/2010	San Diego	Yes
Committee Meeting	11/16/2010	Oakland	Yes
Board Meeting	11/17/2010	Oakland	No
Board Meeting	11/18/2010	Oakland	Yes
Committee Meeting	01/05/2011	San Diego	No
Board Meeting	01/06/2011	San Diego	No
Board Meeting	02/02/2011	Anaheim	No
Board Meeting	02/03/2011	Anaheim	Yes
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	Yes
Committee Meeting	05/18/2011	Ontario	Yes
Board Meeting	06/14/2011	Ontario	Yes
Board Meeting	06/15/2011	Ontario	Yes
Board Meeting	06/16/2011	Ontario	Yes
Committee Meeting	08/10/2011	Sacramento	Yes
Board Meeting (closed session only)	08/10/2011	Sacramento	Yes
Board Meeting	09/14/2011	Emeryville	Yes
Board Meeting	09/15/2011	Emeryville	Yes
Committee Meeting	10/12/2011	San Diego	Yes
Board Meeting	10/13/2011	San Diego	Yes
Board Meeting	11/16/2011	San Diego	Yes
Board Meeting	11/17/2011	San Diego	Yes
Board Meeting	12/13/2011	Anaheim/Teleconference	Yes
Board Meeting	12/23/2011	Sacramento/Teleconference	Yes
Board Meeting	06/21/2012	Sacramento	Yes
Board Meeting	06/22/2012	Sacramento	Yes
Board Meeting	07/25/2012	Ontario	Yes
Board Meeting	07/26/2012	Ontario	Yes
Committee Meeting	08/29/2012	Ontario	No
Board Meeting	09/27/2012	San Diego	Yes
Board Meeting	09/28/2012	San Diego	Yes

Erin Niemela (continued)			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	10/30/2012	Berkeley	Yes
Board Meeting	11/28/2012	Burlingame	Yes
Board Meeting	11/29/2012	Burlingame	Yes
Committee Meeting	01/09/2013	Costa Mesa	Yes
Board Meeting	02/06/2013	Garden Grove	Yes
Board Meeting	02/07/2013	Garden Grove	Yes
Committee Meeting	03/06/2013	Sacramento	Yes
Board Meeting	04/10/2013	Sacramento	Yes
Board Meeting	04/11/2013	Sacramento	Yes
Committee Meeting	05/08/2013	Los Angeles	No
Board Meeting	05/09/2013	Los Angeles	No
Board Meeting	06/12/2013	Ontario	Yes
Board Meeting	06/13/2013	Ontario	Yes
Committee Meeting	08/07/2013	Oakland	Yes
Board Meeting	09/11/2013	Oakland	No
Board Meeting	09/12/2013	Oakland	No
Committee Meeting	10/01/2013	Ontario	Yes
Board Meeting	11/06/2013	San Diego	No
Board Meeting	11/07/2013	San Diego	No
Committee Meeting	01/08/2014	Burlingame	Yes
Board Meeting	01/09/2014	Burlingame	Yes
Board Meeting	02/05/2014	Emeryville	No
Board Meeting	02/06/2014	Emeryville	No
Strategic Planning Session	03/04/2014	Riverside	No
Board Meeting	03/05/2014	Riverside	No
Committee Meeting	03/06/2014	Riverside	No
Board Meeting	04/02/2014	Riverside	No
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	No
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	No
Board Meeting	06/12/2014	Sacramento	No

Trande Phillips			
Date Appointed: May 10, 2012			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	06/21/2012	Sacramento	Yes
Board Meeting	06/22/2012	Sacramento	Yes
Board Meeting	07/25/2012	Ontario	Yes
Board Meeting	07/26/2012	Ontario	Yes
Committee Meeting	08/29/2012	Ontario	Yes
Board Meeting	09/27/2012	San Diego	Yes
Board Meeting	09/28/2012	San Diego	Yes
Committee Meeting	10/30/2012	Berkeley	Yes
Board Meeting	11/28/2012	Burlingame	Yes
Board Meeting	11/29/2012	Burlingame	Yes
Committee Meeting	01/09/2013	Costa Mesa	Yes
Board Meeting	02/06/2013	Garden Grove	Yes
Board Meeting	02/07/2013	Garden Grove	Yes
Committee Meeting	03/06/2013	Sacramento	Yes
Board Meeting	04/10/2013	Sacramento	Yes
Board Meeting	04/11/2013	Sacramento	Yes
Committee Meeting	05/08/2013	Los Angeles	Yes
Board Meeting	05/09/2013	Los Angeles	Yes
Board Meeting	06/12/2013	Ontario	Yes
Board Meeting	06/13/2013	Ontario	Yes
Committee Meeting	08/07/2013	Oakland	Yes
Board Meeting	09/11/2013	Oakland	Yes
Board Meeting	09/12/2013	Oakland	Yes
Committee Meeting	10/01/2013	Ontario	Yes
Board Meeting	11/06/2013	San Diego	Yes
Board Meeting	11/07/2013	San Diego	Yes
Committee Meeting	01/08/2014	Burlingame	Yes
Board Meeting	01/09/2014	Burlingame	Yes
Board Meeting	02/05/2014	Emeryville	Yes
Board Meeting	02/06/2014	Emeryville	Yes
Strategic Planning Session	03/04/2014	Riverside	Yes
Board Meeting	03/05/2014	Riverside	Yes
Committee Meeting	03/06/2014	Riverside	Yes

Trande Phillips (continued)			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	04/02/2014	Riverside	Yes
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	Yes
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	No
Board Meeting	06/12/2014	Sacramento	No
Elizabeth Woods			
Date Appointed: February 6, 2014			
Meeting Type	Meeting Date	Meeting Location	Attended?
Strategic Planning Session	03/04/2014	Riverside	Yes
Board Meeting	03/05/2014	Riverside	Yes
Committee Meeting	03/06/2014	Riverside	Yes
Board Meeting	04/02/2014	Riverside	Yes
Board Meeting	04/03/2014	Riverside	Yes
Board Meeting	05/06/2014	Sacramento	Yes
Committee Meeting	05/07/2014	Sacramento	Yes
Board Meeting	06/11/2014	Sacramento	Yes
Board Meeting	06/12/2014	Sacramento	Yes

PAST BOARD MEMBER'S ATTENDANCE

Nancy Beecham			
Meeting Type	Meeting Date	Meeting Location	Attended?
Date Appointed: December, 2006			
Committee Meeting	07/13/2010	Sacramento	Yes
Board Meeting	07/14/2010	Sacramento	No
Board Meeting	07/15/2010	Sacramento	No
Board Meeting	09/13/2010	Teleconference	Yes
Committee Meeting	09/22/2010	San Diego	Yes
Board Meeting	09/23/2010	San Diego	Yes
Board Meeting	09/24/2010	San Diego	Yes
Committee Meeting	11/16/2010	Oakland	Yes

<i>Nancy Beecham (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/17/2010	Oakland	No
Board Meeting	11/18/2010	Oakland	Yes
Committee Meeting	01/05/11	San Diego	No
Board Meeting	01/06/11	San Diego	No
<i>Ann Boynton</i>			
Date Appointed: July 15, 2009			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	07/13/2010	Sacramento	Yes
Board Meeting	07/14/2010	Sacramento	Yes
Board Meeting	07/15/2010	Sacramento	Yes
Board Meeting	09/13/2010	Sacramento/Teleconference	Yes
<i>Darlene Bradley</i>			
Date Appointed: December 23, 2010			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	01/05/2011	San Diego	No
Board Meeting	01/06/2011	San Diego	No
Board Meeting	02/02/2011	Anaheim	No
Board Meeting	02/03/2011	Anaheim	No
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	Yes
Committee Meeting	05/18/2011	Ontario	Yes
Board Meeting	06/14/2011	Ontario	Yes
Board Meeting	06/15/2011	Ontario	Yes
Board Meeting	06/16/2011	Ontario	Yes
Committee Meeting	08/10/2011	Sacramento	Yes
Board Meeting (closed session only)	08/10/2011	Sacramento	Yes
Board Meeting	09/14/2011	Emeryville	No
Board Meeting	09/15/2011	Emeryville	No
Committee Meeting	10/12/2011	San Diego	Yes
Board Meeting	10/13/2011	San Diego	Yes
Board Meeting	11/16/2011	San Diego	Yes
Board Meeting	11/17/2011	San Diego	Yes

<i>Darlene Bradley (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	12/13/2011	Anaheim/Teleconference	Yes
Board Meeting	12/23/2011	Sacramento/Teleconference	Yes
<i>Judy Corless</i>			
Date Appointed: July 15, 2009			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	07/13/2010	Sacramento	No
Board Meeting	07/14/2010	Sacramento	Yes
Board Meeting	07/15/2010	Sacramento	Yes
Board Meeting	09/13/2010	Sacramento/Teleconference	Yes
Committee Meeting	09/22/2010	San Diego	Yes
Board Meeting	09/23/2010	San Diego	Yes
Board Meeting	09/24/2010	San Diego	Yes
Committee Meeting	11/16/2010	Oakland	Yes
Board Meeting	11/17/2010	Oakland	Yes
Board Meeting	11/18/2010	Oakland	Yes
Committee Meeting	01/05/2011	San Diego	Yes
Board Meeting	01/06/2011	San Diego	Yes
Board Meeting	02/02/2011	Anaheim	Yes
Board Meeting	02/03/2011	Anaheim	Yes
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	Yes
Committee Meeting	05/18/2011	Ontario	Yes
Board Meeting	06/14/2011	Ontario	Yes
Board Meeting	06/15/2011	Ontario	Yes
Board Meeting	06/16/2011	Ontario	Yes
Committee Meeting	08/10/2011	Sacramento	Yes
Board Meeting (closed session only)	08/10/2011	Sacramento	Yes
Board Meeting	09/14/2011	Emeryville	Yes
Board Meeting	09/15/2011	Emeryville	Yes
Committee Meeting	10/12/2011	San Diego	Yes
Board Meeting	10/13/2011	San Diego	Yes
Board Meeting	11/16/2011	San Diego	Yes
Board Meeting	11/17/2011	San Diego	Yes
Board Meeting	12/13/2011	Anaheim/Teleconference	Yes

<i>Judy Corless (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	12/23/2011	Sacramento/Teleconference	No
<i>Sue Dunlap</i>			
Date Appointed: August 6, 2012			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/27/2012	San Diego	No
Board Meeting	09/28/2012	San Diego	No
<i>Jeannine Graves</i>			
Date Appointed: July 15, 2009			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	07/13/2010	Sacramento	Yes
Board Meeting	07/14/2010	Sacramento	Yes
Board Meeting	07/15/2010	Sacramento	Yes
Board Meeting	09/13/2010	Sacramento/Teleconference	Yes
Committee Meeting	09/22/2010	San Diego	Yes
Board Meeting	09/23/2010	San Diego	Yes
Board Meeting	09/24/2010	San Diego	Yes
Committee Meeting	11/16/2010	Oakland	Yes
Board Meeting	11/17/2010	Oakland	Yes
Board Meeting	11/18/2010	Oakland	Yes
Committee Meeting	01/05/2011	San Diego	Yes
Board Meeting	01/06/2011	San Diego	Yes
Board Meeting	02/02/2011	Anaheim	Yes
Board Meeting	02/03/2011	Anaheim	Yes
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	Yes
Committee Meeting	05/18/2011	Ontario	Yes
Board Meeting	06/14/2011	Ontario	Yes
Board Meeting	06/15/2011	Ontario	Yes
Board Meeting	06/16/2011	Ontario	Yes
Committee Meeting	08/10/2011	Sacramento	No
Board Meeting (closed session only)	08/10/2011	Sacramento	No
Board Meeting	09/14/2011	Emeryville	Yes

<i>Jeannine Graves (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/15/2011	Emeryville	Yes
Committee Meeting	10/12/2011	San Diego	Yes
Board Meeting	10/13/2011	San Diego	Yes
Board Meeting	11/16/2011	San Diego	Yes
Board Meeting	11/17/2011	San Diego	Yes
Board Meeting	12/13/2011	Anaheim/Teleconference	Yes
Board Meeting	12/23/2011	Sacramento/Teleconference	No
<i>Joshua Groban (no Committee Assign)</i>			
Date Appointed: April 8, 2013			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	04/10/2013	Sacramento	Yes
Board Meeting	04/11/2013	Sacramento	Yes
Board Meeting	05/09/2013	Los Angeles	Yes
Board Meeting	06/12/2013	Ontario	No
Board Meeting	06/13/2013	Ontario	No
Board Meeting	09/11/2013	Oakland	Yes
Board Meeting	09/12/2013	Oakland	Yes
Board Meeting	11/06/2013	San Diego	Yes
Board Meeting	11/07/2013	San Diego	Yes
Board Meeting	01/09/2014	Burlingame	No
Board Meeting	02/05/2014	Emeryville	No
Board Meeting	02/06/2014	Emeryville	No
<i>Dian Harrison</i>			
Date Appointed: May 12, 2008			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	07/13/2010	Sacramento	Yes
Board Meeting	07/14/2010	Sacramento	Yes
Board Meeting	07/15/2010	Sacramento	Yes
Board Meeting	09/13/2010	Sacramento/Teleconference	Yes
Committee Meeting	09/22/2010	San Diego	Yes
Board Meeting	09/23/2010	San Diego	Yes
Board Meeting	09/24/2010	San Diego	Yes
Committee Meeting	11/16/2010	Oakland	No

<i>Dian Harrison (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/17/2010	Oakland	Yes
Board Meeting	11/18/2010	Oakland	Yes
Committee Meeting	01/05/2011	San Diego	Yes
Board Meeting	01/06/2011	San Diego	Yes
Board Meeting	02/02/2011	Anaheim	No
Board Meeting	02/03/2011	Anaheim	No
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	Yes
Committee Meeting	05/18/2011	Ontario	Yes
Board Meeting	06/14/2011	Ontario	Yes
Board Meeting	06/15/2011	Ontario	Yes
Board Meeting	06/16/2011	Ontario	Yes
Committee Meeting	08/10/2011	Sacramento	Yes
Board Meeting (closed session only)	08/10/2011	Sacramento	Yes
Board Meeting	09/14/2011	Emeryville	Yes
Board Meeting	09/15/2011	Emeryville	Yes
Committee Meeting	10/12/2011	San Diego	Yes
Board Meeting	10/13/2011	San Diego	Yes
Board Meeting	11/16/2011	San Diego	Yes
Board Meeting	11/17/2011	San Diego	Yes
Board Meeting	12/13/2011	Anaheim/Teleconference	Yes
Board Meeting	12/23/2011	Sacramento/Teleconference	Yes
<i>Doug Hoffner</i>			
Date Appointed: December 12, 2010			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	01/05/2011	San Diego	No
Board Meeting	01/06/2011	San Diego	Yes
Board Meeting	02/02/2011	Anaheim	Yes
Board Meeting	02/03/2011	Anaheim	Yes
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	Yes
Committee Meeting	05/18/2011	Ontario	No

<i>Doug Hoffner (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	06/14/2011	Ontario	Yes
Board Meeting	06/15/2011	Ontario	Yes
Board Meeting	06/16/2011	Ontario	No
Committee Meeting	08/10/2011	Sacramento	Yes
Board Meeting (closed session only)	08/10/2011	Sacramento	Yes
Board Meeting	09/14/2011	Emeryville	Yes
Board Meeting	09/15/2011	Emeryville	Yes
Committee Meeting	10/12/2011	San Diego	Yes
Board Meeting	10/13/2011	San Diego	No
Board Meeting	11/16/2011	San Diego	Yes
Board Meeting	11/17/2011	San Diego	Yes
Board Meeting	12/13/2011	Anaheim/Teleconference	Yes
Board Meeting	12/23/2011	Sacramento/Teleconference	Yes
<i>Richard Rice</i>			
Date Appointed: July 15, 2009			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	07/13/2010	Sacramento	Yes
Board Meeting	07/14/2010	Sacramento	Yes
Board Meeting	07/15/2010	Sacramento	Yes
Board Meeting	09/13/2010	Sacramento/Teleconference	Yes
Committee Meeting	09/22/2010	San Diego	Yes
Board Meeting	09/23/2010	San Diego	Yes
Board Meeting	09/24/2010	San Diego	Yes
Committee Meeting	11/16/2010	Oakland	No
Board Meeting	11/17/2010	Oakland	No
Board Meeting	11/18/2010	Oakland	No
Committee Meeting	01/05/2011	San Diego	Yes
Board Meeting	01/06/2011	San Diego	Yes
Board Meeting	02/02/2011	Anaheim	Yes
Board Meeting	02/03/2011	Anaheim	Yes
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	No
Committee Meeting	05/18/2011	Ontario	No

<i>Richard Rice (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	06/14/2011	Ontario	No
Board Meeting	06/15/2011	Ontario	No
Board Meeting	06/16/2011	Ontario	No
Committee Meeting	08/10/2011	Sacramento	No
Board Meeting (closed session only)	08/10/2011	Sacramento	No
Board Meeting	09/14/2011	Emeryville	No
Board Meeting	09/15/2011	Emeryville	No
Committee Meeting	10/12/2011	San Diego	No
Board Meeting	10/13/2011	San Diego	No
Board Meeting	11/16/2011	San Diego	Yes
Board Meeting	11/17/2011	San Diego	Yes
Board Meeting	12/13/2011	Anaheim/Teleconference	Yes
Board Meeting	12/23/2011	Sacramento/Teleconference	Yes
<i>Catherine Todero</i>			
Date Appointed: July 15, 2009			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	07/13/2010	Sacramento	No
Board Meeting	07/14/2010	Sacramento	No
Board Meeting	07/15/2010	Sacramento	No
Board Meeting	09/13/2010	Sacramento/Teleconference	Yes
Committee Meeting	09/22/2010	San Diego	No
Board Meeting	09/23/2010	San Diego	No
Board Meeting	09/24/2010	San Diego	No
Committee Meeting	11/16/2010	Oakland	Yes
Board Meeting	11/17/2010	Oakland	Yes
Board Meeting	11/18/2010	Oakland	Yes
Committee Meeting	01/05/2011	San Diego	Yes
Board Meeting	01/06/2011	San Diego	Yes
Board Meeting	02/02/2011	Anaheim	Yes
Board Meeting	02/03/2011	Anaheim	Yes
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	Yes
Committee Meeting	05/18/2011	Ontario	Yes

<i>Catherine Todero (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	06/14/2011	Ontario	Yes
Board Meeting	06/15/2011	Ontario	Yes
Board Meeting	06/16/2011	Ontario	Yes
Committee Meeting	08/10/2011	Sacramento	No
Board Meeting (closed session only)	08/10/2011	Sacramento	No
Board Meeting	09/14/2011	Emeryville	Yes
Board Meeting	09/15/2011	Emeryville	Yes
Board Meeting	10/13/2011	San Diego	No
Board Meeting	11/16/2011	San Diego	Yes
Board Meeting	11/17/2011	San Diego	Yes
Board Meeting	12/13/2011	Anaheim/Teleconference	Yes
Board Meeting	12/23/2011	Sacramento/Teleconference	Yes
<i>Kathrine Ware</i>			
Date Appointed: July 15, 2009			
Meeting Type	Meeting Date	Meeting Location	Attended?
Committee Meeting	07/13/2010	Sacramento	Yes
Board Meeting	07/14/2010	Sacramento	Yes
Board Meeting	07/15/2010	Sacramento	Yes
Board Meeting	09/13/2010	Sacramento/Teleconference	Yes
Board Meeting	09/23/2010	Oakland	Yes
Board Meeting	09/24/2010	San Diego	Yes
Committee Meeting	11/16/2010	Oakland	Yes
Board Meeting	11/17/2010	Oakland	Yes
Board Meeting	11/18/2010	Oakland	Yes
Committee Meeting	01/05/2011	San Diego	Yes
Board Meeting	01/06/2011	San Diego	Yes
Board Meeting	02/02/2011	Anaheim	Yes
Board Meeting	02/03/2011	Anaheim	Yes
Committee Meeting	03/10/2011	Sacramento	Yes
Board Meeting	04/13/2011	Sacramento	Yes
Board Meeting	04/14/2011	Sacramento	Yes
Committee Meeting	05/18/2011	Ontario	Yes
Board Meeting	06/14/2011	Ontario	Yes
Board Meeting	06/15/2011	Ontario	Yes

<i>Kathrine Ware (continued)</i>			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	06/16/2011	Ontario	Yes
Committee Meeting	08/10/2011	Sacramento	Yes
Board Meeting (closed session only)	08/10/2011	Sacramento	Yes
Board Meeting	09/14/2011	Emeryville	No
Board Meeting	09/15/2011	Emeryville	No
Committee Meeting	10/12/2011	San Diego	No
Board Meeting	10/13/2011	San Diego	Yes
Board Meeting	11/16/2011	San Diego	No
Board Meeting	11/17/2011	San Diego	No
Board Meeting	12/13/2011	Anaheim/Teleconference	No
Board Meeting	12/23/2011	Sacramento/Teleconference	No

Attachment G

2014-2017 Board of Registered Nursing Strategic Plan

2014 - 2017

Board of Registered Nursing



Strategic Plan

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California Board of Registered Nursing Members

Raymond Mallel, Public Member

Michael Deangelo Jackson, MSN, RN, CEN, MICN, Nurse Educator Member

Erin Niemela, Public Member

Beverly Hayden-Pugh, MA, RN, Nurse Administrator Member

Jeanette Dong, Public Member

Cynthia Cipres Klein, RN, Direct Patient Care Member

Elizabeth (Betty) Woods, RN, FNP, MSN, Advanced Practice Member

Imelda Ceja-Butkiewicz, Public Member

Trande Phillips, RN, Direct Patient Care Member

EDMUND G. BROWN, JR., GOVERNOR

ANNA M. CABALLERO, SECRETARY, BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

DENISE D. BROWN, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS

LOUISE R. BAILEY, MEd, BSN, RN, EXECUTIVE OFFICER, CALIFORNIA BOARD OF REGISTERED NURSING

Message from the Board President

The Board of Registered Nursing is pleased to present its 2014-2017 Strategic Plan. The strategic planning process has been a collaborative effort between Board Members, Board staff, and the public. We have identified key issues and goals which the Board will address in the years to come. The resulting strategic plan focuses the Board on established goals, while allowing for flexibility to address new challenges that lie ahead. We continue to be guided by the Board's mission – to protect and advocate for the health and safety of the public by ensuring the highest quality registered nurses in the state of California.

The Board continually strives to attain meaningful improvements in our programs and services. Moving forward, two areas of focus will be efficiency and consistency. You will see these threads running throughout the document. As we enter a period of growth and change in the nursing profession, the Board is committed to providing the highest level of service possible and aligning this commitment with the Governor's efforts to sustain California's economic recovery.

This Strategic Plan is the foundation for the Board as we strive to be one of the leading regulatory agencies of the registered nursing profession. We believe this plan offers a roadmap to the future with clear focus on building the basic framework for the regulation and oversight of the nursing profession.

As President of the Board of Registered Nursing, I invite all interested stakeholders to join in working with us over the next four years to achieve the goals outlined in this strategic plan. I would like to thank everyone involved in the planning and development process of the 2014-2017 Board of Registered Nursing Strategic Plan.

Raymond Mallel

President, Board of Registered Nursing

Our Mission

The Board of Registered Nursing protects and advocates for the health and safety of the public by ensuring the highest quality registered nurses in the state of California.

Our Values

Consumer Protection

We make effective and informed decisions in the best interest, and for the safety of Californians.

Effectiveness

We make informed decisions that make a difference and have a positive, measureable impact.

Trust

We communicate with credibility and truthfulness. Our communications are open and authentic with all stakeholders.

Integrity

We are committed to honesty, ethical conduct, and responsibility.

California Board of Registered Nursing

The Board of Registered Nursing (BRN) is a state governmental agency established by law to protect the public by regulating the practice of registered nurses. The BRN is responsible for implementation and enforcement of the Nursing Practice Act, the laws related to nursing education, licensure, practice, and discipline. The Nursing Practice Act created a nine-member Board which serves as the BRN decision-making body.

The nine-member Board is composed of four members of the public and five registered nurses. The five registered nurses include two direct-patient care nurses, an advanced practice nurse, a nurse administrator, and a nurse educator. Seven of the members are appointed by the Governor and two of the public members are appointed by the Legislature. Each member serves a four-year term and can be re-appointed, although the member cannot serve more than two consecutive terms.

The BRN regulates California registered nurses and has over 408,000 RN licensees providing healthcare services in a variety of settings. Settings where registered nurses practice include: health departments, health maintenance organizations, home health agencies, hospitals, private practice, schools, and skilled nursing facilities. Regardless of the title or setting, the registered nurse's practice is governed by the Board of Registered Nursing.

The BRN performs a variety of activities in its mission to protect consumers, including:

- 1. Setting RN Educational Standards**

The BRN sets educational standards for nursing programs which prepare individuals to become licensed as registered nurses.

- 2. Approving California Nursing Programs**

There are over 140 pre-licensure nursing programs and over 20 advanced practice programs which have been approved because they meet BRN educational standards.

- 3. Evaluating Licensure Applications**

Applications are evaluated to determine whether the applicant meets all licensure requirements. To be licensed the applicant must:

- complete the educational requirements
- pass a national licensing examination
- be cleared through a background check for conviction of any crime which might make the applicant ineligible for licensure

4. Issuing and Renewing Licenses

Registered Nursing licenses are issued to applicants who meet the licensing requirements. The license must be renewed every two years.

5. Issuing Certificates

The BRN issues certificates to eligible public health nurses, nurse practitioners, nurse anesthetists, nurse midwives, clinical nurse specialists, and furnishing numbers to Nurse Practitioners and Nurse Midwives. The BRN also maintains a list of eligible psychiatric/mental health nurse specialists.

6. Taking Disciplinary Action

If a nurse violates the Nursing Practice Act, the BRN may take disciplinary action against the nurse's license. Grounds for discipline focus on behaviors that place patients at risk of harm. The disciplinary action is dependent on the nature and severity of the violation and what is necessary to protect the public. The disciplinary action becomes a part of the RN's file and is accessible to the public.

7. Managing a Diversion Program

The BRN's Diversion Program is an alternative to the discipline process for nurses whose practice may be impaired due to substance use disorder or mental illness. This confidential program protects the public while enabling the nurse to be rehabilitated.

8. Operating an Online License Verification System

The BRN's online license verification system allows the consumer to validate the status of a nurse's license. Consumers may access the license verification system to learn if:

- the person is licensed as an RN
- the license is active, inactive, or lapsed
- the nurse has any BRN certificates
- there is any disciplinary action against the license
- online services are available seven days a week, 24 hours a day.

Significant Board Accomplishments

The strategic planning process encompassed an evaluation of the Board's previous strategic plan. The Board has accomplished the following twelve goals since the adoption of the 2006 strategic plan.

BRN Website Improvements

The Board of Registered Nursing website, www.rn.ca.gov, was re-designed and leveraged as a source of education and outreach. The changes and additions included: introduction of an e-newsletter, updated brochures, posting Board meeting agendas and minutes as well as other reports and surveys, e-mail subscription enrollment, and the posting legislative updates to the Nursing Practice Act.

Electronic Transfer of Fingerprint Data

In order to eliminate the manual entry of individual fingerprinting information, the Board partnered with the Department of Consumer Affairs (DCA), the Office of Information Services (OIS), and the Department of Justice (DOJ) to implement an electronic transfer of fingerprinting data.

BRN Serving Enforcement Legal Pleadings

Beginning in October 2009, BRN enforcement staff began serving all accusations and petitions to revoke probation.

BRN Preparing Default Decisions

Beginning in 2010, the Attorney General's Office delegated the preparation of default decisions to BRN staff under the direction of DCA attorneys. This delegation continues to save the Board valuable time in their investigation timeframes.

Retroactive Fingerprinting

All active licensees licensed prior to August 1990 have either submitted fingerprints to the Board or have been made inactive and issued a citation and fine for non-compliance.

Webcast of Board Meetings

In 2009, the Board began regularly providing live webcast access to Board meetings. Previously recorded Board meeting webcasts can be viewed on the BRN web site along with written agendas and meeting minutes. In addition, all meeting materials are sent to board members electronically to eliminate wasteful copying and printing.

Out of State Disciplinary Actions Comparison Project

In March 2010, the Board reviewed all disciplinary actions taken by other Boards of Nursing against current California licensees and took disciplinary action when necessary. In October 2010, BRN became a full member of the National Council of State Boards of Nursing and now receives immediate notification if a California Registered Nurse has been disciplined in another state.

Restructure of Enforcement Division

The restructure of the Enforcement Division included the creation of a complaint intake unit, two regional special investigator units, and a discipline unit as well as added staff to the probation and diversion programs. As a result of the restructure, processes were streamlined and BRN reduced their discipline timelines from three to **two** years.

Increased Usage of Citation and Fine

The Board increased the usage of citation and fine authority over the past five years for less egregious violations of the Nursing Practice Act. The Board issued 115 citations in FY 2008/09 and issued 769 in FY 2012/13 which was an increase of 569%.

International Application Evaluation Improvements

BRN licensing staff improved the international application evaluation process. The improvement resulted in more in depth evaluation of clinical and didactic training materials to ensure applicants have completed legally required education and training to become licensed in California as a RN.

Fraudulent International Educational Documents

BRN licensing staff improved the international application evaluation process to better identify fraudulent documents. As a result, the Board has investigated and successfully prosecuted individuals who provided fraudulent transcripts and or diplomas.

Unapproved Nursing Programs

The Board improved the process of investigating unapproved distance learning programs and successfully disciplined licensed nurses and referred any unlicensed individuals to the Attorney General's Office for civil injunction.

Prelicensure Regulations

BRN prelicensure regulations were reviewed, updated and finalized in 2010. This was a collaborative effort between Board members, Board Staff, Deans and Directors of the nursing programs and the public.

OUR STRATEGIC GOALS

1. **LICENSING**

The Board promotes licensing standards to protect consumers and allow access to the profession.

2. **ENFORCEMENT**

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practice of nursing.

3. **CONTINUING EDUCATION**

The Board establishes continuing education standards to ensure excellence in practice and promote public safety.

4. **EDUCATIONAL OVERSIGHT**

The Board advances higher education standards to increase the quality of education and ensure consumer protection.

5. **LAWS AND REGULATIONS**

The Board ensures that statutes, regulations, policies and procedures strengthen and support their mandate and mission.

6. **ORGANIZATIONAL EFFECTIVENESS**

The Board builds an excellent organization through proper Board governance, effective leadership and responsible management.

7. **OUTREACH**

The Board informs consumers, licensees and stakeholders about the practice and regulation of the profession.

GOAL 1: LICENSING *

The Board promotes licensing standards to protect consumers and allow access to the profession.

- 1.1 Partner with the Department of Consumer Affairs (DCA) to create an online application submission tool through the BreEZe system.
- 1.2 Review existing application processes, and make improvements as necessary, to ensure the timely, efficient, and accurate processing of all applications. Ensure proper staff training, if necessary.
- 1.3 Ensure adequate staffing levels to achieve the Board's mandated goals and objectives in the areas of licensing. Pursue additional staff resources and budgetary authority, if necessary.
- 1.4 Provide training to licensing staff to assist in their identification of fraudulent domestic and international documents and programs and partner with external agencies to assist the Board in minimizing fraud.
- 1.5 Examine compact agreement standards and issue a Board position.
- 1.6 Determine feasibility of conducting in-person site inspections of international schools to evaluate the quality of their education, per code Business and Professions Code 2736 (a) (2).

**Objectives in each goal are listed in order of priority.*

GOAL 2: ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practice of nursing.

- 2.1 Maximize the use of interim suspension and PC 23 orders for egregious offenses to ensure consumer protection.
- 2.2 Partner with the Attorney General's Office and the Office of Administrative Hearings to review enforcement processes, and make improvements as necessary, to ensure that complaints are investigated and adjudicated in the most timely and efficient means possible.
- 2.3 Successfully hire and onboard new enforcement employees and evaluate the impact of these newly authorized positions have on the effectiveness of our enforcement program. Pursue additional staff resources and budgetary authority, if necessary.
- 2.4 Modify the Board's case assignment methodology to align with statewide geographic locations and investigator workload.
- 2.5 Partner with the Attorney General's Office to explore the feasibility of creating a data exchange interface between our agencies to facilitate communication and streamline the formal discipline process.
- 2.6 Evaluate the current process for Board review of disciplinary cases and make improvements as necessary to increase timeliness of decision-making.
- 2.7 Complete retroactive fingerprinting of licensees.
- 2.8 Improve onboarding of new Board members to ensure members are quickly and thoroughly educated on Board processes.
- 2.9 Create a webinar for expert witnesses to educate them on Board operations.

GOAL 3: CONTINUING EDUCATION

The Board establishes continuing education standards to ensure excellence in practice and promote public safety.

- 3.1 Establish a Continuing Education Unit to conduct continuing education audits of licensees, education providers and individual courses, and pursue additional staff resources and budgetary authority to staff the unit.
- 3.2 Analyze the need to revise the Board's continuing education guidelines to include Provisions on allowable and/or non-allowable continuing education topics.
- 3.3 Amend regulations to address online continuing education courses.
- 3.4 Update the Board's website to include continuing medical education information.

GOAL 4: EDUCATIONAL OVERSIGHT

The Board advances higher education standards to increase the quality of education and ensure consumer protection.

- 4.1 Conduct a salary and educational requirements evaluation of the Nurse Education Consultant classification and pursue changes to increase recruitment and retention.
- 4.2 Explore feasibility of a BRN internship program to educate and recruit qualified nurses for Nurse Education Consultant positions (contingent upon completion of objective 4.1).
- 4.3 Identify and seek clarification to strengthen regulatory language for initial program approval including curricula criteria to ensure nurses are prepared for current and future healthcare practices.
- 4.4 Investigate the need to provide guidance on simulation training and online clinical nursing courses and amend regulations, if necessary.

GOAL 5: LAWS AND REGULATIONS

The Board ensures that statutes, regulations, policies and procedures strengthen and support their mandate and mission.

- 5.1 Create a greater presence in the legislative arena to more proactively address issues affecting the Board and the nursing profession.
- 5.2 Pursue modification of the Business and Professions Code 494 to adjust action timeframes.
- 5.3 Partner with the Department (DCA) to utilize their omnibus bill in order to clean up language in the Nursing Practice Act.
- 5.4 Modify regulatory language to include additional violation types in the cite and fine program.
- 5.5 Amend regulation to require applicants to provide a copy of their existing nursing licenses, when licensure is a graduation requirement of their educational nursing program.

GOAL 6: ORGANIZATIONAL EFFECTIVENESS

The Board builds an excellent organization through proper Broad governance, effective leadership and responsible management.

- 6.1 Leverage new BreEZe technology to enhance online services for applicants and licensees, including real-time application status and deficiency updates.
- 6.2 Evaluate the effectiveness of the current voice response system and make modifications, if necessary, to improve call routing and reduce call wait time.
- 6.3 Explore the feasibility of establishing an independent Information Technology Support Unit within the Board. Pursue additional staff resources and budgetary authority, if necessary.
- 6.4 Create and implement a workforce succession plan that guides the Board's overall workforce continuity and addresses the Board's critical need to hire and retain Nurse Education Consultants.
- 6.5 Develop an onboarding program for new employees.
- 6.6 Establish a Legislation and Regulations Unit to monitor legislation and to facilitate the Board's regulatory and statutory change initiatives. Pursue additional staff resources and budgetary authority, if necessary.
- 6.7 Design and implement a space management plan to accommodate program growth.
- 6.8 Improve internal communication and collaboration between functional work units.
- 6.9 Create best practices manuals tailored to each functional work unit within the Board.

GOAL 7: OUTREACH

The Board informs consumers, licensees and stakeholders about the practice and regulation of the profession.

- 7.1 Educate the public and the legislature on the roles and responsibilities of registered nurses and other healthcare workers.
- 7.2 Develop and implement an outreach strategy to target identified high need groups.
- 7.3 Increase Board visibility at national committees and conferences to encourage a more leading role in national policy decision-making.
- 7.4 Develop webinars to educate stakeholders on application requirements, diversion and continuing education units.
- 7.5 Revise the Board's website to ensure ease of use and accessibility.

STRATEGIC PLANNING PROCESS

The DCA's SOLID Planning Solutions unit developed this strategic plan by conducting a preliminary meeting with the Executive Officer and Board staff to learn about the Board's background, to identify key focus areas, to define roles and responsibilities, and establish a customized strategic planning schedule.

To understand the environment in which the Board operates and identify factors that could impact the Board's success, SOLID conducted an environmental scan and analysis of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,300 stakeholders, comprised of Registered Nursing professionals, professional associations, California colleges, Board staff and others who expressed interest in the strategic direction of the Board. The online survey received 601 responses.
- Telephone interviews with Board members during December 2013 and January 2014.
- Focus group discussion with Board staff on January 14, 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on March 3, 2014. This information guided the Board in development of its mission and values, while directing the strategic goals and objectives outlined in this 2014 – 2017 strategic plan.

BOARD OF REGISTERED NURSING KEY STAKEHOLDERS

Individuals

Consumers
Registered Nurses
Registered Nurse students and applicants
Employers of RNs
Healthcare practitioners
BRN Employees

Organizations

Nursing organizations and associations
Health care related organizations
National Council of State Boards of Nursing
Nursing education programs
Colleges and Universities
Contractors providing services to the Board

Government Entities

Governor's Office
Legislature
Department of Consumer Affairs
State Oversight Agencies
Division of Investigation (DCA)
Office of Attorney General
Office of Administrative Hearings
Health-related Governmental agencies



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Prepared by
SOLID Planning Solutions
California Department of Consumer Affairs
Adopted: 04/03/2014

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the California Board of Registered Nursing from December 2013 to March 2014. Subsequent amendments may have been made after Board adoption of this plan.

Attachment H

Instructions for Institutions Seeking Approval of New Prelicensure Registered Nursing Program (EDP-I-01 Rev 3/10)



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY, GOVERNOR'S EDWARD G. BROWN JR.

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 Louise R. Bailey, MEd, RN, Executive Officer



**INSTRUCTIONS FOR INSTITUTIONS SEEKING APPROVAL OF NEW
 PRELICENSURE REGISTERED NURSING PROGRAM
 (Business and Professions Code Section 2786;
 California Code of Regulations Sections 1421, 1422, and 1423)
 (Effective 10/21/10)**

PURPOSE

The Instructions specify the requirements and process for an institution seeking approval of a new prelicensure registered nursing program (program applicant) pursuant to Business and Professions Code (B&PC) section 2786. The document is incorporated by reference in California Code of Regulations (CCR) section 1421.

STEPS IN THE APPROVAL PROCESS

In accordance with B&PC section 2786(a), the program applicant must be an institution of higher education or affiliated with an institution of higher education (hereafter referred to as affiliated institution). Affiliated institutions must make an agreement with an institution of higher education in California in the same general location, i.e., within 50 miles, to grant degrees to students who complete the registered nursing program. Such written agreement must be made prior to seeking approval from the Board. A copy of this agreement must be submitted with the feasibility study, described in Step 2.

The institution of higher education offering the program or the institution of higher education granting the degree for the new affiliated institution must have the authority to grant an associate of arts degree or baccalaureate or higher degree to individuals who graduate from the nursing program. *An institution that wishes to start a new program must meet this requirement prior to submission of an application.*

STEP 1 – Submit a Letter of Intent:

Submit a letter of intent to the Board of Registered Nursing (BRN) at least one year in advance of the anticipated date for admission of students. The letter must specify the name of the institution seeking approval; contact person; type of nursing program, e.g., associate degree, baccalaureate degree, entry-level master's, etc., and its location; and proposed start date. The letter is to be addressed to:

Executive Officer
 Board of Registered Nursing
 P.O. Box 944210
 Sacramento, CA 94244-2100

The Board will acknowledge receipt of the letter of intent.

STEP 2 –Submit Feasibility Study

Submit a feasibility study to the BRN documenting the need for the program and the program applicant's ability to develop, implement, and sustain a viable prelicensure registered nursing program. The feasibility study shall include the following:

- a) Description of the institution and the institution's experience providing nursing or other health-related educational programs. The description must include:
 1. History, organizational structure and programs (attach an organization chart), funding sources
 2. Accreditation status and history, (i.e., date of initial accreditation, denials, revocations, warnings) for the institution and any programs offered by the institution
 3. Type of nursing or other health-related programs including number: of students currently enrolled and graduates by program type; passage rate on any required certification or licensing examination for the past five years (as applicable); and status of the program with any state, regional, or federal agency
 4. If the applicant does not have a nursing program or other health-related programs, provide a statement related to the processes and resources it will utilize to start and sustain a prelicensure registered nursing program.
- b) Geographic area (community) served by the institution and a description of the community and its population.
- c) Description of the type of program being proposed (e.g., associate, baccalaureate, entry-level master's, etc.), the intended start date, projected size of the first class and enrollment projection for the first five years, and method for determining the projected enrollment.
- d) Information on the applicant pool and sustainability of enrollment for the proposed new prelicensure registered nursing program. Include data on existing nursing programs preparing students for licensure (vocational, associate, baccalaureate, or entry level master's) within a 50-mile radius. Include a statement on plans for promoting the proposed program.
- e) Description of proposed provisions for required subject matter and support areas, including faculty and resources. The proposed program must be at least two academic years, not less than 58 semester or 87 quarter units, and must include **all course areas** specified in CCR 1426. Consult CCR section 1426, Required Curriculum, for required subject matter. Support areas include such items as the library, skills learning lab, computer labs, simulation labs, and tutorial and counseling services.
- f) Budget projection that demonstrates initial and sustainable budgetary provisions for a full enrollment of the initial cohort. The projected budget demonstrates building of reserves to sustain the proposed program.
- g) Evidence of availability of clinical placements for students of the proposed program. Include a list of the clinical facilities that may be utilized for learning experiences and a description of any plans for future addition or expansion of health facilities. Provide a completed "Facility Verification Form" (EDP-I-01 Rev 3/10) for each health care facility that has agreed to provide clinical placement for students of the proposed program. When available, verification shall include the accommodations specifying shift and days.

Note: Clinical placements of the new program must take into consideration the impact on the use of the clinical facility by existing prelicensure registered nursing programs and must be coordinated with any process for clinical placement, such as consortium for regional planning.

Include a description of your collaboration and coordination efforts with any existing registered nursing programs and any regional planning consortium.

Affiliate Program Agreement with Institution of Higher Education

An affiliate program must submit an agreement with an institution of higher education that has authority to grant an associate of arts degree or a baccalaureate or higher degree in nursing to individuals who complete an additional course of study approved by the board. The institution of higher education must be in California and within 50 miles of the nursing program. The agreement must include:

- 1) The type of degree to be conferred by the institution of higher education
- 2) The additional course of study required to obtain the degree
- 3) Process and procedures for nursing program students to enroll in the required courses
- 4) Approximate cost and timeframe for students to complete the requirements
- 5) Role and responsibility of the nursing program, institution of higher education, and the student
- 6) Resources available to students at the institution of higher education.

The program applicant may include any additional information that it believes might reasonably affect the Board's decision to accept the feasibility study.

STEP 3 – Review of Feasibility Study

It is the responsibility of the program applicant to have staff or a consultant(s) who possess the requisite knowledge and expertise to complete a feasibility study that conforms to the requirements specified in the Instructions. Upon submission of the feasibility study, a BRN staff member will review the study, and will work with the planners of the proposed nursing program to clarify issues. Close communication with BRN staff must be maintained during this time period. The process for initial review usually takes three to four weeks. In the event the initial review time will exceed this time period, BRN staff will notify the program applicant of the approximate time for the initial review. Priority will be given to first-time applicants for program approval.

The following action will be taken:

- 1) If BRN staff determines that the feasibility study is complete and complies with requirements specified in these Instructions, staff will submit the feasibility study to the Education/ Licensing Committee (ELC), (Step 4).
- 2) If the feasibility study is deemed incomplete, staff will notify the program applicant, in writing, of any deficiencies and a date for submission of a completed feasibility study. If BRN staff deems the revised feasibility study is complete, it will be submitted to the ELC (Step 4).
- 3) If staff deems the revised feasibility study incomplete, it will be returned to the program with a written notice of the deficiencies, and will not be submitted to the ELC. The ELC and Board will be notified, at a regularly scheduled meeting, of the name of the program applicant, the return of the feasibility study, and the deficiencies that resulted in the feasibility study being returned. If the applicant still wishes to start a prelicensure registered nursing program, the applicant must restart the process at Step 1.
- 4) If the revised feasibility study is returned because it is incomplete and the applicant still wishes to seek approval of a prelicensure registered nursing program, the applicant must restart at Step 1. The Letter of Intent must include a statement summarizing the BRN staff's reason(s) for not accepting the prior revised feasibility study and subsequent corrective action the applicant has taken.

STEP 4 –Education/Licensing Committee Recommendation on the Feasibility Study

When the feasibility study is deemed complete, it will be submitted to the Board’s Education/Licensing Committee for discussion and action at a regularly scheduled meeting. The meeting is open to the public, and there are opportunities for public comment. The BRN will notify the program applicant of the ELC meeting date at which the Committee will discuss and take action on the feasibility study. A representative of the program must be present at the ELC meeting to respond to any questions from the Committee regarding the feasibility study. The ELC will recommend to the Board the acceptance or non-acceptance of the feasibility study, or may defer action on the study to permit the institution time to provide additional information at a subsequent ELC meeting. If the ELC defers action, the program applicant will be notified in writing within ten (10) days of the deferred action, reason(s) for the deferral, and date for submission of any additional information and/or documents. The ELC considers the following criteria in determining its recommendation to the Board:

- 1) Evidence of applicant’s ability to initiate and maintain a prelicensure registered nursing program.
- 2) Evidence of initial and sustainable budgetary provisions for the proposed program.
- 3) Institution of higher authority to grant an associate of arts, baccalaureate, or higher degree.
- 4) For affiliated institutions, the agreement with an institution of higher education within 50 miles to grant an associate of arts degree or baccalaureate or higher degree to students completing the nursing program.
- 5) Evidence of availability of clinical placements for students of the proposed program.
- 6) Plans for administrative and faculty recruitment to staff the proposed program.

STEP 5 - Board Action on the Feasibility Study

The ELC’s recommendation on the feasibility study will be submitted for Board discussion and action at a regularly scheduled Board meeting. The Board meeting is also open to the public, with opportunities for public comment. The Board may accept or not accept the study, or may defer action on the study to provide the program applicant with an opportunity to provide additional information. The Board considers the criteria specified in Step 4 in rendering its decision.

The following action will be taken:

- 1) Within ten (10) days after the Board decision on the feasibility study, the Board will notify the program applicant in writing of its decision.
- 2) If the feasibility study is accepted, the program applicant may proceed to Step 6.
- 3) If the feasibility study is not accepted, the Board notice will include the basis for its decision.
- 4) If action on the feasibility study is deferred, the notice shall specify what additional information and/or documents are needed from the program applicant in order for the feasibility study to be deemed complete and a due date for submission of the materials. The revised feasibility study will be considered at regularly scheduled ELC and Board meetings after the due date for submission of materials. If the revised feasibility study is not accepted, the Board will notify the applicant in writing within ten (10) days; the notice will include the basis for the Board’s decision.
- 5) An applicant whose initial or revised feasibility study is not accepted, and who still wishes to seek approval of a prelicensure registered nursing program must restart with Step 1. The Letter of Intent must include a statement summarizing the Board’s reason(s) for not accepting the prior feasibility study and subsequent corrective action the applicant has taken.

STEP 6 - Appointment of Program Director

Upon acceptance of the feasibility study, the program applicant shall appoint a director who meets the requirements of CCR section 1425(a).

STEP 7 - Self-Study Report and Site Visit

Upon Board acceptance of the feasibility study, a BRN Nursing Education Consultant (NEC) will be assigned as the BRN liaison for the proposed program. The program director will have responsibility for preparing the self-study for the proposed program and coordinating the site-visit. At least six (6) months prior to the projected date of student enrollment the program applicant must submit to the NEC a self-study that describes how the proposed program plans to comply with all BRN nursing program-related rules and regulations. The attached *Preparing the Self-Study Report for Approval of Initial Prelicensure Nursing Program* (EDP-I-19 Rev 01/09) and *Criteria and Guidelines for Self-Study* (EDP-R-03 Rev 01/09) must be used to compile the self-study.

The NEC will review the report and notify the program director of any deficiencies, issues, or concerns with the self-study. Once the NEC has verified the self-study satisfactorily addresses the applicable rules and regulations, the NEC will schedule an on-site visit. The NEC will visit selected clinical sites the program plans to use as part of the on-site visit. Clinical site visits may be deferred depending on the start date of the proposed program. The NEC will complete a written report of findings.

STEP 8 – ELC and Board Actions related to Approval of the Proposed Program

The NEC's written report is submitted to the Board's ELC for discussion and action at a regularly scheduled Committee meeting. The Committee may recommend that the Board grant or deny approval, or may defer action on the initial program approval to provide the program applicant a specified time period to resolve any problems and to resubmitted to the ELC. A representative of the proposed program must be present at the ELC meeting(s) to respond to any questions from the Committee.

The Board will take action at a regularly scheduled meeting following the ELC meeting. Representatives of the proposed program are encouraged to be present at the Board meeting(s) to respond to any questions. The action the Board may take includes the following:

- 1) Grant initial approval;
- 2) Deny approval;
- 3) Defer action on the approval to permit the program applicant a specified time period to resolve area(s) of non-compliance. After resolution of the area(s) of non-compliance, the proposed program must be submitted for Board action at another regularly scheduled meeting.

Any material misrepresentation of fact by the program applicant in any required information is grounds for not accepting the feasibility study or denial of initial approval.

STEP 9 - Certificate of Approval

A certificate of approval will be issued by the BRN once the Board grants initial approval.

ABANDONMENT OF APPLICATION

A program applicant who does not take any action to complete the application process within one year of submitting a Letter of Intent or receipt of notice of Board action not accepting the program's feasibility study shall be deemed to have abandoned the application.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY OF GOVERNOR EDMUND G. SNOW JR.

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FACILITY VERIFICATION FORM

The nursing program must verify that clinical facilities offer necessary learning experiences to meet course/clinical objectives. The facility validates that clinical spaces for new students are available and the impact on existing clinical placements of nursing programs was reviewed.

Name of the School:	Name of Director/Designee: Telephone Number: E-Mail Address:
Name of health care facility: Type of health care facility (Acute, OPD, SNF, etc.) Average Daily Census for the agency:	Name of Director of Nursing Designee: Telephone Number: E-Mail Address: Address of Facility:

Type of units where students can be placed in the health care facility (Place X in the column)	Medical-Surgical	Obstetrics	Pediatrics	Psych-Mental Health	Geriatrics
Average daily census for each area					
Average personnel staffing for the shift for a unit (Include number of RNs, LVNs, CNAs, separately)					
Number of students placed in the unit at any one time.					
<i>Identify shifts and days available for placement of students in the program</i>					

Provide the following information on all other schools utilizing your facility: Attach additional sheets if needed.

Schools	Category of students (RN, LVN, CNA, etc.)	Number of Students	Days & Hours	Semesters (Fall, Spr.)	Units used

This agency does not have spaces to offer clinical spaces to the new program.

This agency intends to offer clinical placement(s) to this new program.

--	--

Agency Representative completing this form

Date

Attachment I

NCSBN Analysis: A Comparison of Selected Military Health Care Occupation Curricula with Standard Licensed Practical/Vocational Nurse Curriculum



NCSBN ANALYSIS:

A Comparison of Selected Military Health Care Occupation Curricula with a Standard Licensed Practical/Vocational Nurse Curriculum





Mission Statement

The National Council of State Boards of Nursing (NCSBN®) provides education, service and research through collaborative leadership to promote evidence-based regulatory excellence for patient safety and public protection.

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Introduction

The recently released White House report titled, *The Fast Track to Civilian Employment: Streamlining Credentialing and Licensing for Service Members, Veterans and Their Spouses*, encourages states to support legislative efforts that will transition veterans into the civilian workplace. The National Council of State Boards of Nursing (NCSBN®) wholeheartedly joins these efforts. We value the contributions veterans have made in the military and acknowledge their training and experience. Our goal is to assist U.S. boards of nursing (BONs) in making licensing decisions that will help veterans safely and competently enter civilian careers in nursing.

Some of the questions that have arisen out of the president's initiative to transition veterans to civilian careers pertain to the role of the licensed practical/vocational nurse (LPN/VN), including:

- Do Army health care specialists (medics), Navy corpsmen and Air Force airmen have the knowledge, skills and abilities to transition into a career as an LPN/VN directly from their military service?
- What are the differences between military training and LPN/VN education?
- Should veterans be given credit for some of their education and training that will allow them to accelerate through the LPN/VN program?

To assist in answering these questions, NCSBN staff, with consultation from leading experts in the areas of nursing and military education, conducted an in-depth analysis of the health care specialist (medic), corpsman and airman curricula, and compared these with a standard LPN/VN curriculum. The standard LPN/VN curriculum developed for this project is comparable to the LPN/VN curricula approved by U.S. BONs. In addition, NCSBN staff reviewed the Army LPN program and compared it with the standard LPN/VN curriculum; this analysis is provided within this report, along with recommendations and legislative talking points.

NCSBN welcomes any questions related to the information in this report. We are dedicated to assisting BONs in licensing decisions that will allow veterans to enter nursing competently and safely.

Development of the Standard LPN/VN Curriculum

A standard LPN/VN curriculum, comparable to those approved by U.S. BONs, was necessary for this review and analysis. NCSBN staff, with experience in curriculum development and LPN/VN nurse education, consulted a national expert in LPN/VN curriculum development and produced a standard LPN/VN curriculum to be used for these analyses. The consultant, Patty Knecht, MS, RN, is currently leading a national initiative to develop a core LPN/VN curriculum.

The elements of the standard LPN/VN curriculum developed for this project are considered minimal core requirements for an LPN/VN program. Although some variation exists across the country and some LPN/VN programs may integrate, present or outline the content differently (i.e., through laboratory exercises, simulation, lecture, etc.), this is a comprehensive standard curriculum that is representative of the minimum didactic and clinical requirements necessary for practical/vocational nursing education in the U.S.

The Standard LPN/VN Curriculum

The Standard LPN/VN Curriculum Essential Content
Anatomy and Physiology
Chemistry of the body, electrolytes and body fluids
Structure and function of the body systems
Pharmacology
Classification of medications
Nursing considerations in medication administration (six rights/critical thinking)
Incidence/prevalence of disease and the health care system
Issues in health care
Therapeutic communication techniques
Cultural considerations in health/illness
Health promotion activities
Infectious process and infection control
Basic nursing care including nutrition (minimum of 35 hours of clinical and 27 hours of lab included in clinical hours total)
Nursing assessment (full vs. focused assessment)
Nursing process/critical thinking
Documentation
Medical Surgical
IV fluids and calculations of rates and role of LPN/VN
Drug classifications
Understanding diagnostic studies and LPN/VN role
Care of the surgical patient
Care of the oncology patient (death and dying)
Bloodborne pathogens and standard precautions - integrated
Psychosocial, cultural, spiritual and ethnic considerations with patients - integrated
Community services - integrated
Provide safe and effective care
Physiological implications of disease process - integrated
Obtaining laboratory specimens/interpreting results
Nursing process - integrated
Role of LPN/VN in patient education - integrated
Informed consent - integrated
LPN/VN role in physical assessment - integrated
Care of the older patient - integrated
Care of patients with cardiovascular and peripheral vascular disorders
Care of patients with respiratory disorders
Care of patients with gastrointestinal disorders
Care of patients with endocrine disorders
Care of patients with immune disorders
Care of patients with skin disorders

The Standard LPN/VN Curriculum Essential Content
Care of patients with blood and lymphatic disorders
Care of the patient with a reproductive disorder
Care of the patient with a musculoskeletal disorder
Care of the patient with a genitourinary disorder
Care of the patient with a sensory disorder (eye and ear)
Care of the patient with a neurological disorder
Care of the patient with a mental health disorder (could be separate or integrated)
Gerontological nursing
Maternal and Child Health Nursing
Impact of family in maternal child health - integrated
Physiological changes during the perinatal period - integrated
Health promotion in maternal child nursing - integrated
Cultural impact - integrated
Normal growth and development
Providing safe patient care during prenatal/labor and delivery and postnatal
Introduction of maternal/child health with review of reproduction
Providing safe patient care to pediatric patients
Postnatal with family: women's health care and care of newborn, including congenital anomalies
Normal infant, toddler, preschooler, school-aged and adolescent child
Care of the pediatric patient, including data collection and procedures
Care of child with sensory or neurologic conditions
Care of child with respiratory disorders
Care of child with blood, blood-forming organs or lymphatic disorders
Care of child with genitourinary disorders
Care of child with endocrine conditions
Care of child with psychosocial disorder
Issues in Nursing
Legal aspects of nursing
Ethical aspects of nursing

Military Health Care Occupations Examined in this Analysis:

Role/Program Descriptions

The following are short descriptions of the military health care occupations that were analyzed and compared with the standard LPN/VN curriculum.

Basic Medical Technician Corpsman Program (Navy HM0000/Air Force BMTCP 4N0X1)

Description of Role: The Basic Medical Technician Corpsman Program prepares service members to function as entry-level medical technicians in fixed and nonfixed medical facilities, performing duties to provide quality emergency nursing and primary care procedures. Graduates demonstrate the ability to comprehend, evaluate and apply information relevant to the role of the basic medical technician; technical proficiency in entry-level skills required to fulfill the role of a basic medical technician; and personal and professional behavior consistent with the expectations of the basic medical technician.

Program Description: The Basic Medical Technician Corpsman Program provides the enlisted with basic knowledge of emergency medicine and nursing care. The program consists of lectures, group activities, demonstrations, hands-on instruction and clinical practice, and may include computer-based or blended learning activities.

Air Force Independent Duty Medical Technician (IDMT 4N0X1C)

Description of Role: This role builds on the skills acquired in the Basic Medical Technician Corpsman Program (BMTCP 4N0X1), which serves as a prerequisite. The Air Force independent duty medical technician is an advanced role and is trained to operate a medical aid station at a remote or isolated duty station, provide medical support to a nonmedical field unit or provide medical support to other government agencies and joint service missions. The training is specific to performing emergency medical, dental and surgical procedures to stabilize a patient's condition until evacuation for definitive care can occur.

Length of Course: Not specified, but approximately 13 weeks based on standard 8-hour training day and total program hours of 517.

Course Description: This course includes training in obtaining medical histories; examining, assessing, treating and documenting patient care encounters in the absence of a physician; performing emergency medical, dental and surgical procedures to stabilize a patient's condition until evacuation for definitive care can occur; monitoring medical aspects of special interest programs and health promotions; advanced medication administration; low complexity laboratory procedures; and conducting preventive medicine and food safety inspection in lieu of public health and bioenvironmental health personnel.

Course Prerequisites: Prior to enrollment in the course, the enlisted must possess Primary Air Force Specialty Code (PAFSC) 4N051/71 and three years experience practicing as a 4N0XX with two years of direct patient care. Additionally, the enlisted must have completed 4N Vol 3 Anatomy and Physiology CDC or IDMT BIO 100 Anatomy and Physiology.

Army Health Care Specialist (68W Army Medic)

Description of Role: The Army health care specialist (medic) is trained to administer emergency care on the battlefield and may also administer limited primary care in battalion aide stations (BAS). Health care specialists (medics) are taught to do rapid assessments and quickly respond to acute injuries and other emergencies. They are experts in evacuation and acquire high level skills to administer care of the severely wounded. The civilian equivalent to this role is an emergency medical technician (EMT).

Length of Course: 16 weeks

Course Description: The Army Medic Course is taught in three distinct phases: Phase I: Basic EMT Training Focus is on immediate, emergency care. All participants must pass the National Registry Emergency Medical Technician-Basic (NREMT) examination.

Phase II: Limited Primary Care

This prepares the health care specialist (medic) for serving in a BAS. Coursework covers injuries, illnesses and procedures commonly seen in a BAS. Content covered includes basic physical assessment and history taking, abdominal primary care, basic wound care, eye, ear, nose and throat (EENT) primary care, infection asepsis, sterile technique, injections, medication administration, orthopedic primary care, respiratory primary care, pharmacology, medical documentation and venipuncture.

Phase III: Field Craft

This prepares the health care specialist (medic) for combat. Coursework includes battlefield medicine, combat casualty assessment, battlefield injuries and combat evacuation. Content includes management of shock, traumatic brain injuries, burns, ocular injuries, abdominal trauma, hemorrhage control and vascular access.

Summary of Skills

The 68W Army Health Care Specialist is a registered EMT. He/she has a wide range of skills that help them react to emergencies.

Strengths: physical assessment of acute injuries, limited primary care, advanced level skills from venipuncture to intraosseous fluid replacement and chest tube insertion. Some pharmacology and the principles of medication administration are integrated into the course. The health care specialist (medic) does learn about the care of the adult and child with cardiovascular, respiratory, gastrointestinal, endocrine (diabetic), skin, hemodynamic, musculoskeletal, neurological, sensory, and mental health disorder, but the emphasis is placed on emergency care. The goal of this course is passage of the EMT exam and learning to use these skills on the battlefield.

AN ANALYSIS OF MILITARY CURRICULA WITH THE STANDARD LPN/VN CURRICULUM

Key:

- 0 = Military curriculum does not meet requirement
 1 = Military curriculum partially meets requirement
 2 = Military curriculum meets requirement

Standard LPN/VN Curriculum Essential Content	Military Occupations			
	Navy HM0000	Air Force BMTCP 4N0X1	Air Force IDMT 4N0X1C	Army Medic 68W Healthcare Specialist
Anatomy and Physiology				
Chemistry of the body, electrolytes and body fluids	1	1	2	1
Structure and function of cells and tissues	1	1	2	1
Structure and function of the body systems	1	1	2	1
Common diseases affecting the body systems and drugs used for treatment	1	1	2	1
Pharmacology				
Pharmacological calculations	2	2	2	2
Classification of medications	2	2	2	1
Pharmacokinetics and pharmacodynamics of medications	0	0	1	1
Nursing considerations in medication administration (six rights/critical thinking)	1	1	2	1
Nursing Fundamentals				
Incidence/prevalence of disease and the health care system	0	0	1	0
Issues in health care	0	0	0	0
Therapeutic communication techniques	1	1	1	2
Cultural considerations in health/illness	1	1	1	2
Health promotion activities	1	0	0	0
Infectious process and infection control	1	1	1	2
Basic nursing care including nutrition (minimum of 35 hours of clinical and 27 hours of lab included in clinical hours total)	1	1	1	Assess skills
Nursing assessment (full vs. focused assessment)	1	1	1	1
Nursing process/critical thinking	1	1	1	0
Documentation	1	1	1	1
Medical Surgical				
IV fluids and calculations of rates and role of LPN/VN	1	1	1	2
Drug classifications	2	2	2	1
Understanding diagnostic studies and LPN/VN role	1	1	1	1
Care of the surgical patient	1	1	1	1
Care of the oncology patient (death and dying)	1	1	1	0
Bloodborne pathogens and standard precautions - integrated	1	1	1	2
Psychosocial, cultural, spiritual and ethnic considerations with patients - integrated	1	1	1	1
Community services - integrated	0	0	0	0
Provide safe and effective care	2	2	2	2
Physiological implications of disease process - integrated	1	1	2	1
Obtaining laboratory specimens/interpreting results	1	1	1	2
Nursing process - integrated	0	0	0	0
Role of LPN/VN in patient education - integrated	0	0	0	0
Informed consent - integrated	2	2	2	0
LPN/VN role in physical assessment - integrated	1	1	1	2
Care of the older patient - integrated	1	1	1	0

AN ANALYSIS OF MILITARY CURRICULA WITH THE STANDARD LPN/VN CURRICULUM

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Standard LPN/VN Curriculum Essential Content	Military Occupations			
	Navy HM0000	Air Force BMTCP 4N0X1	Air Force IDMT 4N0X1C	Army Medic 68W Healthcare Specialist
Care of patients with cardiovascular and peripheral vascular disorders	1	1	2	1
Care of patients with respiratory disorders	1	1	2	1
Care of patients with gastrointestinal disorders	1	1	2	1
Care of patients with endocrine disorders	1	1	2	1
Care of patients with immune disorders	1	1	1	0
Care of patients with skin disorders	1	1	2	2
Health promotion activities - integrated	1	0	0	0
Care of patients with blood and lymphatic disorders	0	0	2	0
Care of the patient with a reproductive disorder	1	1	2	0
Care of the patient with a musculoskeletal disorder	1	1	2	1
Care of the patient with a genitourinary disorder	1	1	2	0
Care of the patient with a sensory disorder (eye and ear)	2	2	2	1
Care of the patient with a neurological disorder	1	1	2	1
Care of the patient with a mental health disorder (could be separate or integrated)	1	1	2	1
Community health nursing	0	0	0	0
Gerontological nursing	1	1	1	0
Maternal and Child Health Nursing				
Impact of family in maternal child health - integrated	0	0	0	0
Ethical issues in perinatal nursing - integrated	0	0	0	0
Physiological changes during the perinatal period - integrated	0	0	0	0
Health promotion in maternal child nursing - integrated	0	0	0	0
Cultural impact - integrated	0	0	0	0
Community resources - integrated	0	0	0	0
Normal growth and development	1	1	1	2
Providing safe patient care during prenatal/labor and delivery and postnatal	0	0	0	1
Introduction of maternal/child health with review of reproduction	0	0	0	0
Prenatal and complications	0	0	0	0
Providing safe patient care to pediatric patients	0	0	0	2
Labor and delivery	0	0	0	2
Postnatal with family; women's health care and care of newborn, including congenital anomalies	0	0	0	0
Normal infant, toddler, preschooler, school-aged and adolescent child	0	0	0	0
Care of the pediatric patient, including data collection and procedures	0	0	0	2
Care of child with fluid and electrolyte imbalances	0	0	0	1
Care of child with sensory or neurologic conditions	0	0	0	1
Care of child with musculoskeletal disorders	0	0	0	1
Care of child with respiratory disorders	0	0	0	1
Care of child with cardiovascular disorders	0	0	0	1
Care of child with blood, blood-forming organs or lymphatic disorders	0	0	0	0
Care of child with gastrointestinal disorders	0	0	0	1

AN ANALYSIS OF MILITARY CURRICULA WITH THE STANDARD LPN/VN CURRICULUM

Key:

- 0 = Military curriculum does not meet requirement
 1 = Military curriculum partially meets requirement
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Standard LPN/VN Curriculum Essential Content	Military Occupations			
	Navy HM0000	Air Force BMTCP 4N0X1	Air Force IDMT 4N0X1C	Army Medic 68W Healthcare Specialist
Care of child with genitourinary disorders	0	0	0	0
Care of child with skin disorders	0	0	0	1
Care of child with endocrine conditions	0	0	0	1
Care of child with communicable disease	0	0	0	1
Care of child with psychosocial disorder	0	0	0	1
Issues in Nursing				
Legal aspects of nursing	1	1	1	0
Ethical aspects of nursing	1	1	1	0

Army Practical Nurse Program (68WM6)

Description of Role: The Army practical nurse specialist supervises or performs preventive, therapeutic and emergency nursing care procedures under the supervision of a physician, nurse or noncommissioned officer. Program instruction includes advanced anatomy and physiology, pathophysiology and appropriate nursing care, expanded use of infection control principles, and pharmacokinetics and medication administration. The nursing process is integrated throughout the program. The clinical rotations include medical-surgical, pre- and post-operative, pediatrics, obstetrics, gerontology, emergency room, and critical care settings.

Length of Course: Phase 1 is 8 weeks; Phase 2 is 40 weeks.

Course Description: This is a two-phase course that provides skills and knowledge necessary to become a proficient entry level LPN/VN. Phase 1 is taught at the Academy of Health Sciences Fort Sam Houston and Phase 2 is taught at designated medical treatment facilities.

Course Prerequisites: Prior to enrollment in the course, a student must have a minimum of 24 months of experience as a 68W.

AN ANALYSIS OF THE ARMY 68WM6 LPN PROGRAM WITH THE STANDARD LPN/VN CURRICULUM

Key:

- 0 = Military curriculum does not meet requirement
 1 = Military curriculum partially meets requirement
 2 = Military curriculum meets requirement

Standard LPN/VN Curriculum Essential	Army 68WM6
Anatomy and Physiology	
Chemistry of the body, electrolytes and body fluids	2
Structure and function of cells and tissues	2
Structure and function of body systems	2
Common diseases affecting the body systems and drugs used for treatment	2
Pharmacology	
Pharmacological calculations	2
Classification of medications	2
Pharmacokinetics and pharmacodynamics of medications	2
Nursing considerations in medication administration (six rights/critical thinking)	2

AN ANALYSIS OF THE ARMY 68WM6 LPN PROGRAM WITH THE STANDARD LPN/VN CURRICULUM

Key:

0 = Military curriculum does not meet requirement

1 = Military curriculum partially meets requirement

2 = Military curriculum meets requirement

Standard LPN/VN Curriculum Essential	Army 68WM6
Nursing Fundamentals	
Incidence/prevalence of disease and the health care system	2
Issues in health care	2
Therapeutic communication techniques	2
Cultural considerations in health/illness	2
Health promotion activities	2
Infectious process and infection control	2
Basic nursing care including nutrition (minimum of 35 hours of clinical and 27 hours of lab included in clinical hours total)	2
Nursing assessment (full vs. focused assessment)	2
Nursing process/critical thinking	2
Documentation	2
Medical Surgical	
IV fluids and calculations of rates and role of LPN/VN	2
Drug classifications	2
Understanding diagnostic studies and LPN/VN role	2
Care of the surgical patient	2
Care of the oncology patient (death and dying)	2
Bloodborne pathogens and standard precautions - integrated	2
Psychosocial, cultural, spiritual and ethnic considerations with patients - integrated	2
Community services - integrated	2
Provide safe and effective care	2
Physiological implications of disease process - integrated	2
Obtaining laboratory specimens/interpreting results	2
Nursing process - integrated	2
Role of LPN/VN in patient education - integrated	2
Informed consent - integrated	2
LPN/VN role in physical assessment - integrated	2
Care of the older patient - integrated	2
Care of patients with cardiovascular and peripheral vascular disorders	2
Care of patients with respiratory disorders	2
Care of patients with gastrointestinal disorders	2
Care of patients with endocrine disorders	2
Care of patients with immune disorders	2
Care of patients with skin disorders	2
Health promotion activities - integrated	2
Care of patients with blood and lymphatic disorders	2
Care of the patient with a reproductive disorder	2
Care of the patient with a musculoskeletal disorder	2
Care of the patient with a genitourinary disorder	2
Care of the patient with a sensory disorder (eye and ear)	2
Care of the patient with a neurological disorder	2
Care of the patient with a mental health disorder (could be separate or integrated)	2

AN ANALYSIS OF THE ARMY 68WM6 LPN PROGRAM WITH THE STANDARD LPN/VN CURRICULUM

Key:

0 = Military curriculum does not meet requirement

1 = Military curriculum partially meets requirement

2 = Military curriculum meets requirement

Standard LPN/VN Curriculum Essential	Army 68WM6
Community Health Nursing	2
Gerontological nursing	2
Maternal and Child Health Nursing	
Impact of family in maternal child health - integrated	2
Ethical issues in perinatal nursing - integrated	2
Physiological changes during the perinatal period - integrated	2
Health promotion in maternal child nursing - integrated	2
Cultural impact - integrated	2
Community resources - integrated	2
Normal growth and development	2
Providing safe patient care during prenatal/labor and delivery and postnatal	2
Introduction of maternal/child health with review of reproduction	2
Prenatal and complications	2
Providing safe patient care to pediatric patients	2
Labor and delivery	2
Postnatal with family; women's health care and care of newborn, including congenital anomalies	2
Normal infant, toddler, preschooler, school-aged and adolescent child	2
Care of the pediatric patient, including data collection and procedures	2
Care of child with fluid and electrolyte imbalances	2
Care of child with sensory or neurologic conditions	2
Care of child with musculoskeletal disorders	2
Care of child with respiratory disorders	2
Care of child with cardiovascular disorders	2
Care of child with blood, blood-forming organs or lymphatic disorders	2
Care of child with gastrointestinal disorders	2
Care of child with genitourinary disorders	2
Care of child with skin disorders	2
Care of child with endocrine conditions	2
Care of child with communicable disease	2
Care of child with psychosocial disorder	2
Issues in Nursing	
Legal aspects of nursing	2
Ethical aspects of nursing	2

Summary and Recommendations

1. After an extensive review of health care specialist (medic), corpsman and airman curricula and comparing it with a standard LPN/VN curriculum, significant differences in content were identified. These differences preclude granting an LPN/VN license to veterans specialized in these areas without additional practical/vocational nurse coursework and clinical experience.
2. For veterans with training and experience as health care specialists (medics), corpsmen and airmen, civilian BON-approved LPN/VN programs should develop bridge programs that are based on individual assessments of each veteran and geared towards helping these individuals acquire the knowledge, skills and abilities needed to practice as an LPN/VN safely without repeating previously acquired content.
3. Each veteran will be leaving the military with varying levels of experience. Some have inserted chest tubes and performed other small surgical procedures, while others have little, if any, experience doing these procedures and instead had other types of responsibilities (nonhealth care related) during their military service. Therefore, it is recommended that the knowledge, skills and abilities of all veterans entering an LPN/VN program should be formally evaluated/ assessed prior to beginning a program. If proficiency is demonstrated, this should be accounted for in the LPN/VN program to assist in accelerating the education process.
4. After successful completion and graduation from the LPN/VN program, the veteran must pass the NCLEX-PN[®] Examination prior to licensure as an LPN/VN.
5. While the courses offered in military programs are comprehensive and rigorous, a veteran who has been a health care specialist (medic), corpsman or airman must learn the role of the nurse, the nursing process and the science of nursing care. The veteran must learn the role of the LPN/VN, the scope of practice and the principles of delegation in order to practice competently and safely. This is acquired through formal education, both clinical and didactic, and must be integrated throughout the course of study.
6. The Army LPN Program is comparable to a standard LPN/VN program approved by BONs.

Talking Points: Military Training Exception

NCSBN supports veterans entering the nursing profession. We would like these hard working individuals to succeed and experience long and rewarding careers in the field of nursing.

- **The roles and responsibilities of registered nurses (RNs) and licensed practical/vocational nurses (LPN/VNs) are different from that of health care specialists (medics), corpsmen and airmen. Thus, the training for these military occupations is different from that of nursing education programs.**

Even within the military, RNs and LPNs have separate roles and responsibilities from health care specialists (medics), corpsmen or airmen. The military requires RNs working in military facilities to hold a bachelor's degree in nursing and meet all the requirements of a civilian nursing program approved by a board of nursing (BON). A health care specialist (medic) or corpsman can only become an RN in the military by completing an RN program. Educational exemptions are not offered based on experience or another type/level of training.

Currently, the Army is the only service with an LPN occupational specialty. Certain MOS 68W soldiers (Army combat medics) can attend a course to become an entry level LPN. Students are required to sit for the NCLEX-PN[®] Examination and obtain licensure as an LVN. Thus, LPNs in the Army receive a substantial amount of additional education above and beyond training as a health care specialist (medic), corpsman or airman.

- **LPN/VN education is different than the training received by health care specialists (medics), corpsmen or airmen.**

After an extensive review of the health care specialist (medic), corpsman and airman curricula and comparing it with a standard LPN/VN curriculum, significant differences in content were identified. The military occupations lack content in the nursing process, health promotion and prevention, care of the pediatric patient, care of the obstetric patient, care of the older adult/geriatric patient, and chronic care management. In addition, the role of the LPN/VN is different from the military health care occupations cited in this report. The veteran needs time to learn a new scope of practice, acclimate to the role of an LPN/VN, and learn how to think and act like an LPN/VN. For those who have only worked on the battlefield, coursework will be needed on the health care delivery system, including hospital systems and long-term care. For a full listing of the educational differences, please review "NCSBN Analysis: A Comparison of Selected Military Health Care Occupation Curricula with a Standard Licensed Practical/Vocational Nurse Curriculum."

- **Allowing health care specialists (medics)/corpsmen/airmen to bypass educational requirements and sit unprepared for the NCLEX[®] is costly and can undermine test taker confidence.**
- **Graduation from a BON approved LPN/VN program is mandatory for all individuals wishing to be licensed as LPN/VNs; however, some LPN/VN content may overlap and be repetitive of the military occupation program content. NCSBN supports and encourages the development of LPN/VN bridge programs that allow health care specialists (medics), corpsmen and airmen credit for the knowledge, skills, and abilities they acquired in the military and focus content on gaps in knowledge, the nursing process and differences between the military and LPN/VN roles and scope of practice.**
The Army is the only branch of the military to offer an LPN program that provides the training necessary to be licensed as a practical/vocational nurse. NCSBN recommends the development of civilian LPN/VN bridge programs geared towards assisting veterans in mastering the knowledge, skills and abilities needed to practice safely without repeating previously acquired content.

NCSBN represents U.S. BONs and supports the initiative to transition veterans to careers in nursing. NCSBN is working with many groups to address different aspects of this project and should be involved in any discussions regarding this endeavor so that it can assist in assuring veterans have a safe and smooth transition into a career in nursing.

Attachment J

List of Acronyms and Terms

Acronyms

AB	Assembly Bill
ACEN	Accreditation Commission for Education in Nursing
ACNL	Association of California Nurse Leaders
ADN	Associate Degree in Nursing
AEO	Assistant Executive Officer
AG's Office	Attorney General's Office
AGPA	Associate Governmental Program Analyst
ALJ	Administrative Law Judge
APRN	Advanced Practice Registered Nurse
ATT	Authorization to Test
B&P Code	Business and Professions Code
BCP	Budget Change Proposal
BPPE	Bureau for Private Postsecondary Education
BRN	Board of Registered Nursing
BSN	Bachelor of Science in Nursing
C&P	Classification & Pay
CACN	California Association of Colleges of Nursing
CAS	Consumer Affairs System
CAT	Computerized Adaptive Testing
CCNE	Commission on Collegiate Nursing Education
CCR	California Code of Regulations

Acronyms (continued)

CE	Continuing Education
CEP	Continuing Education Provider
CGFNS	Commission on Graduates of Foreign Nursing Schools
CHT	Certified Hemodialysis Technician
CINHC	California Institute for Nursing and Health Care
CNMA	California Nurse-Midwives Association
CNS	Clinical Nurse Specialist
COADN	California Organization of Associate Degree Nursing Program Directors
CPEI	Consumer Protection Enforcement Initiative
CRNA	Certified Registered Nurse Anesthetist
CSNA	California Student Nursing Association
CSU	California State University
CURES	Controlled Substance Utilization Review and Evaluation System
DCA	Department of Consumer Affairs
DCA-HR	Department of Consumer Affairs – Human Resources
DDC	Diversion/Discipline Committee
DEA	Drug Enforcement Administration
DEC	Diversion Evaluation Committee
DHS	Department of Health Services
DMH	Department of Mental Health
DNP	Doctor of Nursing Practice

Acronyms (continued)

DOE	Department of Education
DOI	Division of Investigation
DOJ	Department of Justice
EIW	Education Issues Workgroup
ELM	Entry Levels Master's Degree
EO	Executive Officer
FAQ	Frequently Asked Question
FBI	Federal Bureau of Investigation
FTB	Franchise Tax Board
FY	Fiscal Year
HRSA	Health Resources and Services Administration
ICV	Interagency Council on Veterans
IOM	Institute of Medicine
IP	Interim Permit
IRS	Internal Revenue Service
ISO	Interim Suspension Order
IT	Information Technology
LPN	Licensed Practical Nurse
LT	Limited Term
LVN	Licensed Vocational Nurse
MBC	Medical Board of California

Acronyms (continued)

MST	Management Services Technician
MOU	Memorandum of Understanding
NA	Nurse Anesthetist
NCLEX-RN	National Council Licensure Examination for Registered Nurses
NCSBN	National Council of State Boards of Nursing
NEC	Nursing Education Consultant
NM	Nurse-Midwife
NMAC	Nurse-Midwife Advisory Committee
NP	Nurse Practitioner
NPA	Nursing Practice Act
NPAC	Nurse Practitioner Advisory Committee
NPDB	National Practitioner Data Bank
NWAC	Nursing Workforce Advisory Committee
OA	Office Assistant or Occupational Analysis
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
OSHPD	Office of Statewide Health Planning and Development
OT	Office Technician
PA	Physician Assistant
PHN	Public Health Nurse
RCA	Revenue Collected in Advance

Acronyms *(continued)*

RN	Registered Nurse
SB	Senate Bill
SI	Special Investigator
SME	Subject Matter Expert
SNEC	Supervising Nursing Education Consultant
SOI	Statement of Issues
SSM	Staff Services Manager
TL	Temporary License
UCLA	University of California, Los Angeles
UCSF	University of California, San Francisco
U.S.	United States

Terms

The Board	The nine appointed members
BreZee	DCA computer system implemented at the BRN in October 2013
CalREACH	Responsive Electronic Application for California's Healthcare by OSHPD to Manage Health Care Education Loans, Scholarships and Grants
MAXIMUS	Contractor for BRN Diversion Program
NURSYS®	Computerized Discipline Information Exchange System by the NCSBN. Registration symbol is deleted when included in the text throughout the document.



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