



BOARD OF REGISTERED NURSING
PO Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 F (916) 574-8637 | www.rn.ca.gov
Louise R. Bailey, MEd, RN, Executive Officer

**LEGISLATIVE
COMMITTEE MEETING**

AMENDED AGENDA

**The Dana on Mission
Sunset Room
1710 W Mission Bay Drive
San Diego, CA 92109
(619) 222-6440**

May 7, 2015

Thursday, May 7, 2015: 3:00 p.m. to 4:00 p.m.

- 8.0 Call to Order and Establishment of Quorum**
- 8.1 Review and Vote on Whether to Approve the Minutes of:**
- March 5, 2015
- 8.2 Discuss Bills of Interest to the Board and Recommend that the Board Adopt or Modify Positions on the Bills, and any other Bills of Interest to the Board Introduced During the 2015-2016 Legislative Session**

Assembly Bills

AB 12
AB 26
AB 85
AB 172
AB 611
AB 637
AB 840
AB 1060
AB 1306

Senate Bills

SB 319
SB 323
SB 390
SB 466
SB 531
SB 800

- 8.3 Update on Regulatory Proposal to Increase Fees in California Code of Regulations, Article 1, Section 1417, Fees**
- 8.4 Public Comment for Items Not on the Agenda**
- 8.5 Adjournment**

NOTICE:

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

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 the Administration Unit at (916) 574-7600 or email webmasterbrn@dca.ca.gov, or send a written request to the Board of Registered Nursing at 1747 N. Market Blvd., Ste. 150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (800) 326-2297). Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation. Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.



BOARD OF REGISTERED NURSING

**LEGISLATIVE COMMITTEE
MEETING MINUTES**

DATE: March 5, 2015

TIME: 3:00 p.m.- 4:00 p.m.

LOCATION: Hilton Garden Inn San Francisco/Oakland Bay Bridge
1800 Powell Street
Emeryville, California 94608
Top of the Bay Room

MEMBERS PRESENT: Imelda Ceja-Butkiewicz, Chairperson
Cynthia Klein, RN
Jeanette Dong
Trande Phillips, RN

STAFF PRESENT: Louise Bailey, Executive Officer
Ronnie Whitaker, Legislative and Regulatory Analyst

Imelda Ceja-Butkiewicz called the meeting to order at 3:14 p.m.

- 8.1 Review and Approve Minutes**
The minutes of August 7, 2014, October 9, 2014 and January 8, 2015 were approved.
- 8.2 Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2015-2016 Legislative Session.**
There was no action taken on any Bills as there were no new Bills of Interest to the Board.
- 8.3 Public Comment for Items Not on the Agenda**
There were no public comments.

The meeting adjourned at 3:16 p.m.

Submitted by: _____
Ronnie Whitaker, Legislative and Regulatory Analyst

Approved by: _____
Imelda Ceja-Butkiewicz, RN



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BOARD OF REGISTERED NURSING

LEGISLATIVE COMMITTEE MEETING MINUTES

DATE: January 8, 2015

TIME: 3:30 p.m.- 4:30 p.m.

LOCATION: Hilton Los Angeles Airport
5711 West Century Blvd.
Los Angeles, CA 90045

MEMBERS PRESENT: Cindy Klein, RN

STAFF PRESENT: Louise Bailey, Executive Officer
Ronnie Whitaker, Legislative and Regulatory Analyst

Cindy Klein called the meeting to order at 3:30 p.m.

- 8.1 Review and Approve Minutes**
Review and approval of the minutes of August 7, 2014, October 9, 2014, were deferred until the next meeting.
- 8.2 Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2013-2014 Legislative Session.**
There were no bills to report.
- 8.3 2013-2014 Goals and Objectives: Summary of Accomplishments**
Summary of Accomplishments was information only.
- 8.4 2013-2014 Legislative Session Summary**
The Board publishes information on its Web site, newsletter, and Sunset Report about selected bills that have been chaptered.
- 8.5 2015-2016 Recommend Goals and Objectives for the Two-year Legislative Session**
Item deferred until the Board meeting.
- 8.6 Public Comment for Items Not on the Agenda**
There were no public comments.

The meeting adjourned at 3:33 p.m.

Submitted by: Ronnie Whitaker
Ronnie Whitaker, Legislative and Regulatory Analyst

Approved by: Cindy Klein
Cindy Klein, RN
Cindy Klein



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Louise R. Bailey, MEd, RN, Executive Officer

BOARD OF REGISTERED NURSING

LEGISLATIVE COMMITTEE MEETING MINUTES

DATE: October 9, 2014

TIME: 3:30 p.m.- 4:30 p.m.

LOCATION: Hilton Garden Inn San Francisco/Oakland Bay Bridge
Dock of the Bay Room
1800 Powell Street
Emeryville, California 94608

MEMBERS PRESENT: Trande Phillips, RN, Acting Chair
Cindy Klein, RN

STAFF PRESENT: Louise Bailey, Executive Officer
Kay Weinkam, NEC, Staff Liaison
Ronnie Whitaker, Legislative and Regulatory Analyst

Acting Chair Trande Phillips called the meeting to order at 3:36 p.m.

8.0 Review and Approve Minutes

Review and approval of the minutes of May 7, 2014, and August 7, 2014, were deferred until the next meeting.

8.1 Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2013-2014 Legislative Session.

- AB 186** **Maienschein: Professions and vocations: military spouses: temporary licenses**
Sub-Committee Recommendation: Watch
- AB 809** **Logue: Healing arts: telehealth**
Sub-Committee Recommendation: Watch
- AB 1841** **Mullin: Medical assistants**
Sub-Committee Recommendation: Watch
- AB 2058** **Wilk: Open meetings**
Sub-Committee Recommendation: Watch
- AB 2102** **Ting: Licensees: data collection**
Sub-Committee Recommendation: Watch

- AB 2247 Williams: Postsecondary education: accreditation documents**
Sub-Committee Recommendation: Watch
- AB 2396 Bonta: Convictions: expungement: licenses**
Sub-Committee Recommendation: Watch
- AB 2720 Ting: State agencies: meetings: record of action taken**
Sub-Committee Recommendation: Watch
- AB 2736 Committee on Higher Education: Postsecondary education: California State University**
Sub-Committee Recommendation:
- SB 850 Block: Public postsecondary education: community college districts: baccalaureate degree pilot program**
Sub-Committee Recommendation: Watch
- SB 911 Block: Residential care facilities for the elderly**
Sub-Committee Recommendation: Watch
- SB 1159 Lara: Professions and vocations: license applicants: individual tax identification number**
Sub-Committee Recommendation: Watch
- SB 1299 Padilla: Workplace violence prevention plans: hospitals**
Sub-Committee Recommendation: Watch

8.3 Public Comment for Items Not on the Agenda

Katherine Hughes, SEIU, AB 2062 – Surgical technologists

The meeting adjourned at 3:51 p.m.

Submitted by: Ronnie Whitaker
for **Kay Weinkam, Nursing Education Consultant**

Approved by: Trande Phillips
Trande Phillips, Acting Chair



BOARD OF REGISTERED NURSING

LEGISLATIVE COMMITTEE MEETING MINUTES

DATE: August 7, 2014

TIME: 3:30 p.m.- 4:30 p.m.

LOCATION: Hilton Sacramento Arden West
Folsom Room
2200 Harvard Street
Sacramento, CA 95815

MEMBERS PRESENT: Trande Phillips, RN, Acting Chair
Cindy Klein, RN

STAFF PRESENT: Louise Bailey, Executive Officer
Kay Weinkam, NEC, Staff Liaison
Ronnie Whitaker, Legislative and Regulatory Analyst

Acting Chair Trande Phillips called the meeting to order at 3:30 p.m.

8.0 Review and Approve Minutes

Review and approval of the minutes of May 7, 2014, was deferred until the next meeting.

8.1 Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2013-2014 Legislative Session.

- AB 2062 Hernández: Health facilities: surgical technologists**
Sub-Committee Recommendation: Watch
- AB 2247 Williams: Postsecondary education: accreditation documents**
Sub-Committee Recommendation: Watch
- SB 850 Block: Public postsecondary education: community college districts: baccalaureate degree pilot program**
Sub-Committee Recommendation: Watch
- SB 911 Block: Residential care facilities for the elderly**
Sub-Committee Recommendation: Watch
- SB 1159 Lara: Professions and vocations: license applicants: federal identification number**
Sub-Committee Recommendation: Watch

SB 1299

Padilla: Workplace violence prevention plans: hospitals

Sub-Committee Recommendation: Support

Two public comments

8.3

Public Comment for Items Not on the Agenda

The meeting adjourned at 3:40 p.m.

Submitted by: Ronnie Whitaky
for **Kay Weinkam, Nursing Education Consultant**

Approved by: Trande Phillips
Trande Phillips, Acting Chair

BOARD OF REGISTERED NURSING
Legislative Committee
Agenda Item Summary

AGENDA ITEM: 8.2

DATE: May 7, 2015

ACTION REQUESTED: Discuss Bills of Interest to the Board and Recommend that the Board Adopt or Modify Positions on the Bills, and any other Bills of Interest to the Board introduced during the 2015-2016 Legislative Session.

REQUESTED BY: Ronnie Whitaker
Legislative and Regulatory Analyst

BACKGROUND:

Assembly Bills

AB 12
AB 26
AB 85
AB 172
AB 611
AB 637
AB 840
AB 1060
AB 1306

Senate Bills

SB 319
SB 323
SB 390
SB 466
SB 531
SB 800

NEXT STEP: Place on Board agenda

**FINANCIAL IMPLICATIONS,
IF ANY:** None

PERSON TO CONTACT: Ronnie Whitaker
Phone: (916) 574-7600

**BOARD OF REGISTERED NURSING
ASSEMBLY BILLS 2015-2016
May 7, 2015**

BILL #	AUTHOR	SUBJECT	COMM POSITION (date)	BOARD POSITION (date)	BILL STATUS
AB 12	Cooley	Administrative regulations: review			Accountability & Administrative Review
AB 26	Jones-Sawyer	Medical Cannibus		No Action (1/8/15)	Business & Professions
AB 85	Wilk	Open meetings			Appropriations
AB 172	Rodriguez	Emergency departments: assaults and batteries		Watch (4/2/15)	Appropriations
AB 611	Dahle	Controlled substances: prescriptions: reporting			Business & Professions
AB 637	Campos	Physician Orders for Life Sustaining Treatment forms		Watch (4/2/15)	Judiciary
AB 840	Ridley-Thomas	Nurses and certified nurse assistants: overtime		Support (4/2/15)	Public Employees, Retirement and Social Security
AB 1060	Bonilla	Professions and vocations: licensure			Appropriations
AB 1306	Burke	Healing arts: certified nurse-midwives: scope of practice		Watch (4/2/15)	Business & Professions

Bold denotes a bill that is a new bill for Board consideration or has been amended since last Board consideration.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
May 7, 2015**

BILL ANALYSIS

AUTHOR:	Cooley	BILL NUMBER:	AB 12
SPONSOR:		BILL STATUS:	Accountability & Administrative Review
SUBJECT:	Administrative regulations: review	DATE LAST AMENDED:	4/22/2015

SUMMARY:

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

ANALYSIS:

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided and report to the Legislature and Governor, as specified.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Cooley
(Coauthors: Assembly Members Chang, Daly, and Wilk)

December 1, 2014

An act to amend Section 11349.1.5 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, of the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Cooley. State government: administrative regulations: review.

~~(1) Existing~~

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, ~~and after a noticed public hearing, review and revise that agency's regulations to eliminate any inconsistencies, overlaps, or outdated provisions in the regulations, adopt the revisions as emergency regulations;~~ *review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided,* and report to the Legislature and Governor, as specified. ~~The bill would further~~

require each agency to, on or before January 1, 2017, compile an overview of the statutory law that agency administers.

(2) The act requires a state agency proposing to adopt, amend, or repeal a major regulation, as defined, to prepare a standardized regulatory impact analysis of the proposed change. The act requires the office and the Department of Finance to, from time to time, review the analyses for compliance with specific department regulations. The act further requires the office to, on or before November 1, 2015, submit a report on the analyses to the Senate and Assembly Committees on Governmental Organization, as specified.

This bill would instead require the office and department to annually review the analyses. The bill would also require the office to annually submit a report on the analyses to the Senate Committee on Governmental Organization and the Assembly Committee on Accountability and Administrative Review.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 11349.1.5 of the Government Code is
2 amended to read:

3 11349.1.5. (a) The Department of Finance and the office shall
4 annually review the standardized regulatory impact analyses
5 required by subdivision (c) of Section 11346.3 and submitted to
6 the office pursuant to Section 11347.3, for adherence to the
7 regulations adopted by the department pursuant to Section
8 11346.36.

9 (b)(1) On or before November 1, 2015, and annually thereafter,
10 the office shall submit to the Senate Committee on Governmental
11 Organization and the Assembly Committee on Accountability and
12 Administrative Review a report describing the extent to which
13 submitted standardized regulatory impact analyses for proposed
14 major regulations for the fiscal year ending in June 30, of that year
15 adhere to the regulations adopted pursuant to Section 11346.36.
16 The report shall include a discussion of agency adherence to the
17 regulations as well as a comparison between various state agencies
18 on the question of adherence. The report shall also include any
19 recommendations from the office for actions the Legislature might
20 consider for improving state agency performance and compliance

1 in the creation of the standardized regulatory impact analyses as
2 described in Section 11346.3.

3 ~~(2) The report shall be submitted in compliance with Section~~
4 ~~9795 of the Government Code.~~

5 ~~(e) In addition to the annual report required by subdivision (b),~~
6 ~~the office shall notify the Legislature of noncompliance by a state~~
7 ~~agency with the regulations adopted pursuant to Section 11346.36,~~
8 ~~in any manner or form determined by the office and shall post the~~
9 ~~report and notice of noncompliance on the office’s Internet Web~~
10 ~~site.~~

11 ~~SEC. 2.~~

12 *SECTION 1.* Chapter 3.6 (commencing with Section 11366)
13 is added to Part 1 of Division 3 of Title 2 of the Government Code,
14 to read:

15
16 CHAPTER 3.6. REGULATORY REFORM

17
18 Article 1. Findings and Declarations

19
20 11366. The Legislature finds and declares all of the following:

21 (a) The Administrative Procedure Act (Chapter 3.5 (commencing
22 with Section 11340), Chapter 4 (commencing with Section 11370),
23 Chapter 4.5 (commencing with Section 11400), and Chapter 5
24 (commencing with Section 11500)) requires agencies and the
25 Office of Administrative Law to review regulations to ensure their
26 consistency with law and to consider impacts on the state’s
27 economy and businesses, including small businesses.

28 (b) However, the act does not require agencies to individually
29 review their regulations to identify overlapping, inconsistent,
30 duplicative, or out-of-date regulations that may exist.

31 (c) At a time when the state’s economy is slowly recovering,
32 unemployment and underemployment continue to affect all
33 Californians, especially older workers and younger workers who
34 received college degrees in the last seven years but are still awaiting
35 their first great job, and with state government improving but in
36 need of continued fiscal discipline, it is important that state
37 agencies systematically undertake to identify, publicly review, and
38 eliminate overlapping, inconsistent, duplicative, or out-of-date
39 regulations, both to ensure they more efficiently implement and

1 enforce laws and to reduce unnecessary and outdated rules and
2 regulations.

3 ~~(d) The purpose of this chapter is to require each agency to~~
4 ~~compile an overview of the statutory law that agency oversees or~~
5 ~~administers in its regulatory activity that includes a synopsis of~~
6 ~~key programs, when each key program was authorized or instituted,~~
7 ~~and any emerging challenges the agency is encountering with~~
8 ~~respect to those programs.~~

9
10 Article 2. Definitions

11
12 11366.1. For the ~~purpose~~ *purposes* of this chapter, the following
13 definitions shall apply:

14 (a) “State agency” means a state agency, as defined in Section
15 11000, except those state agencies or activities described in Section
16 11340.9.

17 (b) “Regulation” has the same meaning as provided in Section
18 11342.600.

19
20 Article 3. State Agency Duties

21
22 11366.2. On or before January 1, 2018, each state agency shall
23 do all of the following:

24 (a) Review all provisions of the California Code of Regulations
25 applicable to, or adopted by, that state agency.

26 (b) Identify any regulations that are duplicative, overlapping,
27 inconsistent, or out of date.

28 (c) Adopt, amend, or repeal regulations to reconcile or eliminate
29 any duplication, overlap, inconsistencies, or out-of-date ~~provisions.~~
30 *provisions, and shall comply with the process specified in Article*
31 *5 (commencing with Section 11346) of Chapter 3.5, unless the*
32 *addition, revision, or deletion is without regulatory effect and may*
33 *be done pursuant to Section 100 of Title 1 of the California Code*
34 *of Regulations.*

35 (d) Hold at least one noticed public hearing, that shall be noticed
36 on the Internet Web site of the state agency, for the purposes of
37 accepting public comment on proposed revisions to its regulations.

38 (e) Notify the appropriate policy and fiscal committees of each
39 house of the Legislature of the revisions to regulations that the
40 state agency proposes to make at least ~~90 days prior to a noticed~~

1 public hearing pursuant to subdivision (d) and at least 90 days
2 prior to the proposed adoption, amendment, or repeal of the
3 regulations pursuant to subdivision (f), for the purpose of allowing
4 those committees to review, and hold hearings on, the proposed
5 revisions to the regulations.

6 ~~(f) Adopt as emergency regulations, consistent with Section~~
7 ~~11346.1, those changes, as provided for in subdivision (e), to a~~
8 ~~regulation identified by the state agency as duplicative,~~
9 ~~overlapping, inconsistent, or out of date. *least 30 days prior to*~~
10 ~~*initiating the process under Article 5 (commencing with Section*~~
11 ~~*11346) of Chapter 3.5 or Section 100 of Title 1 of the California*~~
12 ~~*Code of Regulations.*~~

13 (g) (1) Report to the Governor and the Legislature on the state
14 agency's compliance with this chapter, including the number and
15 content of regulations the state agency identifies as duplicative,
16 overlapping, inconsistent, or out of date, and the state agency's
17 actions to address those regulations.

18 (2) The report shall be submitted in compliance with Section
19 9795 of the Government Code.

20 11366.3. (a) On or before January 1, 2018, each agency listed
21 in Section 12800 shall notify a department, board, or other unit
22 within that agency of any existing regulations adopted by that
23 department, board, or other unit that the agency has determined
24 may be duplicative, overlapping, or inconsistent with a regulation
25 adopted by another department, board, or other unit within that
26 agency.

27 (b) A department, board, or other unit within an agency shall
28 notify that agency of revisions to regulations that it proposes to
29 make at least 90 days prior to a noticed public hearing pursuant to
30 subdivision (d) of Section 11366.2 and at least 90 days prior to
31 adoption, amendment, or repeal of the regulations pursuant to
32 ~~subdivision (f) of subdivision (c) of Section 11366.2.~~ The agency
33 shall review the proposed regulations and make recommendations
34 to the department, board, or other unit within 30 days of receiving
35 the notification regarding any duplicative, overlapping, or
36 inconsistent regulation of another department, board, or other unit
37 within the agency.

38 11366.4. An agency listed in Section 12800 shall notify a state
39 agency of any existing regulations adopted by that agency that

1 may duplicate, overlap, or be inconsistent with the state agency’s
2 regulations.

3 ~~11366.43. On or before January 1, 2017, each state agency
4 shall compile an overview of the statutory law that state agency
5 oversees or administers. The overview shall include a synopsis of
6 the state agency’s key programs, when each program was
7 authorized or instituted, when any statute authorizing a program
8 was significantly revised to alter, redirect, or extend the original
9 program and the reason for the revision, if known, and an
10 identification of any emerging challenges the state agency is
11 encountering with respect to the programs.~~

12 11366.45. This chapter shall not be construed to weaken or
13 undermine in any manner any human health, public or worker
14 rights, public welfare, environmental, or other protection
15 established under statute. This chapter shall not be construed to
16 affect the authority or requirement for an agency to adopt
17 regulations as provided by statute. Rather, it is the intent of the
18 Legislature to ensure that state agencies focus more efficiently and
19 directly on their duties as prescribed by law so as to use scarce
20 public dollars more efficiently to implement the law, while
21 achieving equal or improved economic and public benefits.

22

23 Article 4. Chapter Repeal

24

25 11366.5. This chapter shall remain in effect only until January
26 1, 2019, and as of that date is repealed, unless a later enacted
27 statute, that is enacted before January 1, 2019, deletes or extends
28 that date.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
May 7, 2015**

BILL ANALYSIS

AUTHOR:	Wilk	BILL NUMBER:	AB 85
SPONSOR:		BILL STATUS:	Appropriations
SUBJECT:	Open meetings	DATE LAST AMENDED:	4/15/2015

SUMMARY:

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

ANALYSIS:

This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body 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.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 85

Introduced by Assembly Member Wilk

January 6, 2015

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 85, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body 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.

~~This bill would make legislative findings and declarations, including, but not limited to, a statement of the Legislature's intent that this bill is declaratory of existing law.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 ~~SECTION 1. The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(a) The unpublished decision of the Third District Court of~~
4 ~~Appeals in Funeral Security Plans v. State Board of Funeral~~
5 ~~Directors (1994) 28 Cal. App.4th 1470 is an accurate reflection of~~
6 ~~legislative intent with respect to the applicability of the~~
7 ~~Bagley-Keene Open Meeting Act (Article 9 (commencing with~~
8 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~
9 ~~the Government Code) to a two-member standing advisory~~
10 ~~committee of a state body.~~

11 ~~(b) A two-member committee of a state body, even if operating~~
12 ~~solely in an advisory capacity, already is a “state body,” as defined~~
13 ~~in subdivision (d) of Section 11121 of the Government Code, if a~~
14 ~~member of the state body sits on the committee and the committee~~
15 ~~receives funds from the state body.~~

16 ~~(c) It is the intent of the Legislature that this bill is declaratory~~
17 ~~of existing law.~~

18 ~~SEC. 2.~~

19 ~~SECTION 1.~~ Section 11121 of the Government Code is
20 amended to read:

21 11121. As used in this article, “state body” means each of the
22 following:

23 (a) Every state board, or commission, or similar multimember
24 body of the state that is created by statute or required by law to
25 conduct official meetings and every commission created by
26 executive order.

27 (b) A board, commission, committee, or similar multimember
28 body that exercises any authority of a state body delegated to it by
29 that state body.

30 (c) An advisory board, advisory commission, advisory
31 committee, advisory subcommittee, or similar multimember
32 advisory body of a state body, if created by formal action of the
33 state body or of any member of the state body, and if the advisory

1 body so created consists of three or more persons, except as in
2 subdivision (d).

3 (d) A board, commission, committee, or similar multimember
4 body on which a member of a body that is a state body pursuant
5 to this section serves in his or her official capacity as a
6 representative of that state body and that is supported, in whole or
7 in part, by funds provided by the state body, whether the
8 multimember body is organized and operated by the state body or
9 by a private corporation.

10 ~~SEC. 3.~~

11 *SEC. 2.* This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 In order to avoid unnecessary litigation and ensure the people's
16 right to access the meetings of public bodies pursuant to Section
17 3 of Article 1 of the California Constitution, it is necessary that
18 *this act take effect ~~immediately~~ immediately.*

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
May 7, 2015**

BILL ANALYSIS

AUTHOR:	Dahle	BILL NUMBER:	AB 611
SPONSOR:		BILL STATUS:	Business & Professions
SUBJECT:	Controlled substances: prescriptions: reporting	DATE LAST AMENDED:	4/15/2015

SUMMARY:

Existing law requires certain health care practitioners and pharmacists to apply to the Department of Justice to obtain approval to access information contained in the Controlled Substance Utilization Review and Evaluation System (CURES) Prescription Drug Monitoring Program (PDMP) regarding the controlled substance history of a patient under his or her care. Existing law requires the Department of Justice, upon approval of an application, to provide the approved health care practitioner or pharmacist the history of controlled substances dispensed to an individual under his or her care. Existing law authorizes an application to be denied, or a subscriber to be suspended, for specified reasons, including, among others, a subscriber accessing information for any reason other than caring for his or her patients.

ANALYSIS:

This bill would also authorize an individual designated to investigate a holder of a professional license to apply to the Department of Justice to obtain approval to access information contained in the CURES PDMP regarding the controlled substance history of an applicant or a licensee for the purpose of investigating the alleged substance abuse of a licensee. The bill would, upon approval of an application, require the department to provide to the approved individual the history of controlled substances dispensed to the licensee. The bill would clarify that only a subscriber who is a health care practitioner or a pharmacist may have an application denied or be suspended for accessing subscriber information for any reason other than caring for his or her patients. The bill would also specify that an application may be denied, or a subscriber may be suspended, if a subscriber who has been designated to investigate the holder of a professional license accesses information for any reason other than investigating the holder of a professional license.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE

AMENDED IN ASSEMBLY APRIL 15, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 611

Introduced by Assembly Member Dahle

February 24, 2015

An act to amend Section 11165.1 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 611, as amended, Dahle. Controlled substances: prescriptions: reporting.

Existing law requires certain health care practitioners and pharmacists to apply to the Department of Justice to obtain approval to access information contained in the Controlled Substance Utilization Review and Evaluation System (CURES) Prescription Drug Monitoring Program (PDMP) regarding the controlled substance history of a patient under his or her care. Existing law requires the Department of Justice, upon approval of an application, to provide the approved health care practitioner or pharmacist the history of controlled substances dispensed to an individual under his or her care. Existing law authorizes an application to be denied, or a subscriber to be suspended, for specified reasons, including, among others, a subscriber accessing information for any reason other than caring for his or her patients.

This bill would also authorize an individual designated to investigate a holder of a professional license to apply to the Department of Justice to obtain approval to access information contained in the CURES PDMP

regarding the controlled substance history of an applicant or a licensee for the purpose of investigating the alleged substance abuse of a licensee. The bill would, upon approval of an application, require the department to provide to the approved individual the history of controlled substances dispensed to the licensee. The bill would clarify that only a subscriber who is a health care practitioner or a pharmacist may have an application denied or be suspended for accessing subscriber information for any reason other than caring for his or her patients. The bill would also specify that an application may be denied, or a subscriber may be suspended, if a subscriber who has been designated to investigate the holder of a professional license accesses information for any reason other than investigating the holder of a professional license.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 11165.1 of the Health and Safety Code
2 is amended to read:
3 11165.1. (a) (1) (A) (i) A health care practitioner authorized
4 to prescribe, order, administer, furnish, or dispense Schedule II,
5 Schedule III, or Schedule IV controlled substances pursuant to
6 Section 11150 shall, before January 1, 2016, or upon receipt of a
7 federal Drug Enforcement Administration (DEA) registration,
8 whichever occurs later, submit an application developed by the
9 Department of Justice to obtain approval to access information
10 online regarding the controlled substance history of a patient that
11 is stored on the Internet and maintained within the Department of
12 Justice, and, upon approval, the department shall release to that
13 practitioner the electronic history of controlled substances
14 dispensed to an individual under his or her care based on data
15 contained in the CURES Prescription Drug Monitoring Program
16 (PDMP).
17 (ii) A pharmacist shall, before January 1, 2016, or upon
18 licensure, whichever occurs later, submit an application developed
19 by the Department of Justice to obtain approval to access
20 information online regarding the controlled substance history of
21 a patient that is stored on the Internet and maintained within the
22 Department of Justice, and, upon approval, the department shall
23 release to that pharmacist the electronic history of controlled

1 substances dispensed to an individual under his or her care based
2 on data contained in the CURES PDMP.

3 (iii) (I) An individual designated by a board, bureau, or
4 program within the Department of Consumer Affairs to investigate
5 a holder of a professional license may, for the purpose of
6 investigating the alleged substance abuse of a licensee, submit an
7 application developed by the Department of Justice to obtain
8 approval to access information online regarding the controlled
9 substance history of a licensee that is stored on the Internet and
10 maintained within the Department of Justice, and, upon approval,
11 the department shall release to that individual the electronic history
12 of controlled substances dispensed to the licensee based on data
13 contained in the CURES PDMP. ~~An application for an individual
14 designated by a board, bureau, or program that does not regulate
15 health care practitioners authorized to prescribe, order, administer,
16 furnish, or dispense Schedule II, Schedule III, or Schedule IV
17 controlled substances pursuant to Section 11150~~ The application
18 shall contain facts demonstrating the probable cause to believe the
19 licensee has violated a law governing controlled substances.

20 (II) *This clause does not require an individual designated by a
21 board, bureau, or program within the Department of Consumer
22 Affairs that regulates health care practitioners to submit an
23 application to access the information stored within the CURES
24 PDMP.*

25 (B) An application may be denied, or a subscriber may be
26 suspended, for reasons which include, but are not limited to, the
27 following:

- 28 (i) Materially falsifying an application for a subscriber.
- 29 (ii) Failure to maintain effective controls for access to the patient
30 activity report.
- 31 (iii) Suspended or revoked federal DEA registration.
- 32 (iv) Any subscriber who is arrested for a violation of law
33 governing controlled substances or any other law for which the
34 possession or use of a controlled substance is an element of the
35 crime.
- 36 (v) Any subscriber described in clause (i) or (ii) of subparagraph
37 (A) accessing information for any other reason than caring for his
38 or her patients.

1 (vi) Any subscriber described in clause (iii) of subparagraph
2 (A) accessing information for any other reason than investigating
3 the holder of a professional license.

4 (C) Any authorized subscriber shall notify the Department of
5 Justice within 30 days of any changes to the subscriber account.

6 (2) A health care practitioner authorized to prescribe, order,
7 administer, furnish, or dispense Schedule II, Schedule III, or
8 Schedule IV controlled substances pursuant to Section 11150 or
9 a pharmacist shall be deemed to have complied with paragraph
10 (1) if the licensed health care practitioner or pharmacist has been
11 approved to access the CURES database through the process
12 developed pursuant to subdivision (a) of Section 209 of the
13 Business and Professions Code.

14 (b) Any request for, or release of, a controlled substance history
15 pursuant to this section shall be made in accordance with guidelines
16 developed by the Department of Justice.

17 (c) In order to prevent the inappropriate, improper, or illegal
18 use of Schedule II, Schedule III, or Schedule IV controlled
19 substances, the Department of Justice may initiate the referral of
20 the history of controlled substances dispensed to an individual
21 based on data contained in CURES to licensed health care
22 practitioners, pharmacists, or both, providing care or services to
23 the individual.

24 (d) The history of controlled substances dispensed to an
25 individual based on data contained in CURES that is received by
26 an authorized subscriber from the Department of Justice pursuant
27 to this section shall be considered medical information subject to
28 the provisions of the Confidentiality of Medical Information Act
29 contained in Part 2.6 (commencing with Section 56) of Division
30 1 of the Civil Code.

31 (e) Information concerning a patient's controlled substance
32 history provided to an authorized subscriber pursuant to this section
33 shall include prescriptions for controlled substances listed in
34 Sections 1308.12, 1308.13, and 1308.14 of Title 21 of the Code
35 of Federal Regulations.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
May 7, 2015**

BILL ANALYSIS

AUTHOR:	Bonilla	BILL NUMBER:	AB 1060
SPONSOR:		BILL STATUS:	Appropriations
SUBJECT:	Professions and vocations: licensure	DATE LAST AMENDED:	3/26/2015

SUMMARY:

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires the board, upon suspension or revocation of a license, to provide the ex-licensuree with certain information pertaining to rehabilitation, reinstatement, or reduction of penalty, as specified.

ANALYSIS:

This bill would authorize the board to provide that information through first-class mail and by email if the board has an email address on file for the ex-licensuree.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1060

Introduced by Assembly Member Bonilla

February 26, 2015

An act to amend Section 491 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1060, as amended, Bonilla. Professions and vocations: licensure.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires the board, upon suspension or revocation of a license, to provide the ex-licensee with certain information pertaining to rehabilitation, reinstatement, or reduction of penalty, as specified.

This bill would ~~authorize~~ *require* the board to provide that information through first-class mail and by ~~electronic means~~: *email if the board has an email address on file for the ex-licensee.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 491 of the Business and Professions Code
- 2 is amended to read:

1 491. (a) Upon suspension or revocation of a license by a board
2 on one or more of the grounds specified in Section 490, the board
3 shall:

4 (1) Send a copy of the provisions of Section 11522 of the
5 Government Code to the ex-licensee.

6 (2) Send a copy of the criteria relating to rehabilitation
7 formulated under Section 482 to the ex-licensee.

8 (b) Subdivision (a) ~~may~~ *shall* be satisfied through first-class
9 mail and by ~~electronic means~~. *email if the board has an email*
10 *address on file for the ex-licensee.*

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
May 7, 2015**

BILL ANALYSIS

AUTHOR:	Hernandez	BILL NUMBER:	SB 323
SPONSOR:		BILL STATUS:	Rules
SUBJECT:	Nurse practitioners: scope of practice	DATE LAST AMENDED:	4/22/2015

SUMMARY:

The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing.

ANALYSIS:

This bill would make legislative findings and declarations with respect to the importance of care provided by nurse practitioners.

Amended Analysis as of 4/22:

The bill makes non-substantive technical changes.

Amended Analysis as of 4/1:

The bill would authorize the implementation of standardized procedures that authorize a nurse practitioner to perform certain acts, including ordering durable medical equipment in accordance with standardized procedures, certifying disability for purposes of unemployment insurance after physical examination and collaboration with a physician and surgeon, and, for an individual receiving home health services or personal care services, approving, signing, modifying, or adding to a plan of treatment or plan of care after consultation with a physician and surgeon. A violation of those provisions is a crime.

This bill would authorize a nurse practitioner who holds a national certification from a national certifying body recognized by the board to practice without the supervision of a physician and surgeon, if the nurse practitioner meets existing requirements for nurse practitioners and practices in one of certain specified settings. The bill would authorize a nurse practitioner, in addition to any other practice authorized in statute or regulation, to perform specified acts, including the acts described above, without reference to standardized procedures or the specific need for the supervision of a physician and surgeon. The bill, instead, would require a nurse practitioner to refer a patient to a physician and surgeon or other licensed health care provider if a situation or condition of the patient is beyond the scope of the nurse practitioner's education and training. The bill would require a nurse practitioner practicing under these provisions to maintain professional liability insurance appropriate for the practice setting. By imposing new requirements on nurse practitioners, the violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE

AMENDED IN SENATE APRIL 22, 2015

AMENDED IN SENATE MARCH 26, 2015

SENATE BILL

No. 323

Introduced by Senator Hernandez
(Principal coauthor: Assembly Member Eggman)

February 23, 2015

An act to amend *and renumber* Section ~~2835.7~~ of 2837 of, and to add Section 2837 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 323, as amended, Hernandez. Nurse ~~practitioners~~. *practitioners: scope of practice.*

The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing. The act authorizes the implementation of standardized procedures that authorize a nurse practitioner to perform certain acts, including ordering durable medical equipment in accordance with standardized procedures, certifying disability for purposes of unemployment insurance after physical examination and collaboration with a physician and surgeon, and, for an individual receiving home health services or personal care services, approving, signing, modifying, or adding to a plan of treatment or plan of care after consultation with a physician and surgeon. A violation of those provisions is a crime.

This bill would authorize a nurse practitioner who holds a national certification from a national certifying body recognized by the board to practice without the supervision of a physician and surgeon, if the nurse practitioner meets existing requirements for nurse practitioners and practices in one of certain specified settings. The bill would

authorize *such* a nurse practitioner, in addition to any other practice authorized in statute or regulation, to perform specified acts, including the acts described above, without reference to standardized procedures or the specific need for the supervision of a physician and surgeon. The bill, instead, would require a nurse practitioner to refer a patient to a physician and surgeon or other licensed health care provider if a situation or condition of the patient is beyond the scope of the nurse practitioner's education and training. The bill would require a nurse practitioner practicing under these provisions to maintain professional liability insurance appropriate for the practice setting. By imposing new requirements on nurse practitioners, the violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Nurse practitioners are a longstanding, vital, safe, effective,
4 and important part of the state's health care delivery system. They
5 are especially important given California's shortage of physicians,
6 with just 16 of 58 counties having the federally recommended ratio
7 of physicians to residents.
- 8 (b) Nurse practitioners will play an especially important part in
9 the implementation of the federal Patient Protection and Affordable
10 Care Act (Public Law 111-148), which will bring an estimated
11 five million more Californians into the health care delivery system,
12 because they will provide for greater access to primary care
13 services in all areas of the state. This is particularly true for patients
14 in medically underserved urban and rural communities.
- 15 (c) Due to the excellent safety and efficacy record that nurse
16 practitioners have earned, the Institute of Medicine of the National
17 Academies has recommended full practice authority for nurse

1 practitioners. Currently, 20 states allow nurse practitioners to
2 practice to the full extent of their training and education.

3 (d) Furthermore, nurse practitioners will assist in addressing
4 the primary care provider shortage by removing delays in the
5 provision of care that are created when dated regulations require
6 a physician's signature or protocol before a patient can initiate
7 treatment or obtain diagnostic tests that are ordered by a nurse
8 practitioner.

9 ~~SEC. 2.— Section 2835.7 of the Business and Professions Code~~
10 ~~is amended to read:~~

11 ~~2835.7.—(a) Notwithstanding any other law, a nurse practitioner~~
12 ~~who holds a national certification from a national certifying body~~
13 ~~recognized by the board may practice under this section without~~
14 ~~supervision of a physician and surgeon, if the nurse practitioner~~
15 ~~meets all the requirements of this article and practices in one of~~
16 ~~the following:~~

17 ~~(1) A clinic as described in Chapter 1 (commencing with Section~~
18 ~~1200) of Division 2 of the Health and Safety Code.~~

19 ~~(2) A facility as described in Chapter 2 (commencing with~~
20 ~~Section 1250) of Division 2 of the Health and Safety Code.~~

21 ~~(3) A facility as described in Chapter 2.5 (commencing with~~
22 ~~Section 1440) of Division 2 of the Health and Safety Code.~~

23 ~~(4) An accountable care organization, as defined in Section~~
24 ~~3022 of the federal Patient Protection and Affordable Care Act~~
25 ~~(Public Law 111-148).~~

26 ~~(5) A group practice, including a professional medical~~
27 ~~corporation, another form of corporation controlled by physicians~~
28 ~~and surgeons, a medical partnership, a medical foundation exempt~~
29 ~~from licensure, or another lawfully organized group of physicians~~
30 ~~that delivers, furnishes, or otherwise arranges for or provides health~~
31 ~~care services.~~

32 ~~(6) A medical group, independent practice association, or any~~
33 ~~similar association.~~

34 ~~(b) Notwithstanding any other law, in addition to any other~~
35 ~~practice authorized in statute or regulation, a nurse practitioner~~
36 ~~may do any of the following:~~

37 ~~(1) Order durable medical equipment. Notwithstanding that~~
38 ~~authority, nothing in this paragraph shall operate to limit the ability~~
39 ~~of a third-party payer to require prior approval.~~

1 ~~(2) After performance of a physical examination by the nurse~~
2 ~~practitioner and collaboration, if necessary, with a physician and~~
3 ~~surgeon, certify disability pursuant to Section 2708 of the~~
4 ~~Unemployment Insurance Code.~~

5 ~~(3) For individuals receiving home health services or personal~~
6 ~~care services, after consultation, if necessary, with the treating~~
7 ~~physician and surgeon, approve, sign, modify, or add to a plan of~~
8 ~~treatment or plan of care.~~

9 ~~(4) Assess patients, synthesize and analyze data, and apply~~
10 ~~principles of health care.~~

11 ~~(5) Manage the physical and psychosocial health status of~~
12 ~~patients.~~

13 ~~(6) Analyze multiple sources of data, identify a differential~~
14 ~~diagnosis, and select, implement, and evaluate appropriate~~
15 ~~treatment.~~

16 ~~(7) Establish a diagnosis by client history, physical examination,~~
17 ~~and other criteria, consistent with this section, for a plan of care.~~

18 ~~(8) Order, furnish, prescribe, or procure drugs or devices.~~

19 ~~(9) Delegate tasks to a medical assistant pursuant to standardized~~
20 ~~procedures and protocols developed by the nurse practitioner and~~
21 ~~medical assistant, that are within the medical assistant's scope of~~
22 ~~practice.~~

23 ~~(10) Order hospice care, as appropriate.~~

24 ~~(11) Order and interpret diagnostic procedures.~~

25 ~~(12) Perform additional acts that require education and training~~
26 ~~and that are recognized by the nursing profession as appropriate~~
27 ~~to be performed by a nurse practitioner.~~

28 ~~(e) A nurse practitioner shall refer a patient to a physician and~~
29 ~~surgeon or other licensed health care provider if a situation or~~
30 ~~condition of the patient is beyond the scope of the education and~~
31 ~~training of the nurse practitioner.~~

32 ~~(d) A nurse practitioner practicing under this section shall~~
33 ~~maintain professional liability insurance appropriate for the practice~~
34 ~~setting.~~

35 *SEC. 2. Section 2837 of the Business and Professions Code is*
36 *amended and renumbered to read:*

37 *2837.*

38 *2837.5. Nothing in this article shall be construed to limit the*
39 *current scope of practice of a registered nurse authorized pursuant*
40 *to this chapter.*

1 *SEC. 3. Section 2837 is added to the Business and Professions*
2 *Code, to read:*

3 2837. (a) *Notwithstanding any other law, a nurse practitioner*
4 *who holds a national certification from a national certifying body*
5 *recognized by the board may practice under this section without*
6 *supervision of a physician and surgeon, if the nurse practitioner*
7 *meets all the requirements of this article and practices in one of*
8 *the following:*

9 (1) *A clinic as described in Chapter 1 (commencing with Section*
10 *1200) of Division 2 of the Health and Safety Code.*

11 (2) *A facility as described in Chapter 2 (commencing with*
12 *Section 1250) of Division 2 of the Health and Safety Code.*

13 (3) *A facility as described in Chapter 2.5 (commencing with*
14 *Section 1440) of Division 2 of the Health and Safety Code.*

15 (4) *An accountable care organization, as defined in Section*
16 *3022 of the federal Patient Protection and Affordable Care Act*
17 *(Public Law 111-148).*

18 (5) *A group practice, including a professional medical*
19 *corporation, another form of corporation controlled by physicians*
20 *and surgeons, a medical partnership, a medical foundation exempt*
21 *from licensure, or another lawfully organized group of physicians*
22 *that delivers, furnishes, or otherwise arranges for or provides*
23 *health care services.*

24 (6) *A medical group, independent practice association, or any*
25 *similar association.*

26 (b) *Notwithstanding any other law, in addition to any other*
27 *practice authorized in statute or regulation, a nurse practitioner*
28 *who meets the qualifications of subdivision (a) may do any of the*
29 *following without physician and surgeon supervision:*

30 (1) *Order durable medical equipment. Notwithstanding that*
31 *authority, this paragraph shall not operate to limit the ability of*
32 *a third-party payer to require prior approval.*

33 (2) *After performance of a physical examination by the nurse*
34 *practitioner and collaboration, if necessary, with a physician and*
35 *surgeon, certify disability pursuant to Section 2708 of the*
36 *Unemployment Insurance Code.*

37 (3) *For individuals receiving home health services or personal*
38 *care services, after consultation, if necessary, with the treating*
39 *physician and surgeon, approve, sign, modify, or add to a plan of*
40 *treatment or plan of care.*

- 1 (4) *Assess patients, synthesize and analyze data, and apply*
- 2 *principles of health care.*
- 3 (5) *Manage the physical and psychosocial health status of*
- 4 *patients.*
- 5 (6) *Analyze multiple sources of data, identify a differential*
- 6 *diagnosis, and select, implement, and evaluate appropriate*
- 7 *treatment.*
- 8 (7) *Establish a diagnosis by client history, physical examination,*
- 9 *and other criteria, consistent with this section, for a plan of care.*
- 10 (8) *Order, furnish, prescribe, or procure drugs or devices.*
- 11 (9) *Delegate tasks to a medical assistant pursuant to*
- 12 *standardized procedures and protocols, developed by the nurse*
- 13 *practitioner and medical assistant, that are within the medical*
- 14 *assistant’s scope of practice.*
- 15 (10) *Order hospice care, as appropriate.*
- 16 (11) *Order and interpret diagnostic procedures.*
- 17 (12) *Perform additional acts that require education and training*
- 18 *and that are recognized by the nursing profession as appropriate*
- 19 *to be performed by a nurse practitioner.*
- 20 (c) *A nurse practitioner shall refer a patient to a physician and*
- 21 *surgeon or other licensed health care provider if a situation or*
- 22 *condition of the patient is beyond the scope of the education and*
- 23 *training of the nurse practitioner.*
- 24 (d) *A nurse practitioner practicing under this section shall*
- 25 *maintain professional liability insurance appropriate for the*
- 26 *practice setting.*

27 ~~SEC. 3.~~

28 SEC. 4. No reimbursement is required by this act pursuant to
 29 Section 6 of Article XIII B of the California Constitution because
 30 the only costs that may be incurred by a local agency or school
 31 district will be incurred because this act creates a new crime or
 32 infraction, eliminates a crime or infraction, or changes the penalty
 33 for a crime or infraction, within the meaning of Section 17556 of
 34 the Government Code, or changes the definition of a crime within
 35 the meaning of Section 6 of Article XIII B of the California
 36 Constitution.

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**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
May 7, 2015**

BILL ANALYSIS

AUTHOR:	Hill	BILL NUMBER:	SB 466
SPONSOR:		BILL STATUS:	Business, Professions and Economic Development
SUBJECT:	Nursing: Board of Registered Nursing	DATE LAST AMENDED:	4/23/2015

SUMMARY:

The Nursing Practice Act provides for the licensure and regulation of registered nurses by the Board of Registered Nursing within the Department of Consumer Affairs, and requires the board to appoint an executive officer to perform duties delegated by the board. The act repeals the authority of the board and its executive officer on January 1, 2016.

ANALYSIS:

This bill would extend the repeal date to January 1, 2020.

Amended analysis as of 4/23:

Deletes existing provisions of law that requires the BRN to evaluate for RN licensure the training record submitted by any person who has served on active duty in the medical corps of any of the Armed Forces, and 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, and whose service in the armed forces has been under honorable conditions.

Requires the BRN to prepare a report to the Legislature by January 1, 2018 examining barriers to California licensure for practitioners who cannot meet California licensure requirements due to insufficient academic and/or clinical preparation, but who are licensed and practicing in other states.

The bill clarifies current law requiring the BRN to deny approval for an RN school if the school does not give student applicants credit for previous education and the opportunity to obtain credit for other clinical and theoretical knowledge acquired through prior experience.

The bill requires the BRN to promulgate regulations by January 1, 2017 requiring schools to have a process to evaluate and grant credit for previous education and clinical and theoretical knowledge acquired through prior experience, including that gained from military service.

It requires the BRN to review schools' policies and practice regarding granting credit for previous education and clinical and theoretical knowledge acquired through prior experience at least once every four years to ensure consistency in evaluation and application across schools.

It also requires the BRN to post on its Web site information related to the acceptance of military coursework and experience at each approved school.

Amended analysis as of 4/20:

The amendment deleted the repeal date of January, 1 2020.

The act authorizes any person who has served on active duty in the medical corps of the Armed Forces of the United States and who successfully completed the course of instruction to qualify him or her for rating as a medical service technician— independent duty, or other equivalent rating, and whose service in the Armed Forces was under honorable conditions to submit the record of that training to the board for evaluation. The act requires the board to grant a license to that person if he or she meets specified qualifications and the board determines that his or her education would give reasonable assurance of competence to practice as a registered nurse in this state. The act requires the board to maintain records of those applicants, including, but not limited to, applicants who are rejected from examination.

This bill would revise and recast this provision to authorize a person who has successfully completed the course of education, training, or experience to qualify him or her for rating as a medical service technician— independent duty, or other equivalent rating to submit that record for evaluation, and would require the board to provide that person with a list of coursework, if any, that the applicant must complete to be eligible for licensure. This bill would require the board to issue a license to that person if he or she meets specified qualifications and the board determines that his or her education, training, or experience would give reasonable assurance of competence to practice as a registered nurse in the state. The bill would delete the requirement on the board to maintain records of certain applicants. The bill, on or before January 1, 2017, would also require the board to issue regulations in conjunction with the Military Department that identify the Armed Forces education, training, or experience that is equivalent or transferable to the curriculum required for licensure by the board.

The act requires the board to maintain a list of approved schools or programs of nursing in this state, as specified, and provides that an approved school or program of nursing is one that has been approved by the board and meets certain academic requirements. The act requires the board to deny an application for approval of, and to revoke the approval given to, any school of nursing that does not give student applicants credit for previous education and the opportunity to obtain credit for other acquired knowledge by the use of challenge examinations or other methods of evaluation.

This bill would instead require the board to deny or revoke approval of a school of nursing that does not give student applicants credit for previous education and the opportunity to obtain credit for other clinical and theoretical knowledge acquired through experience by the use of challenge examinations or other methods of evaluation. The bill would require the board, by January 1, 2017, to promulgate regulations detailing acceptable evaluation criteria for clinical and theoretical knowledge acquired through prior experience. The bill would also authorize the board to determine, upon review and recommendation, that an applicant for licensure as a registered nurse who acquires his or her education or a portion thereof at a school that is not approved or has been

previously disapproved by the board is eligible for a registered nurse license if the applicant meets specified criteria, including, but not limited to, that he or she was previously licensed as a vocational nurse.

BOARD POSITION: Support (April 2, 2015)

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE

AMENDED IN SENATE APRIL 23, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 466

Introduced by Senator Hill

February 25, 2015

An act to amend Sections ~~2736.5, 2786, 2786~~ and 2786.6 of, ~~to add Section 2736.7 to,~~ and to add and repeal ~~Section~~ *Sections 2711 and 2736.7* of, the Business and Professions Code, relating to nursing.

LEGISLATIVE COUNSEL'S DIGEST

SB 466, as amended, Hill. Nursing: Board of Registered Nursing.

The Nursing Practice Act provides for the licensure and regulation of registered nurses by the Board of Registered Nursing within the Department of Consumer Affairs, and requires the board to appoint an executive officer to perform duties delegated by the board. The act authorizes the board to take disciplinary action against a certified or licensed nurse or to deny an application for a certificate or license for certain reasons, including unprofessional conduct.

This bill would require the Director of the Department of Consumer Affairs to appoint a board enforcement program monitor no later than March 31, 2016, as specified. The bill would require the enforcement program monitor to monitor and evaluate the nursing disciplinary system and procedures and specifically concentrate on improving the overall efficiency and consistency of the enforcement program, including, but not limited to, assuring consistency in the application of sanctions or discipline imposed on licensees. The bill would make these provisions inoperative on March 31, 2018, and would repeal these provisions on January 1, 2019.

~~The act authorizes any person who has served on active duty in the medical corps of the Armed Forces of the United States and who successfully completed the course of instruction to qualify him or her for rating as a medical service technician— independent duty, or other equivalent rating, and whose service in the Armed Forces was under honorable conditions to submit the record of that training to the board for evaluation. The act requires the board to grant a license to that person if he or she meets specified qualifications and the board determines that his or her education would give reasonable assurance of competence to practice as a registered nurse in this state. The act requires the board to maintain records of those applicants, including, but not limited to, applicants who are rejected from examination.~~

~~This bill would revise and recast this provision to authorize a person who has successfully completed the course of education, training, or experience to qualify him or her for rating as a medical service technician— independent duty, or other equivalent rating to submit that record for evaluation, and would require the board to provide that person with a list of coursework, if any, that the applicant must complete to be eligible for licensure. This bill would require the board to issue a license to that person if he or she meets specified qualifications and the board determines that his or her education, training, or experience would give reasonable assurance of competence to practice as a registered nurse in the state. The bill would delete the requirement on the board to maintain records of certain applicants. The bill, on or before January 1, 2017, would also require the board to issue regulations in conjunction with the Military Department that identify the Armed Forces education, training, or experience that is equivalent or transferable to the curriculum required for licensure by the board.~~

The act requires the board to maintain a list of approved schools or programs of nursing in this state, as specified, and provides that an approved school or program of nursing is one that has been approved by the board and meets certain academic requirements. The act requires the board to deny an application for approval of, and to revoke the approval given to, any school of nursing that does not give student applicants credit for previous education and the opportunity to obtain credit for other acquired knowledge by the use of challenge examinations or other methods of evaluation.

This bill would instead require the board to deny or revoke approval of a school of nursing that does not give student applicants credit for previous education and the opportunity to obtain credit for other clinical

and theoretical knowledge acquired through experience by the use of challenge examinations or other methods of evaluation. The bill would require the board, by January 1, 2017, to promulgate regulations detailing acceptable evaluation criteria for clinical and theoretical knowledge acquired through prior experience. The bill would also authorize the board to determine, upon review and recommendation, that an applicant for licensure as a registered nurse who acquires his or her education or a portion thereof at a school that is not approved or has been previously disapproved by the board is eligible for a registered nurse license if the applicant meets specified criteria, including, but not limited to, that he or she was previously licensed as a vocational nurse. *requiring schools seeking approval to have a process to evaluate and grant credit for education and clinical and theoretical knowledge acquired through prior experience. The bill would require the board to review a school's policies and practices regarding granting credit for previously acquired education and clinical and theoretical knowledge at least once every 4 years to ensure consistency in evaluation and application across schools. The bill would require the board to post on its Internet Web site information related to the acceptance of military coursework and experience at each approved school. The bill would also require the board, by January 1, 2018, to prepare a report to the Legislature examining the barriers to California licensure for practitioners who cannot meet California licensure requirements due to insufficient academic or clinical preparation, but who are licensed and practicing in other states.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 2711 is added to the Business and
- 2 Professions Code, to read:
- 3 2711. (a) (1) The Director of Consumer Affairs shall appoint
- 4 a board enforcement program monitor no later than March 31,
- 5 2016. The director may retain an independent contractor for this
- 6 appointment by a personal services contract. The Legislature hereby
- 7 finds that the services described in this section are a new state
- 8 function, pursuant to Section 19130 of the Government Code.

1 (2) The director shall supervise the enforcement program
2 monitor and may terminate or dismiss the enforcement program
3 monitor from the appointment.

4 (b) (1) The enforcement program monitor shall monitor and
5 evaluate the nursing disciplinary system and procedures and
6 specifically concentrate on improving the overall efficiency and
7 consistency of the enforcement program. The director shall specify
8 further duties of the program monitor.

9 (2) The monitoring duty shall be on a continuing basis for a
10 period of no more than two years from the date of the enforcement
11 program monitor's appointment and shall include, but not be
12 limited to, the following areas:

13 (A) Improving the quality and consistency of complaint
14 processing and investigation.

15 (B) Assuring consistency in the application of sanctions or
16 discipline imposed on licensees.

17 (C) The accurate and consistent implementation of the laws and
18 rules affecting discipline, including adhering to the Consumer
19 Protection Enforcement Initiative complaint priority guidelines as
20 described in the memorandum dated August 31, 2009, by Brian J.
21 Stiger titled "Complaint Prioritization Guidelines for Health Care
22 Agencies."

23 (D) Staff concerns regarding disciplinary matters or procedures.

24 (E) Appropriate use of licensed professionals to investigate
25 complaints.

26 (F) The board's cooperation with other governmental entities
27 charged with enforcing related laws and regulations regarding
28 nurses.

29 (3) The enforcement program monitor shall exercise no authority
30 over the board's discipline operations or staff. However, the board
31 and its staff shall cooperate with the enforcement program monitor,
32 and the board shall provide data, information, and case files
33 requested by the enforcement program monitor to perform all of
34 his or her duties.

35 (4) The director shall assist the enforcement program monitor
36 in the performance of his or her duties, and the enforcement
37 program monitor shall have the same investigative authority as
38 the director.

39 (c) The enforcement program monitor shall submit an initial
40 written report of his or her findings and conclusions to the board,

1 the department, and the Legislature no later than September 1,
2 2016, and every six months thereafter, and be available to make
3 oral reports to each, if requested to do so. The enforcement program
4 monitor may also provide additional information to either the
5 department or the Legislature at his or her discretion or at the
6 request of either the department or the Legislature. The
7 enforcement program monitor shall make his or her reports
8 available to the public or the media. The enforcement program
9 monitor shall make every effort to provide the board with an
10 opportunity to reply to any facts, findings, issues, or conclusions
11 in his or her reports with which the board may disagree.

12 (d) The board shall pay for all of the costs associated with the
13 employment of an enforcement program monitor.

14 (e) This section shall become inoperative on March 31, 2018,
15 and as of January 1, 2019, is repealed.

16 ~~SEC. 2.— Section 2736.5 of the Business and Professions Code~~
17 ~~is amended to read:~~

18 ~~2736.5.—(a) Any person who has served on active duty in the~~
19 ~~medical corps of any of the Armed Forces of the United States and~~
20 ~~who has successfully completed the course of education, training,~~
21 ~~or experience required to qualify him or her for rating as a medical~~
22 ~~service technician— independent duty, or other equivalent rating~~
23 ~~in his or her particular branch of the Armed Forces, and whose~~
24 ~~service in the Armed Forces has been under honorable conditions,~~
25 ~~may submit the record of that education, training, or experience~~
26 ~~to the board for evaluation toward licensure.~~

27 ~~(b) After making an evaluation pursuant to subdivision (a), the~~
28 ~~board shall provide an applicant with a list of coursework, if any,~~
29 ~~that the applicant must complete to be eligible for licensure.~~

30 ~~(c) If an applicant meets the qualifications of subdivision (a)~~
31 ~~and paragraphs (1) and (3) of subdivision (a) of Section 2736, and~~
32 ~~if the board determines that his or her education, training, or~~
33 ~~experience would give reasonable assurance of competence to~~
34 ~~practice as a registered nurse in this state, he or she shall be granted~~
35 ~~a license upon passing the standard examination for licensure.~~

36 ~~(d) The board shall, by regulation, establish criteria for~~
37 ~~evaluating the education, training, or experience of applicants~~
38 ~~under this section.~~

39 ~~(e) On or before January 1, 2017, the board shall, by regulation~~
40 ~~and in conjunction with the Military Department, identify the~~

1 ~~Armed Forces education, training, or experience that is equivalent~~
 2 ~~or transferable to the curriculum required for licensure by the~~
 3 ~~board.~~

4 ~~SEC. 3. Section 2736.7 is added to the Business and Professions~~
 5 ~~Code, to read:~~

6 ~~2736.7. Upon review and recommendation, the board may~~
 7 ~~determine that an applicant for licensure as a registered nurse who~~
 8 ~~acquired his or her education or a portion thereof at a school that~~
 9 ~~is not approved or has been previously disapproved by the board~~
 10 ~~is eligible for a registered nurse license if the applicant meets all~~
 11 ~~of the following criteria:~~

12 ~~(a) Was previously licensed as a licensed vocational nurse.~~

13 ~~(b) Has successfully completed a nursing education program~~
 14 ~~accredited by the Accreditation Commission for Education in~~
 15 ~~Nursing, Commission on Collegiate Nursing Education, or other~~
 16 ~~accreditation entity approved by the board.~~

17 ~~(c) Has not held a healing arts license that has been the subject~~
 18 ~~of disciplinary action by a healing arts board of this state or by~~
 19 ~~another state, federal territory, or Canadian province.~~

20 ~~(d) Holds an unencumbered registered nursing license issued~~
 21 ~~by another state licensing board or agency.~~

22 ~~(e) Has continuously practiced as a licensed registered nurse~~
 23 ~~for the equivalent of five full-time years in an acute care hospital~~
 24 ~~setting before the date of application.~~

25 ~~(f) Demonstrates clinical experience as a registered nurse in~~
 26 ~~medical-surgical, including geriatrics, psychiatric-mental health,~~
 27 ~~obstetrics, and pediatrics.~~

28 ~~(g) Has not been the subject of a disciplinary action by a nursing~~
 29 ~~licensing authority or of adverse judgments or settlements resulting~~
 30 ~~from the practice of nursing that the board determines constitutes~~
 31 ~~a pattern of negligence or incompetence.~~

32 ~~(h) Is not subject to denial of licensure under Division 1.5~~
 33 ~~(commencing with Section 475).~~

34 ~~SEC. 2. Section 2736.7 is added to the Business and Professions~~
 35 ~~Code, to read:~~

36 ~~2736.7. (a) The board shall, by January 1, 2018, prepare a~~
 37 ~~report to be submitted to the Legislature examining barriers to~~
 38 ~~California licensure for practitioners who cannot meet California~~
 39 ~~licensure requirements due to insufficient academic or clinical~~
 40 ~~preparation, but who are licensed and practicing in other states.~~

1 (b) *The report required by this section shall be submitted in*
2 *compliance with Section 9795 of the Government Code.*

3 (c) *Pursuant to Section 10231.5 of the Government Code, this*
4 *section is repealed on January 1, 2022.*

5 ~~SEC. 4.~~

6 SEC. 3. Section 2786 of the Business and Professions Code is
7 amended to read:

8 2786. (a) An approved school of nursing, or an approved
9 nursing program, is one that has been approved by the board, gives
10 the course of instruction approved by the board, covering not less
11 than two academic years, is affiliated or conducted in connection
12 with one or more hospitals, and is an institution of higher
13 education. For purposes of this section, “institution of higher
14 education” includes, but is not limited to, community colleges
15 offering an associate of arts or associate of science degree and
16 private postsecondary institutions offering an associate of arts,
17 associate of science, or baccalaureate degree or an entry-level
18 master’s degree, and is an institution that is not subject to the
19 California Private Postsecondary Education Act of 2009 (Chapter
20 8 (commencing with Section 94800) of Part 59 of Division 10 of
21 Title 3 of the Education Code).

22 (b) A school of nursing that is affiliated with an institution that
23 is subject to the California Private Postsecondary Education Act
24 of 2009 (Chapter 8 (commencing with Section 94800) of Part 59
25 of Division 10 of Title 3 of the Education Code), may be approved
26 by the board to grant an associate of arts or associate of science
27 degree to individuals who graduate from the school of nursing or
28 to grant a baccalaureate degree in nursing with successful
29 completion of an additional course of study as approved by the
30 board and the institution involved.

31 (c) The board shall determine by regulation the required subjects
32 of instruction to be completed in an approved school of nursing
33 for licensure as a registered nurse and shall include the minimum
34 units of theory and clinical experience necessary to achieve
35 essential clinical competency at the entry level of the registered
36 nurse. ~~The board’s standards shall~~ *regulations may* be designed to
37 require all schools to provide clinical instruction in the educational
38 process.

39 (d) The board shall perform or cause to be performed an analysis
40 of the practice of the registered nurse no less than every five years.

1 Results of the analysis shall be utilized to assist in the
2 determination of the required subjects of instruction, validation of
3 the licensing examination, and assessment of the current practice
4 of nursing.

5 ~~SEC. 5.~~

6 *SEC. 4.* Section 2786.6 of the Business and Professions Code
7 is amended to read:

8 2786.6. (a) The board shall deny the application for approval
9 made by, and shall revoke the approval given to, any school of
10 nursing that either:

11 (1) Does not give to student applicants credit, in the field of
12 nursing, for previous education and the opportunity to obtain credit
13 for other clinical and theoretical knowledge acquired through prior
14 experience by the use of challenge examinations or other methods
15 of evaluation.

16 (2) Is operated by a community college and discriminates against
17 an applicant for admission to a school solely on the grounds that
18 the applicant is seeking to fulfill the units of nursing required by
19 Section 2736.6.

20 (b) ~~The board shall prescribe, by regulation, the education for~~
21 ~~which credit is to be given and the amount of credit that is to be~~
22 ~~given for each type of education, including clinical and theoretical~~
23 ~~knowledge acquired through prior experience. promulgate~~
24 ~~regulations by January 1, 2017, requiring schools to have a process~~
25 ~~to evaluate and grant credit for previous education and clinical~~
26 ~~and theoretical knowledge acquired through prior experience,~~
27 ~~including that gained from military service.~~ The word “credit,” as
28 used in the preceding sentence, is limited to credit for licensure
29 only. The board is not authorized to prescribe the credit that an
30 approved school of nursing shall give toward an academic
31 certificate or degree. ~~The board shall promulgate regulations~~
32 ~~detailing acceptable evaluation criteria for clinical and theoretical~~
33 ~~knowledge acquired through prior experience by January 1, 2017.~~

34 (c) *The board shall review a school’s policies and practices*
35 *regarding granting credit for previous education and clinical and*
36 *theoretical knowledge acquired through prior experience at least*
37 *once every four years to ensure consistency in evaluation and*
38 *application across schools. The board shall post on its Internet*

- 1 *Web site information related to the acceptance of military*
- 2 *coursework and experience at each approved school.*

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**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
May 7, 2015**

BILL ANALYSIS

AUTHOR:	Committee on Business, Professions and Economic Development	BILL NUMBER:	SB 800
SPONSOR:		BILL STATUS:	Business, Professions and Economic Development
SUBJECT:	Healing arts	DATE LAST AMENDED:	4/20/2015

SUMMARY:

The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing. The act, on and after January 1, 2008, requires an applicant for initial qualification or certification as a nurse practitioner under the act who has not been qualified or certified as a nurse practitioner to meet specified requirements. Certain provisions allow the board to find other persons in practice qualified to use the title of “nurse practitioner.”

The Nursing Practice Act provides for a diversion program to identify and rehabilitate registered nurses whose competency may be impaired due to abuse of alcohol and other drugs, or due to mental illness.

ANALYSIS:

This bill would delete those title provisions.

This bill would instead refer to the program as an intervention program.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 800

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 18, 2015

An act to amend Sections 28, 146, 500, 650.2, 800, 1603a, 1618.5, 1640.1, 1648.10, 1650, 1695, 1695.1, 1905.1, 1944, 2054, 2221, 2401, 2428, 2519, 2520, 2529, 2546.7, 2546.9, 2559.3, 2563, 2565, 2566, 2566.1, 2650, 2770, 2770.1, 2770.2, 2770.7, 2770.8, 2770.10, 2770.11, 2770.12, 2770.13, 2835.5, 2914, 3057, 3509.5, 3576, 3577, 4836.2, 4887, 4938, 4939, 4980.399, 4980.43, 4980.54, 4984.01, 4989.34, 4992.09, 4996.2, 4996.22, 4996.28, 4999.1, 4999.2, 4999.3, 4999.4, 4999.5, 4999.7, 4999.45, 4999.46, 4999.55, 4999.76, and 4999.100 of, to amend the heading of Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2 of, *to add Sections 2519.5, 2546.11, 2555.5, 2559.7, 2563.5, and 3576.5 to*, and to repeal Section 1917.2 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 800, as amended, Committee on Business, Professions and Economic Development. Healing arts.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations, including those relating to the healing arts:

(1) Existing law requires persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist to have

completed prescribed coursework or training in child abuse assessment and reporting. Existing law requires the training to have been obtained from an accredited or approved educational institution, a continuing education provider approved by the responsible board, or a course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved by the responsible board.

This bill would require the responsible board to specify a continuing education provider for child abuse assessment and reporting coursework by regulation, and would permit the responsible board to approve or accept a sponsored or offered course.

(2) Existing law relating to unlicensed activity enforcement lists specified provisions that require registration, licensure, certification, or other authorization in order to engage in certain businesses or professions regulated by the department ~~and~~ *and, notwithstanding any other law, makes a violation of a listed provision punishable as an infraction punishable as prescribed. under specified circumstances.*

This bill would include in those listed provisions an existing requirement for the registration of individuals as certified polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees. ~~By creating a new infraction, this bill would impose a state-mandated local program.~~

The bill would also include in those listed provisions a provision of the Educational Psychologist Practice Act that makes it unlawful for any person to practice educational psychology or use any title or letters that imply that he or she is a licensed educational psychologist unless, at the time of so doing, he or she holds a valid, unexpired, and unrevoked license under that act, the violation of which is a misdemeanor. The bill would further include in those listed provisions existing requirements of the Licensed Professional Clinical Counselor Act that a person not practice or advertise the performance of professional clinical counseling services without a license issued by the board, and pay the license fee, as required by that act, the violation of which is a misdemeanor.

By creating new infractions, this bill would impose a state-mandated local program.

(3) The Dental Practice Act provides for the licensure and regulation of dentists by the Dental Board of California. For purposes of the act, any reference to the Board of Dental Examiners is deemed a reference to the Dental Board of California.

This bill would delete certain existing references to the Board of Dental Examiners and, instead, refer to the Dental Board of California.

(4) Existing law provides for the regulation of dental hygienists by the Dental Hygiene Committee of California, within the jurisdiction of the Dental Board of California. Existing law authorizes the committee, until January 1, 2010, to contract with the dental board to carry out any of specified provisions relating to the regulation of dental hygienists, and, on and after January 1, 2010, to contract with the dental board to perform investigations of applicants and licensees under those provisions. Existing law requires the committee to establish fees that relate to the licensing of a registered dental hygienist, subject to specified limitations, including fees for curriculum review and site evaluation for accreditation of educational programs.

This bill would require the Dental Hygiene Committee of California to create and maintain a central file of the names of licensees, to provide an individual historical record with information on acts of licensee misconduct and discipline. The bill would remove the limiting dates from the contracting provisions, thereby authorizing the committee to contract with the dental board to carry out any of specified provisions relating to the regulation of dental hygienists, including performing investigations of applicants and licensees. This bill, with regard to fees for accreditation of educational programs, would add a maximum fee for feasibility study review.

(5) The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under existing law, the board issues a physician and surgeon's certificate to a licensed physician and ~~surgeon~~ *surgeon, and authorizes the board to deny a certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license.* The act prohibits a person who fails to renew his or her license within 5 years after its expiration from renewing it, and prohibits the license from being reissued, reinstated, or restored thereafter, although the act authorizes a person to apply for and obtain a new license under specified circumstances.

This bill would *additionally authorize the board to deny a postgraduate training authorization letter to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license.* The bill would recast that *renewal* provision to prohibit renewal by a person who voluntarily cancels his or her license or who fails to renew it as described, and

would authorize that person to apply for and obtain a license under those specified circumstances, without regard to reissuance, reinstatement, or restoration.

(6) Existing law relating to research psychoanalysts authorizes certain students and graduates in psychoanalysis to engage in psychoanalysis under prescribed circumstances if they register with the Medical Board of California and present evidence of their student or graduate status. Existing law authorizes that board to suspend or revoke the exemption of those persons from licensure for unprofessional conduct for, among other things, repeated acts of clearly excessive prescribing, furnishing, dispensing, or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities.

This bill would substitute, for those described bases for suspension or revocation of the exemption, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer.

(7) The Physical Therapy Practice Act provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. The act establishes education requirements for a physical therapist assistant, including subject matter instruction through a combination of didactic and clinical experiences, and requires the clinical experience to include at least 18 weeks of full-time experience with a variety of patients.

This bill would delete that 18-week full-time experience requirement for physical therapist assistant education.

(8) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing. The act, on and after January 1, 2008, requires an applicant for initial qualification or certification as a nurse practitioner under the act who has not been qualified or certified as a nurse practitioner to meet specified requirements. Certain provisions allow the board to find other persons in practice qualified to use the title of “nurse practitioner.”

This bill would delete those title provisions.

(9) The Nursing Practice Act provides for a diversion program to identify and rehabilitate registered nurses whose competency may be impaired due to abuse of alcohol and other drugs, or due to mental illness.

This bill would instead refer to the program as an intervention program.

(10) The Optometry Practice Act provides for the licensure and regulation of optometrists by the State Board of Optometry. The act

prescribes license eligibility requirements, including, but not limited to, submitting proof that the person is licensed in good standing as of the date of application in every state where he or she holds a license, including compliance with continuing education requirements, submitting proof that the person has been in active practice in a state in which he or she is licensed for a total of at least 5,000 hours in 5 of the 7 consecutive years immediately preceding the date of his or her application, and has never had his or her license to practice optometry revoked or suspended. For purposes of those provisions, “in good standing” includes the requirement that the person have not been found mentally incompetent by a physician so that the person is unable to undertake the practice of optometry in a manner consistent with the safety of a patient or the public.

This bill would delete that active practice requirement and would require that the license never have been revoked or suspended in any state where the person holds a license. The bill, with regard to making such a finding of mental incompetence, would replace a finding by a physician with a finding by a licensed psychologist or licensed psychiatrist.

(11) The Physician Assistant Practice Act requires the Physician Assistant Board to annually elect a chairperson and vice chairperson from among its members.

This bill would require the annual election of a president and vice president.

(12) Existing law relating to veterinary medicine requires a veterinary assistant to obtain a controlled substance permit from the Veterinary Medical Board in order to administer a controlled substance, and authorizes the board to deny, revoke, or suspend the permit, after notice and hearing, for any of specified causes. Existing law authorizes the board to revoke or suspend a permit for the same.

This bill would, instead, authorize the board to suspend or revoke the controlled substance permit of a veterinary assistant, after notice and hearing, for any of specified causes, and to deny, revoke, or suspend a permit for the same.

(13) The Acupuncture Licensure Act provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. The act requires the board to issue a license to practice acupuncture to a person who meets prescribed requirements. The act requires, in the case of an applicant who has completed education and training outside the United States and Canada, documented educational training and

clinical experience that meets certain standards established by the board. Existing law, commencing January 1, 2017, specifically requires the board to establish standards for the approval of educational training and clinical experience received outside the United States and Canada.

This bill would remove Canada from those provisions, thereby applying the same standards to all training and clinical experience completed outside the United States.

(14) The Licensed Marriage and Family Therapist Act provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. The act sets forth the educational and training requirements for licensure as a marriage and family therapist, including certain supervised-experience requirements whereby a prospective licensee is required to work a specified number of hours in a clinical setting under the supervision of experienced professionals. The act requires all persons to register with the board as an intern in order to be credited for postdegree hours of supervised experience gained toward licensure. The act, with regard to interns, requires all postdegree hours of experience to be credited toward licensure, except when employed in a private practice setting, if certain conditions are met.

This bill would require postdegree hours of experience to be credited toward licensure if certain conditions are met. The bill would prohibit an applicant for licensure as a marriage and family therapist from being employed or volunteering in a private practice until registered as an intern by the board. This bill would similarly prohibit an applicant for professional clinical counselor under the Licensed Professional Clinical Counselor Act from being employed or volunteering in a private practice until registered as an intern by the board.

(15) The Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act require the Board of Behavioral Sciences to approve continuing education providers for specified educational courses relating to licensure for marriage and family therapists, educational psychologists, clinical social workers, and professional clinical counselors.

The bill would modify those acts to require the Board of Behavioral Sciences to identify, by regulation, acceptable continuing education providers.

(16) The Licensed Marriage and Family Therapist Act and the Licensed Professional Clinical Counselor Act provide for the registration

of interns and allow a maximum of possible renewals after initial registration, after which a new registration number is required to be obtained. The Clinical Social Worker Practice Act provides similarly for the registration and renewal of registration of associate clinical social workers. An applicant who is issued a subsequent number is barred from employment or volunteering in a private practice.

This bill would revise those provisions to refer throughout to subsequent registration numbers.

(17) Existing law authorizes the Medical Board of California to take specific actions with regard to the licences of licensed midwives, and the registration of nonresident contact lens sellers, spectacle lens dispensers, contact lens dispensers, dispensing opticians, and polysomnographic technologists.

This bill would authorize the board to place on probation for specified grounds a midwife license or the registration certificate of a nonresident contact lens seller, spectacle lens dispenser, contact lens dispenser, or polysomnographic technologist. The bill would require such a licensee or registrant to pay probation monitoring fees upon order of the board. The bill would authorize a person whose license or certificate has been surrendered while under investigation or while charges are pending, or whose license or certificate has been revoked or suspended or placed on probation, to petition the board for reinstatement or modification of penalty, as prescribed.

(18) Existing law provides for the registration of telephone medical advice services. Existing law imposes requirements for obtaining and maintaining registration, including a requirement that the provision of medical advice services are provided by specified licensed, registered, or certified health care professionals.

This bill would expand the specified health care professionals to include naturopathic doctors and licensed professional clinical counselors. The bill would require a service to notify the department of certain business changes, and to submit quarterly reports.

~~(17)~~

(19) This bill would additionally delete or update obsolete provisions and make conforming or nonsubstantive changes.

~~(18)~~

(20) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 28 of the Business and Professions Code
2 is amended to read:

3 28. (a) The Legislature finds that there is a need to ensure that
4 professionals of the healing arts who have demonstrable contact
5 with victims and potential victims of child, elder, and dependent
6 adult abuse, and abusers and potential abusers of children, elders,
7 and dependent adults are provided with adequate and appropriate
8 training regarding the assessment and reporting of child, elder,
9 and dependent adult abuse that will ameliorate, reduce, and
10 eliminate the trauma of abuse and neglect and ensure the reporting
11 of abuse in a timely manner to prevent additional occurrences.

12 (b) The Board of Psychology and the Board of Behavioral
13 Sciences shall establish required training in the area of child abuse
14 assessment and reporting for all persons applying for initial
15 licensure and renewal of a license as a psychologist, clinical social
16 worker, professional clinical counselor, or marriage and family
17 therapist. This training shall be required one time only for all
18 persons applying for initial licensure or for licensure renewal.

19 (c) All persons applying for initial licensure or renewal of a
20 license as a psychologist, clinical social worker, professional
21 clinical counselor, or marriage and family therapist shall, in
22 addition to all other requirements for licensure or renewal, have
23 completed coursework or training in child abuse assessment and
24 reporting that meets the requirements of this section, including
25 detailed knowledge of the Child Abuse and Neglect Reporting Act
26 (Article 2.5 (commencing with Section 11164) of Chapter 2 of
27 Title 1 of Part 4 of the Penal Code). The training shall meet all of
28 the following requirements:

29 (1) Be obtained from one of the following sources:

30 (A) An accredited or approved educational institution, as defined
31 in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12,
32 including extension courses offered by those institutions.

1 (B) A continuing education provider as specified by the
2 responsible board by regulation.

3 (C) A course sponsored or offered by a professional association
4 or a local, county, or state department of health or mental health
5 for continuing education and approved or accepted by the
6 responsible board.

7 (2) Have a minimum of seven contact hours.

8 (3) Include the study of the assessment and method of reporting
9 of sexual assault, neglect, severe neglect, general neglect, willful
10 cruelty or unjustifiable punishment, corporal punishment or injury,
11 and abuse in out-of-home care. The training shall also include
12 physical and behavioral indicators of abuse, crisis counseling
13 techniques, community resources, rights and responsibilities of
14 reporting, consequences of failure to report, caring for a child's
15 needs after a report is made, sensitivity to previously abused
16 children and adults, and implications and methods of treatment
17 for children and adults.

18 (4) An applicant shall provide the appropriate board with
19 documentation of completion of the required child abuse training.

20 (d) The Board of Psychology and the Board of Behavioral
21 Sciences shall exempt an applicant who applies for an exemption
22 from this section and who shows to the satisfaction of the board
23 that there would be no need for the training in his or her practice
24 because of the nature of that practice.

25 (e) It is the intent of the Legislature that a person licensed as a
26 psychologist, clinical social worker, professional clinical counselor,
27 or marriage and family therapist have minimal but appropriate
28 training in the areas of child, elder, and dependent adult abuse
29 assessment and reporting. It is not intended that, by solely
30 complying with this section, a practitioner is fully trained in the
31 subject of treatment of child, elder, and dependent adult abuse
32 victims and abusers.

33 (f) The Board of Psychology and the Board of Behavioral
34 Sciences are encouraged to include coursework regarding the
35 assessment and reporting of elder and dependent adult abuse in
36 the required training on aging and long-term care issues prior to
37 licensure or license renewal.

38 SEC. 2. Section 146 of the Business and Professions Code is
39 amended to read:

1 146. (a) Notwithstanding any other provision of law, a
2 violation of any code section listed in subdivision (c) is an
3 infraction subject to the procedures described in Sections 19.6 and
4 19.7 of the Penal Code when either of the following applies:

5 (1) A complaint or a written notice to appear in court pursuant
6 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
7 2 of the Penal Code is filed in court charging the offense as an
8 infraction unless the defendant, at the time he or she is arraigned,
9 after being advised of his or her rights, elects to have the case
10 proceed as a misdemeanor.

11 (2) The court, with the consent of the defendant and the
12 prosecution, determines that the offense is an infraction in which
13 event the case shall proceed as if the defendant has been arraigned
14 on an infraction complaint.

15 (b) Subdivision (a) does not apply to a violation of the code
16 sections listed in subdivision (c) if the defendant has had his or
17 her license, registration, or certificate previously revoked or
18 suspended.

19 (c) The following sections require registration, licensure,
20 certification, or other authorization in order to engage in certain
21 businesses or professions regulated by this code:

22 (1) Sections 2052 and 2054.

23 (2) Section 2630.

24 (3) Section 2903.

25 (4) Section 3575.

26 (5) Section 3660.

27 (6) Sections 3760 and 3761.

28 (7) Section 4080.

29 (8) Section 4825.

30 (9) Section 4935.

31 (10) Section 4980.

32 (11) *Section 4989.50.*

33 ~~(11)~~

34 (12) Section 4996.

35 (13) *Section 4999.30.*

36 ~~(12)~~

37 (14) Section 5536.

38 ~~(13)~~

39 (15) Section 6704.

40 ~~(14)~~

- 1 (16) Section 6980.10.
- 2 ~~(15)~~
- 3 (17) Section 7317.
- 4 ~~(16)~~
- 5 (18) Section 7502 or 7592.
- 6 ~~(17)~~
- 7 (19) Section 7520.
- 8 ~~(18)~~
- 9 (20) Section 7617 or 7641.
- 10 ~~(19)~~
- 11 (21) Subdivision (a) of Section 7872.
- 12 ~~(20)~~
- 13 (22) Section 8016.
- 14 ~~(21)~~
- 15 (23) Section 8505.
- 16 ~~(22)~~
- 17 (24) Section 8725.
- 18 ~~(23)~~
- 19 (25) Section 9681.
- 20 ~~(24)~~
- 21 (26) Section 9840.
- 22 ~~(25)~~
- 23 (27) Subdivision (c) of Section 9891.24.
- 24 ~~(26)~~
- 25 (28) Section 19049.

26 (d) Notwithstanding any other law, a violation of any of the
27 sections listed in subdivision (c), which is an infraction, is
28 punishable by a fine of not less than two hundred fifty dollars
29 (\$250) and not more than one thousand dollars (\$1,000). No portion
30 of the minimum fine may be suspended by the court unless as a
31 condition of that suspension the defendant is required to submit
32 proof of a current valid license, registration, or certificate for the
33 profession or vocation that was the basis for his or her conviction.

34 SEC. 3. Section 500 of the Business and Professions Code is
35 amended to read:

36 500. If the register or book of registration of the Medical Board
37 of California, the Dental Board of California, or the Board of
38 Pharmacy is destroyed by fire or other public calamity, the board,
39 whose duty it is to keep the register or book, may reproduce it so

1 that there may be shown as nearly as possible the record existing
2 in the original at the time of destruction.

3 SEC. 4. Section 650.2 of the Business and Professions Code
4 is amended to read:

5 650.2. Notwithstanding Section 650 or any other provision of
6 law, it shall not be unlawful for a person licensed pursuant to
7 Chapter 4 (commencing with Section 1600) of Division 2 or any
8 other person, to participate in or operate a group advertising and
9 referral service for dentists if all of the following conditions are
10 met:

11 (a) The patient referrals by the service result from
12 patient-initiated responses to service advertising.

13 (b) The service advertises, if at all, in conformity with Section
14 651 and subdivisions (i) and (l) of Section 1680.

15 (c) The service does not employ a solicitor within the meaning
16 of subdivision (j) of Section 1680.

17 (d) The service does not impose a fee on the member dentists
18 dependent upon the number of referrals or amount of professional
19 fees paid by the patient to the dentist.

20 (e) Participating dentists charge no more than their usual and
21 customary fees to any patient referred.

22 (f) The service registers with the Dental Board of California of
23 California, providing its name and address.

24 (g) The service files with the Dental Board of California of
25 California a copy of the standard form contract that regulates its
26 relationship with member dentists, which contract shall be
27 confidential and not open to public inspection.

28 (h) If more than 50 percent of its referrals are made to one
29 individual, association, partnership, corporation, or group of three
30 or more dentists, the service discloses that fact in all public
31 communications, including, but not limited to, communication by
32 means of television, radio, motion picture, newspaper, book, or
33 list or directory of healing arts practitioners.

34 (i) When member dentists pay any fee to the service, any
35 advertisement by the service shall clearly and conspicuously
36 disclose that fact by including a statement as follows: "Paid for
37 by participating dentists." In print advertisements, the required
38 statement shall be in at least 9-point type. In radio advertisements,
39 the required statement shall be articulated so as to be clearly
40 audible and understandable by the radio audience. In television

1 advertisements, the required statement shall be either clearly
2 audible and understandable to the television audience, or displayed
3 in a written form that remains clearly visible for at least five
4 seconds to the television audience. This subdivision shall be
5 operative on and after July 1, 1994.

6 The Dental Board ~~of California~~ of California may adopt
7 regulations necessary to enforce and administer this section.

8 The Dental Board of California may suspend or revoke the
9 registration of any service that fails to comply with subdivision
10 (i). No service may reregister with the board if it has a registration
11 that is currently under suspension for a violation of subdivision
12 (i), nor may a service reregister with the board if it had a
13 registration revoked by the board for a violation of subdivision (i)
14 less than one year after that revocation.

15 The Dental Board ~~of California~~ of California may petition the
16 superior court of any county for the issuance of an injunction
17 restraining any conduct that constitutes a violation of this section.

18 It is unlawful and shall constitute a misdemeanor for a person
19 to operate a group advertising and referral service for dentists
20 without providing its name and address to the Dental Board ~~of~~
21 California of California.

22 It is the intent of the Legislature in enacting this section not to
23 otherwise affect the prohibitions provided in Section 650. The
24 Legislature intends to allow the pooling of resources by dentists
25 for the purposes of advertising.

26 This section shall not be construed to authorize a referral service
27 to engage in the practice of dentistry.

28 SEC. 5. Section 800 of the Business and Professions Code is
29 amended to read:

30 800. (a) The Medical Board of California, the Board of
31 Psychology, the Dental Board of California, the Dental Hygiene
32 Committee of California, the Osteopathic Medical Board of
33 California, the State Board of Chiropractic Examiners, the Board
34 of Registered Nursing, the Board of Vocational Nursing and
35 Psychiatric Technicians, the State Board of Optometry, the
36 Veterinary Medical Board, the Board of Behavioral Sciences, the
37 Physical Therapy Board of California, the California State Board
38 of Pharmacy, the Speech-Language Pathology and Audiology and
39 Hearing Aid Dispensers Board, the California Board of
40 Occupational Therapy, the Acupuncture Board, and the Physician

1 Assistant Board shall each separately create and maintain a central
2 file of the names of all persons who hold a license, certificate, or
3 similar authority from that board. Each central file shall be created
4 and maintained to provide an individual historical record for each
5 licensee with respect to the following information:

6 (1) Any conviction of a crime in this or any other state that
7 constitutes unprofessional conduct pursuant to the reporting
8 requirements of Section 803.

9 (2) Any judgment or settlement requiring the licensee or his or
10 her insurer to pay any amount of damages in excess of three
11 thousand dollars (\$3,000) for any claim that injury or death was
12 proximately caused by the licensee's negligence, error or omission
13 in practice, or by rendering unauthorized professional services,
14 pursuant to the reporting requirements of Section 801 or 802.

15 (3) Any public complaints for which provision is made pursuant
16 to subdivision (b).

17 (4) Disciplinary information reported pursuant to Section 805,
18 including any additional exculpatory or explanatory statements
19 submitted by the licentiate pursuant to subdivision (f) of Section
20 805. If a court finds, in a final judgment, that the peer review
21 resulting in the 805 report was conducted in bad faith and the
22 licensee who is the subject of the report notifies the board of that
23 finding, the board shall include that finding in the central file. For
24 purposes of this paragraph, "peer review" has the same meaning
25 as defined in Section 805.

26 (5) Information reported pursuant to Section 805.01, including
27 any explanatory or exculpatory information submitted by the
28 licensee pursuant to subdivision (b) of that section.

29 (b) (1) Each board shall prescribe and promulgate forms on
30 which members of the public and other licensees or certificate
31 holders may file written complaints to the board alleging any act
32 of misconduct in, or connected with, the performance of
33 professional services by the licensee.

34 (2) If a board, or division thereof, a committee, or a panel has
35 failed to act upon a complaint or report within five years, or has
36 found that the complaint or report is without merit, the central file
37 shall be purged of information relating to the complaint or report.

38 (3) Notwithstanding this subdivision, the Board of Psychology,
39 the Board of Behavioral Sciences, and the Respiratory Care Board

1 of California shall maintain complaints or reports as long as each
2 board deems necessary.

3 (c) (1) The contents of any central file that are not public
4 records under any other provision of law shall be confidential
5 except that the licensee involved, or his or her counsel or
6 representative, shall have the right to inspect and have copies made
7 of his or her complete file except for the provision that may
8 disclose the identity of an information source. For the purposes of
9 this section, a board may protect an information source by
10 providing a copy of the material with only those deletions necessary
11 to protect the identity of the source or by providing a
12 comprehensive summary of the substance of the material.
13 Whichever method is used, the board shall ensure that full
14 disclosure is made to the subject of any personal information that
15 could reasonably in any way reflect or convey anything detrimental,
16 disparaging, or threatening to a licensee's reputation, rights,
17 benefits, privileges, or qualifications, or be used by a board to
18 make a determination that would affect a licensee's rights, benefits,
19 privileges, or qualifications. The information required to be
20 disclosed pursuant to Section 803.1 shall not be considered among
21 the contents of a central file for the purposes of this subdivision.

22 (2) The licensee may, but is not required to, submit any
23 additional exculpatory or explanatory statement or other
24 information that the board shall include in the central file.

25 (3) Each board may permit any law enforcement or regulatory
26 agency when required for an investigation of unlawful activity or
27 for licensing, certification, or regulatory purposes to inspect and
28 have copies made of that licensee's file, unless the disclosure is
29 otherwise prohibited by law.

30 (4) These disclosures shall effect no change in the confidential
31 status of these records.

32 SEC. 6. Section 1603a of the Business and Professions Code
33 is amended to read:

34 1603a. A member of the Dental Board of California who has
35 served two terms shall not be eligible for reappointment to the
36 board. In computing two terms hereunder, that portion of an
37 unexpired term that a member fills as a result of a vacancy shall
38 be excluded.

39 SEC. 7. Section 1618.5 of the Business and Professions Code
40 is amended to read:

1 1618.5. (a) The board shall provide to the Director of the
2 Department of Managed Health Care a copy of any accusation
3 filed with the Office of Administrative Hearings pursuant to
4 Chapter 5 (commencing with Section 11500) of Part 1 of Division
5 3 of Title 2 of the Government Code, when the accusation is filed,
6 for a violation of this chapter relating to the quality of care of any
7 dental provider of a health care service plan, as defined in Section
8 1345 of the Health and Safety Code. There shall be no liability on
9 the part of, and no cause of action shall arise against, the State of
10 California, the Dental Board of California, the Department of
11 Managed Health Care, the director of that department, or any
12 officer, agent, employee, consultant, or contractor of the state or
13 the board or the department for the release of any false or
14 unauthorized information pursuant to this section, unless the release
15 is made with knowledge and malice.

16 (b) The board and its executive officer and staff shall maintain
17 the confidentiality of any nonpublic reports provided by the
18 Director of the Department of Managed Health Care pursuant to
19 subdivision (i) of Section 1380 of the Health and Safety Code.

20 SEC. 8. Section 1640.1 of the Business and Professions Code
21 is amended to read:

22 1640.1. As used in this article, the following definitions shall
23 apply:

24 (a) “Specialty” means an area of dental practice approved by
25 the American Dental Association and recognized by the board.

26 (b) “Discipline” means an advanced dental educational program
27 in an area of dental practice not approved as a specialty by the
28 American Dental Association; but offered from a dental college
29 approved by the board.

30 (c) “Dental college approved by the board” means a dental
31 school or college that is approved by the Commission on Dental
32 Accreditation of the American Dental Association, that is
33 accredited by a body that has a reciprocal accreditation agreement
34 with that commission, or that has been approved by the Dental
35 Board of California through its own approval process.

36 SEC. 9. Section 1648.10 of the Business and Professions Code
37 is amended to read:

38 1648.10. (a) The Dental Board of California shall develop and
39 distribute a fact sheet describing and comparing the risks and
40 efficacy of the various types of dental restorative materials that

1 may be used to repair a dental patient's oral condition or defect.

2 The fact sheet shall include:

3 (1) A description of the groups of materials that are available
4 to the profession for restoration of an oral condition or defect.

5 (2) A comparison of the relative benefits and detriments of each
6 group of materials.

7 (3) A comparison of the cost considerations associated with
8 each group of materials.

9 (4) A reference to encourage discussion between patient and
10 dentist regarding materials and to inform the patient of his or her
11 options.

12 (b) The fact sheet shall be made available by the Dental Board
13 of California to all licensed dentists.

14 (c) The Dental Board of California shall update the fact sheet
15 described in subdivision (a) as determined necessary by the board.

16 SEC. 10. Section 1650 of the Business and Professions Code
17 is amended to read:

18 1650. Every person who is now or hereafter licensed to practice
19 dentistry in this state shall register on forms prescribed by the
20 board, his or her place of practice with the executive officer of the
21 Dental Board, or, if he or she has more than one place of practice,
22 all of the places of practice, or, if he or she has no place of practice,
23 to so notify the executive officer of the board. A person licensed
24 by the board shall register with the executive officer within 30
25 days after the date of his or her license.

26 SEC. 11. Section 1695 of the Business and Professions Code
27 is amended to read:

28 1695. It is the intent of the Legislature that the Dental Board
29 of California seek ways and means to identify and rehabilitate
30 licentiates whose competency may be impaired due to abuse of
31 dangerous drugs or alcohol, so that licentiates so afflicted may be
32 treated and returned to the practice of dentistry in a manner that
33 will not endanger the public health and safety. It is also the intent
34 of the Legislature that the Dental Board of California shall
35 implement this legislation in part by establishing a diversion
36 program as a voluntary alternative approach to traditional
37 disciplinary actions.

38 SEC. 12. Section 1695.1 of the Business and Professions Code
39 is amended to read:

40 1695.1. As used in this article:

1 (a) “Board” means the Dental Board of California.

2 (b) “Committee” means a diversion evaluation committee
3 created by this article.

4 (c) “Program manager” means the staff manager of the diversion
5 program, as designated by the executive officer of the board. The
6 program manager shall have background experience in dealing
7 with substance abuse issues.

8 SEC. 13. Section 1905.1 of the Business and Professions Code
9 is amended to read:

10 1905.1. The committee may contract with the dental board to
11 carry out this article. The committee may contract with the dental
12 board to perform investigations of applicants and licensees under
13 this article.

14 SEC. 14. Section 1917.2 of the Business and Professions Code
15 is repealed.

16 SEC. 15. Section 1944 of the Business and Professions Code
17 is amended to read:

18 1944. (a) The committee shall establish by resolution the
19 amount of the fees that relate to the licensing of a registered dental
20 hygienist, a registered dental hygienist in alternative practice, and
21 a registered dental hygienist in extended functions. The fees
22 established by board resolution in effect on June 30, 2009, as they
23 relate to the licensure of registered dental hygienists, registered
24 dental hygienists in alternative practice, and registered dental
25 hygienists in extended functions, shall remain in effect until
26 modified by the committee. The fees are subject to the following
27 limitations:

28 (1) The application fee for an original license and the fee for
29 issuance of an original license shall not exceed two hundred fifty
30 dollars (\$250).

31 (2) The fee for examination for licensure as a registered dental
32 hygienist shall not exceed the actual cost of the examination.

33 (3) The fee for examination for licensure as a registered dental
34 hygienist in extended functions shall not exceed the actual cost of
35 the examination.

36 (4) The fee for examination for licensure as a registered dental
37 hygienist in alternative practice shall not exceed the actual cost of
38 administering the examination.

39 (5) The biennial renewal fee shall not exceed one hundred sixty
40 dollars (\$160).

1 (6) The delinquency fee shall not exceed one-half of the renewal
2 fee. Any delinquent license may be restored only upon payment
3 of all fees, including the delinquency fee, and compliance with all
4 other applicable requirements of this article.

5 (7) The fee for issuance of a duplicate license to replace one
6 that is lost or destroyed, or in the event of a name change, shall
7 not exceed twenty-five dollars (\$25) or one-half of the renewal
8 fee, whichever is greater.

9 (8) The fee for certification of licensure shall not exceed one-half
10 of the renewal fee.

11 (9) The fee for each curriculum review, feasibility study review,
12 and site evaluation for educational programs for dental hygienists
13 who are not accredited by a committee-approved agency shall not
14 exceed two thousand one hundred dollars (\$2,100).

15 (10) The fee for each review or approval of course requirements
16 for licensure or procedures that require additional training shall
17 not exceed seven hundred fifty dollars (\$750).

18 (11) The initial application and biennial fee for a provider of
19 continuing education shall not exceed five hundred dollars (\$500).

20 (12) The amount of fees payable in connection with permits
21 issued under Section 1962 is as follows:

22 (A) The initial permit fee is an amount equal to the renewal fee
23 for the applicant's license to practice dental hygiene in effect on
24 the last regular renewal date before the date on which the permit
25 is issued.

26 (B) If the permit will expire less than one year after its issuance,
27 then the initial permit fee is an amount equal to 50 percent of the
28 renewal fee in effect on the last regular renewal date before the
29 date on which the permit is issued.

30 (b) The renewal and delinquency fees shall be fixed by the
31 committee by resolution at not more than the current amount of
32 the renewal fee for a license to practice under this article nor less
33 than five dollars (\$5).

34 (c) Fees fixed by the committee by resolution pursuant to this
35 section shall not be subject to the approval of the Office of
36 Administrative Law.

37 (d) Fees collected pursuant to this section shall be collected by
38 the committee and deposited into the State Dental Hygiene Fund,
39 which is hereby created. All money in this fund shall, upon

1 appropriation by the Legislature in the annual Budget Act, be used
2 to implement this article.

3 (e) No fees or charges other than those listed in this section shall
4 be levied by the committee in connection with the licensure of
5 registered dental hygienists, registered dental hygienists in
6 alternative practice, or registered dental hygienists in extended
7 functions.

8 (f) The fee for registration of an extramural dental facility shall
9 not exceed two hundred fifty dollars (\$250).

10 (g) The fee for registration of a mobile dental hygiene unit shall
11 not exceed one hundred fifty dollars (\$150).

12 (h) The biennial renewal fee for a mobile dental hygiene unit
13 shall not exceed two hundred fifty dollars (\$250).

14 (i) The fee for an additional office permit shall not exceed two
15 hundred fifty dollars (\$250).

16 (j) The biennial renewal fee for an additional office as described
17 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

18 (k) The initial application and biennial special permit fee is an
19 amount equal to the biennial renewal fee specified in paragraph
20 (6) of subdivision (a).

21 (l) The fees in this section shall not exceed an amount sufficient
22 to cover the reasonable regulatory cost of carrying out this article.

23 SEC. 16. Section 2054 of the Business and Professions Code
24 is amended to read:

25 2054. (a) Any person who uses in any sign, business card, or
26 letterhead, or, in an advertisement, the words “doctor” or
27 “physician,” the letters or prefix “Dr.,” the initials “M.D.,” or any
28 other terms or letters indicating or implying that he or she is a
29 physician and surgeon, physician, surgeon, or practitioner under
30 the terms of this or any other law, or that he or she is entitled to
31 practice hereunder, or who represents or holds himself or herself
32 out as a physician and surgeon, physician, surgeon, or practitioner
33 under the terms of this or any other law, without having at the time
34 of so doing a valid, unrevoked, and unsuspended certificate as a
35 physician and surgeon under this chapter, is guilty of a
36 misdemeanor.

37 (b) A holder of a valid, unrevoked, and unsuspended certificate
38 to practice podiatric medicine may use the phrases “doctor of
39 podiatric medicine,” “doctor of podiatry,” and “podiatric doctor.”

1 or the initials “D.P.M.,” and shall not be in violation of subdivision
2 (a).

3 (c) Notwithstanding subdivision (a), any of the following
4 persons may use the words “doctor” or “physician,” the letters or
5 prefix “Dr.,” or the initials “M.D.”:

6 (1) A graduate of a medical school approved or recognized by
7 the board while enrolled in a postgraduate training program
8 approved by the board.

9 (2) A graduate of a medical school who does not have a
10 certificate as a physician and surgeon under this chapter if he or
11 she meets all of the following requirements:

12 (A) If issued a license to practice medicine in any jurisdiction,
13 has not had that license revoked or suspended by that jurisdiction.

14 (B) Does not otherwise hold himself or herself out as a physician
15 and surgeon entitled to practice medicine in this state except to
16 the extent authorized by this chapter.

17 (C) Does not engage in any of the acts prohibited by Section
18 2060.

19 (3) A person authorized to practice medicine under Section 2111
20 or 2113 subject to the limitations set forth in those sections.

21 *SEC. 17. Section 2221 of the Business and Professions Code*
22 *is amended to read:*

23 2221. (a) The board may deny a physician’s and surgeon’s
24 certificate *or postgraduate training authorization letter* to an
25 applicant guilty of unprofessional conduct or of any cause that
26 would subject a licensee to revocation or suspension of his or her
27 ~~license; or, the board license.~~ *The board, in its sole discretion, may*
28 *issue a probationary physician’s and surgeon’s certificate to an*
29 *applicant subject to terms and conditions, including, but not limited*
30 *to, any of the following conditions of probation:*

31 (1) Practice limited to a supervised, structured environment
32 where the licensee’s activities shall be supervised by another
33 physician and surgeon.

34 (2) Total or partial restrictions on drug prescribing privileges
35 for controlled substances.

36 (3) Continuing medical or psychiatric treatment.

37 (4) Ongoing participation in a specified rehabilitation program.

38 (5) Enrollment and successful completion of a clinical training
39 program.

40 (6) Abstention from the use of alcohol or drugs.

1 (7) Restrictions against engaging in certain types of medical
2 practice.

3 (8) Compliance with all provisions of this chapter.

4 (9) Payment of the cost of probation monitoring.

5 (b) The board may modify or terminate the terms and conditions
6 imposed on the probationary certificate upon receipt of a petition
7 from the licensee. The board may assign the petition to an
8 administrative law judge designated in Section 11371 of the
9 Government Code. After a hearing on the petition, the
10 administrative law judge shall provide a proposed decision to the
11 board.

12 (c) The board shall deny a physician's and surgeon's certificate
13 to an applicant who is required to register pursuant to Section 290
14 of the Penal Code. This subdivision does not apply to an applicant
15 who is required to register as a sex offender pursuant to Section
16 290 of the Penal Code solely because of a misdemeanor conviction
17 under Section 314 of the Penal Code.

18 (d) An applicant shall not be eligible to reapply for a physician's
19 and surgeon's certificate for a minimum of three years from the
20 effective date of the denial of his or her application, except that
21 ~~the board may~~, *board*, in its discretion and for good cause
22 demonstrated, *may* permit reapplication after not less than one
23 year has elapsed from the effective date of the denial.

24 ~~SEC. 17.~~

25 *SEC. 18.* Section 2401 of the Business and Professions Code
26 is amended to read:

27 2401. (a) Notwithstanding Section 2400, a clinic operated
28 primarily for the purpose of medical education by a public or
29 private nonprofit university medical school, which is approved by
30 the board or the Osteopathic Medical Board of California, may
31 charge for professional services rendered to teaching patients by
32 licensees who hold academic appointments on the faculty of the
33 university, if the charges are approved by the physician and surgeon
34 in whose name the charges are made.

35 (b) Notwithstanding Section 2400, a clinic operated under
36 subdivision (p) of Section 1206 of the Health and Safety Code
37 may employ licensees and charge for professional services rendered
38 by those licensees. However, the clinic shall not interfere with,
39 control, or otherwise direct the professional judgment of a

1 physician and surgeon in a manner prohibited by Section 2400 or
2 any other provision of law.

3 (c) Notwithstanding Section 2400, a narcotic treatment program
4 operated under Section 11876 of the Health and Safety Code and
5 regulated by the State Department of Health Care Services, may
6 employ licensees and charge for professional services rendered by
7 those licensees. However, the narcotic treatment program shall
8 not interfere with, control, or otherwise direct the professional
9 judgment of a physician and surgeon in a manner prohibited by
10 Section 2400 or any other provision of law.

11 (d) Notwithstanding Section 2400, a hospital that is owned and
12 operated by a licensed charitable organization, that offers only
13 pediatric subspecialty care, that, prior to January 1, 2013, employed
14 licensees on a salary basis, and that has not charged for professional
15 services rendered to patients may, commencing January 1, 2013,
16 charge for professional services rendered to patients, provided the
17 following conditions are met:

18 (1) The hospital does not increase the number of salaried
19 licensees by more than five licensees each year.

20 (2) The hospital does not expand its scope of services beyond
21 pediatric subspecialty care.

22 (3) The hospital accepts each patient needing its scope of
23 services regardless of his or her ability to pay, including whether
24 the patient has any form of health care coverage.

25 (4) The medical staff concur by an affirmative vote that the
26 licensee's employment is in the best interest of the communities
27 served by the hospital.

28 (5) The hospital does not interfere with, control, or otherwise
29 direct a physician and surgeon's professional judgment in a manner
30 prohibited by Section 2400 or any other provision of law.

31 ~~SEC. 18.~~

32 *SEC. 19.* Section 2428 of the Business and Professions Code
33 is amended to read:

34 2428. (a) A person who voluntarily cancels his or her license
35 or who fails to renew his or her license within five years after its
36 expiration shall not renew it, but that person may apply for and
37 obtain a new license if he or she:

38 (1) Has not committed any acts or crimes constituting grounds
39 for denial of licensure under Division 1.5 (commencing with
40 Section 475).

1 (2) Takes and passes the examination, if any, which would be
2 required of him or her if application for licensure was being made
3 for the first time, or otherwise establishes to the satisfaction of the
4 licensing authority that passes on the qualifications of applicants
5 for the license that, with due regard for the public interest, he or
6 she is qualified to practice the profession or activity for which the
7 applicant was originally licensed.

8 (3) Pays all of the fees that would be required if application for
9 licensure was being made for the first time.

10 The licensing authority may provide for the waiver or refund of
11 all or any part of an examination fee in those cases in which a
12 license is issued without an examination pursuant to this section.

13 Nothing in this section shall be construed to authorize the
14 issuance of a license for a professional activity or system or mode
15 of healing for which licenses are no longer required.

16 (b) In addition to the requirements set forth in subdivision (a),
17 an applicant shall establish that he or she meets one of the
18 following requirements: (1) satisfactory completion of at least two
19 years of approved postgraduate training; (2) certification by a
20 specialty board approved by the American Board of Medical
21 Specialties or approved by the board pursuant to subdivision (h)
22 of Section 651; or (3) passing of the clinical competency written
23 examination.

24 (c) Subdivision (a) shall apply to persons who held licenses to
25 practice podiatric medicine except that those persons who failed
26 to renew their licenses within three years after its expiration may
27 not renew it, and it may not be reissued, reinstated, or restored,
28 except in accordance with subdivision (a).

29 *SEC. 20. Section 2519 of the Business and Professions Code*
30 *is amended to read:*

31 2519. The board may ~~suspend or revoke~~ *suspend, revoke, or*
32 *place on probation* the license of a midwife for any of the
33 following:

34 (a) Unprofessional conduct, which includes, but is not limited
35 to, all of the following:

36 (1) Incompetence or gross negligence in carrying out the usual
37 functions of a licensed midwife.

38 (2) Conviction of a violation of Section 2052, in which event,
39 the record of the conviction shall be conclusive evidence thereof.

40 (3) The use of advertising that is fraudulent or misleading.

1 (4) Obtaining or possessing in violation of law, or prescribing,
2 or except as directed by a licensed physician and surgeon, dentist,
3 or podiatrist administering to himself or herself, or furnishing or
4 administering to another, any controlled substance as defined in
5 Division 10 (commencing with Section 11000) of the Health and
6 Safety Code or any dangerous drug as defined in Article 8
7 (commencing with Section 4210) of Chapter 9 of Division 2 of
8 the Business and Professions Code.

9 (5) The use of any controlled substance as defined in Division
10 (commencing with Section 11000) of the Health and Safety
11 Code, or any dangerous drug as defined in Article 8 (commencing
12 with Section 4210) of Chapter 9 of Division 2 of the Business and
13 Professions Code, or alcoholic beverages, to an extent or in a
14 manner dangerous or injurious to himself or herself, any other
15 person, or the public or to the extent that such use impairs his or
16 her ability to conduct with safety to the public the practice
17 authorized by his or her license.

18 (6) Conviction of a criminal offense involving the prescription,
19 consumption, or self-administration of any of the substances
20 described in paragraphs (4) and (5), or the possession of, or
21 falsification of, a record pertaining to, the substances described in
22 paragraph (4), in which event the record of the conviction is
23 conclusive evidence thereof.

24 (7) Commitment or confinement by a court of competent
25 jurisdiction for intemperate use of or addiction to the use of any
26 of the substances described in paragraphs (4) and (5), in which
27 event the court order of commitment or confinement is prima facie
28 evidence of such commitment or confinement.

29 (8) Falsifying, or making grossly incorrect, grossly inconsistent,
30 or unintelligible entries in any hospital, patient, or other record
31 pertaining to the substances described in subdivision (a).

32 (b) Procuring a license by fraud or misrepresentation.

33 (c) Conviction of a crime substantially related to the
34 qualifications, functions, and duties of a midwife, as determined
35 by the board.

36 (d) Procuring, aiding, abetting, attempting, agreeing to procure,
37 offering to procure, or assisting at, a criminal abortion.

38 (e) Violating or attempting to violate, directly or indirectly, or
39 assisting in or abetting the violation of, or conspiring to violate
40 any provision or term of this chapter.

1 (f) Making or giving any false statement or information in
2 connection with the application for issuance of a license.

3 (g) Impersonating any applicant or acting as proxy for an
4 applicant in any examination required under this chapter for the
5 issuance of a license or a certificate.

6 (h) Impersonating another licensed practitioner, or permitting
7 or allowing another person to use his or her license or certificate
8 for the purpose of providing midwifery services.

9 (i) Aiding or assisting, or agreeing to aid or assist any person
10 or persons, whether a licensed physician or not, in the performance
11 of or arranging for a violation of any of the provisions of Article
12 12 (commencing with Section 2221) of Chapter 5.

13 (j) Failing to do any of the following when required pursuant
14 to Section 2507:

15 (1) Consult with a physician and surgeon.

16 (2) Refer a client to a physician and surgeon.

17 (3) Transfer a client to a hospital.

18 *SEC. 21. Section 2519.5 is added to the Business and
19 Professions Code, to read:*

20 *2519.5. (a) A person whose license has been surrendered while
21 under investigation or while charges are pending or whose license
22 has been revoked or suspended or placed on probation, may
23 petition the board for reinstatement or modification of penalty,
24 including modification or termination of probation.*

25 *(b) The person may file the petition after a period of not less
26 than the following minimum periods have elapsed from the effective
27 date of the surrender of the license or the decision ordering that
28 disciplinary action:*

29 *(1) At least three years for reinstatement of a license or
30 registration surrendered or revoked for unprofessional conduct,
31 except that the board, for good cause shown, may specify in a
32 revocation order that a petition for reinstatement may be filed
33 after two years.*

34 *(2) At least two years for early termination of probation of three
35 years or more.*

36 *(3) At least one year for modification of a condition, or
37 reinstatement of a license surrendered or revoked for mental or
38 physical illness, or termination of probation of less than three
39 years.*

1 (c) *The petition shall state any facts as may be required by the*
2 *board. The petition shall be accompanied by at least two verified*
3 *recommendations from licensees licensed in any state who have*
4 *personal knowledge of the activities of the petitioner since the*
5 *disciplinary penalty was imposed.*

6 (d) *The petition may be heard by a panel of the board. The board*
7 *may assign the petition to an administrative law judge designated*
8 *in Section 11371 of the Government Code. After a hearing on the*
9 *petition, the administrative law judge shall provide a proposed*
10 *decision to the board, which shall be acted upon in accordance*
11 *with Section 2335.*

12 (e) *The panel of the board or the administrative law judge*
13 *hearing the petition may consider all activities of the petitioner*
14 *since the disciplinary action was taken, the offense for which the*
15 *petitioner was disciplined, the petitioner's activities during the*
16 *time the license was in good standing, and the petitioner's*
17 *rehabilitative efforts, general reputation for truth, and professional*
18 *ability. The hearing may be continued from time to time as the*
19 *administrative law judge designated in Section 11371 of the*
20 *Government Code finds necessary.*

21 (f) *The administrative law judge designated in Section 11371*
22 *of the Government Code reinstating a license or modifying a*
23 *penalty may recommend the imposition of any terms and conditions*
24 *deemed necessary.*

25 (g) *No petition shall be considered while the petitioner is under*
26 *sentence for any criminal offense, including any period during*
27 *which the petitioner is on court-imposed probation or parole. No*
28 *petition shall be considered while there is an accusation or petition*
29 *to revoke probation pending against the person. The board may*
30 *deny without a hearing or argument any petition filed pursuant to*
31 *this section within a period of two years from the effective date of*
32 *the prior decision following a hearing under this section.*

33 *SEC. 22. Section 2520 of the Business and Professions Code*
34 *is amended to read:*

35 2520. (a) (1) *The fee to be paid upon the filing of a license*
36 *application shall be fixed by the board at not less than seventy-five*
37 *dollars (\$75) nor more than three hundred dollars (\$300).*

38 (2) *The fee for renewal of the midwife license shall be fixed by*
39 *the board at not less than fifty dollars (\$50) nor more than two*
40 *hundred dollars (\$200).*

1 (3) The delinquency fee for renewal of the midwife license shall
2 be 50 percent of the renewal fee in effect on the date of the renewal
3 of the license, but not less than twenty-five dollars (\$25) nor more
4 than fifty dollars (\$50).

5 (4) The fee for the examination shall be the cost of administering
6 the examination to the applicant, as determined by the organization
7 that has entered into a contract with the ~~Division of Licensing~~
8 *board* for the purposes set forth in subdivision (a) of Section
9 2512.5. Notwithstanding subdivision (b), that fee may be collected
10 and retained by that organization.

11 *(b) A licensee placed on probation shall be required to pay*
12 *probation monitoring fees upon order of the board.*

13 ~~(b)~~

14 (c) The fees prescribed by this article shall be deposited in the
15 Licensed Midwifery Fund, which is hereby established, and shall
16 be available, upon appropriation, to the board for the purposes of
17 this article.

18 ~~SEC. 19.~~

19 *SEC. 23.* Section 2529 of the Business and Professions Code
20 is amended to read:

21 2529. (a) Graduates of the Southern California Psychoanalytic
22 Institute, the Los Angeles Psychoanalytic Society and Institute,
23 the San Francisco Psychoanalytic Institute, the San Diego
24 Psychoanalytic Institute, or institutes deemed equivalent by the
25 Medical Board of California who have completed clinical training
26 in psychoanalysis may engage in psychoanalysis as an adjunct to
27 teaching, training, or research and hold themselves out to the public
28 as psychoanalysts, and students in those institutes may engage in
29 psychoanalysis under supervision, if the students and graduates
30 do not hold themselves out to the public by any title or description
31 of services incorporating the words “psychological,”
32 “psychologist,” “psychology,” “psychometrists,” “psychometrics,”
33 or “psychometry,” or that they do not state or imply that they are
34 licensed to practice psychology.

35 (b) Those students and graduates seeking to engage in
36 psychoanalysis under this chapter shall register with the Medical
37 Board of California, presenting evidence of their student or
38 graduate status. The board may suspend or revoke the exemption
39 of those persons for unprofessional conduct as defined in Sections
40 726, 2234, and 2235.

1 *SEC. 24. Section 2546.7 of the Business and Professions Code*
2 *is amended to read:*

3 2546.7. (a) A certificate may be denied, suspended, revoked,
4 *placed on probation*, or otherwise subjected to discipline for any
5 of the following:

6 (1) Incompetence, gross negligence, or repeated similar
7 negligent acts performed by the registrant or any employee of the
8 registrant.

9 (2) An act of dishonesty or fraud.

10 (3) Committing any act or being convicted of a crime
11 constituting grounds for denial of licensure or registration under
12 Section 480.

13 (4) Any violation of Section 2546.5 or 2546.6.

14 (b) The proceedings shall be conducted in accordance with
15 Chapter 5 (commencing with Section 11500) of Part 1 of Division
16 3 of Title 2 of the Government Code, and the division shall have
17 all powers granted therein.

18 *SEC. 25. Section 2546.9 of the Business and Professions Code*
19 *is amended to read:*

20 2546.9. The amount of fees prescribed in connection with the
21 registration of nonresident contact lens sellers is that established
22 by the following schedule:

23 (a) The initial registration fee shall be one hundred dollars
24 (\$100).

25 (b) The renewal fee shall be one hundred dollars (\$100).

26 (c) The delinquency fee shall be twenty-five dollars (\$25).

27 (d) The fee for replacement of a lost, stolen, or destroyed
28 registration shall be twenty-five dollars (\$25).

29 (e) *A registrant placed on probation shall be required to pay*
30 *probation monitoring fees upon order of the board.*

31 ~~(e)~~

32 (f) The fees collected pursuant to this chapter shall be deposited
33 in the Dispensing Opticians Fund, and shall be available, upon
34 appropriation, to the Medical Board of California for the purposes
35 of this chapter.

36 *SEC. 26. Section 2546.11 is added to the Business and*
37 *Professions Code, to read:*

38 2546.11. (a) *A person whose certificate has been surrendered*
39 *while under investigation or while charges are pending or whose*
40 *certificate has been revoked or suspended or placed on probation,*

1 *may petition the board for reinstatement or modification of penalty,*
2 *including modification or termination of probation.*

3 *(b) The person may file the petition after a period of not less*
4 *than the following minimum periods have elapsed from the effective*
5 *date of the surrender of the certificate or the decision ordering*
6 *that disciplinary action:*

7 *(1) At least three years for reinstatement of a license or*
8 *registration surrendered or revoked for unprofessional conduct,*
9 *except that the board may, for good cause shown, specify in a*
10 *revocation order that a petition for reinstatement may be filed*
11 *after two years.*

12 *(2) At least two years for early termination of probation of three*
13 *years or more.*

14 *(3) At least one year for modification of a condition, or*
15 *reinstatement of a license or registration surrendered or revoked*
16 *for mental or physical illness, or termination of probation of less*
17 *than three years.*

18 *(c) The petition shall state any facts as may be required by the*
19 *board. The petition shall be accompanied by at least two verified*
20 *recommendations from licensees or registrants licensed or*
21 *registered in any state who have personal knowledge of the*
22 *activities of the petitioner since the disciplinary penalty was*
23 *imposed.*

24 *(d) The petition may be heard by a panel of the board. The board*
25 *may assign the petition to an administrative law judge designated*
26 *in Section 11371 of the Government Code. After a hearing on the*
27 *petition, the administrative law judge shall provide a proposed*
28 *decision to the board, which shall be acted upon in accordance*
29 *with Section 2335.*

30 *(e) The panel of the board or the administrative law judge*
31 *hearing the petition may consider all activities of the petitioner*
32 *since the disciplinary action was taken, the offense for which the*
33 *petitioner was disciplined, the petitioner's activities during the*
34 *time the certificate was in good standing, and the petitioner's*
35 *rehabilitative efforts, general reputation for truth, and professional*
36 *ability. The hearing may be continued from time to time as the*
37 *administrative law judge designated in Section 11371 of the*
38 *Government Code finds necessary.*

39 *(f) The administrative law judge, designated in Section 11371*
40 *of the Government Code, reinstating a certificate or modifying a*

1 *penalty may recommend the imposition of any terms and conditions*
2 *deemed necessary.*

3 *(g) No petition shall be considered while the petitioner is under*
4 *sentence for any criminal offense, including any period during*
5 *which the petitioner is on court-imposed probation or parole. No*
6 *petition shall be considered while there is an accusation or petition*
7 *to revoke probation pending against the person. The board may*
8 *deny without a hearing or argument any petition filed pursuant to*
9 *this section within a period of two years from the effective date of*
10 *the prior decision following a hearing under this section.*

11 *SEC. 27. Section 2555.5 is added to the Business and*
12 *Professions Code, to read:*

13 *2555.5. (a) A person whose certificate has been surrendered*
14 *while under investigation or while charges are pending or whose*
15 *certificate has been revoked or suspended or placed on probation,*
16 *may petition the board for reinstatement or modification of penalty,*
17 *including modification or termination of probation.*

18 *(b) The person may file the petition after a period of not less*
19 *than the following minimum periods have elapsed from the effective*
20 *date of the surrender of the certificate or the decision ordering*
21 *that disciplinary action:*

22 *(1) At least three years for reinstatement of a license or*
23 *registration surrendered or revoked for unprofessional conduct,*
24 *except that the board may, for good cause shown, specify in a*
25 *revocation order that a petition for reinstatement may be filed*
26 *after two years.*

27 *(2) At least two years for early termination of probation of three*
28 *years or more.*

29 *(3) At least one year for modification of a condition, or*
30 *reinstatement of a license or registration surrendered or revoked*
31 *for mental or physical illness, or termination of probation of less*
32 *than three years.*

33 *(c) The petition shall state any facts as may be required by the*
34 *board. The petition shall be accompanied by at least two verified*
35 *recommendations from licensees or registrants licensed or*
36 *registered in any state who have personal knowledge of the*
37 *activities of the petitioner since the disciplinary penalty was*
38 *imposed.*

39 *(d) The petition may be heard by a panel of the board. The board*
40 *may assign the petition to an administrative law judge designated*

1 in Section 11371 of the Government Code. After a hearing on the
 2 petition, the administrative law judge shall provide a proposed
 3 decision to the board, which shall be acted upon in accordance
 4 with Section 2335.

5 (e) The panel of the board or the administrative law judge
 6 hearing the petition may consider all activities of the petitioner
 7 since the disciplinary action was taken, the offense for which the
 8 petitioner was disciplined, the petitioner's activities during the
 9 time the certificate was in good standing, and the petitioner's
 10 rehabilitative efforts, general reputation for truth, and professional
 11 ability. The hearing may be continued from time to time as the
 12 administrative law judge designated in Section 11371 of the
 13 Government Code finds necessary.

14 (f) The administrative law judge, designated in Section 11371
 15 of the Government Code, reinstating a certificate or modifying a
 16 penalty may recommend the imposition of any terms and conditions
 17 deemed necessary.

18 (g) No petition shall be considered while the petitioner is under
 19 sentence for any criminal offense, including any period during
 20 which the petitioner is on court-imposed probation or parole. No
 21 petition shall be considered while there is an accusation or petition
 22 to revoke probation pending against the person. The board may
 23 deny without a hearing or argument any petition filed pursuant to
 24 this section within a period of two years from the effective date of
 25 the prior decision following a hearing under this section.

26 SEC. 28. Section 2559.3 of the Business and Professions Code
 27 is amended to read:

28 2559.3. (a) A certificate issued to a registered spectacle lens
 29 dispenser may, in the discretion of the ~~division~~, board, be
 30 ~~suspended or revoked~~ suspended, revoked, or placed on probation
 31 for violating or attempting to violate any provision of this chapter
 32 or any regulation adopted under this chapter, or for incompetence,
 33 gross negligence, or repeated similar negligent acts performed by
 34 the certificate holder. A certificate may also be ~~suspended or~~
 35 ~~revoked~~ suspended, revoked, or placed on probation if the
 36 individual certificate holder has been convicted of a felony as
 37 provided in Section 2555.1.

38 ~~Any~~

39 (b) Any proceedings under this section shall be conducted in
 40 accordance with Chapter 5 (commencing with Section 11500) of

1 Part 1 of Division 3 of Title 2 of the Government Code, and the
2 division shall have all the powers granted therein.

3 *SEC. 29. Section 2559.7 is added to the Business and*
4 *Professions Code, to read:*

5 *2559.7. (a) A person whose certificate has been surrendered*
6 *while under investigation or while charges are pending or whose*
7 *certificate has been revoked or suspended or placed on probation,*
8 *may petition the board for reinstatement or modification of penalty,*
9 *including modification or termination of probation.*

10 *(b) The person may file the petition after a period of not less*
11 *than the following minimum periods have elapsed from the effective*
12 *date of the surrender of the certificate or the decision ordering*
13 *that disciplinary action:*

14 *(1) At least three years for reinstatement of certificate*
15 *surrendered or revoked for unprofessional conduct, except that*
16 *the board may, for good cause shown, specify in a revocation order*
17 *that a petition for reinstatement may be filed after two years.*

18 *(2) At least two years for early termination of probation of three*
19 *years or more.*

20 *(3) At least one year for modification of a condition, or*
21 *reinstatement of a certificate surrendered or revoked for mental*
22 *or physical illness, or termination of probation of less than three*
23 *years.*

24 *(c) The petition shall state any facts as may be required by the*
25 *board. The petition shall be accompanied by at least two verified*
26 *recommendations from certificants licensed or registered in any*
27 *state who have personal knowledge of the activities of the petitioner*
28 *since the disciplinary penalty was imposed.*

29 *(d) The petition may be heard by a panel of the board. The board*
30 *may assign the petition to an administrative law judge designated*
31 *in Section 11371 of the Government Code. After a hearing on the*
32 *petition, the administrative law judge shall provide a proposed*
33 *decision to the board, which shall be acted upon in accordance*
34 *with Section 2335.*

35 *(e) The panel of the board or the administrative law judge*
36 *hearing the petition may consider all activities of the petitioner*
37 *since the disciplinary action was taken, the offense for which the*
38 *petitioner was disciplined, the petitioner's activities during the*
39 *time the certificate was in good standing, and the petitioner's*
40 *rehabilitative efforts, general reputation for truth, and professional*

1 ability. The hearing may be continued from time to time as the
2 administrative law judge designated in Section 11371 of the
3 Government Code finds necessary.

4 (f) The administrative law judge, designated in Section 11371
5 of the Government Code, reinstating a certificate or modifying a
6 penalty may recommend the imposition of any terms and conditions
7 deemed necessary.

8 (g) No petition shall be considered while the petitioner is under
9 sentence for any criminal offense, including any period during
10 which the petitioner is on court-imposed probation or parole. No
11 petition shall be considered while there is an accusation or petition
12 to revoke probation pending against the person. The board may
13 deny without a hearing or argument any petition filed pursuant to
14 this section within a period of two years from the effective date of
15 the prior decision following a hearing under this section.

16 SEC. 30. Section 2563 of the Business and Professions Code
17 is amended to read:

18 2563. A certificate issued to a registered contact lens dispenser
19 may in the discretion of the ~~division board~~ be ~~suspended or revoked~~
20 ~~suspended, revoked, or placed on probation~~ for violating or
21 attempting to violate any provision of this chapter or any regulation
22 adopted under this chapter, or for incompetence, gross negligence,
23 or repeated similar negligent acts performed by the certificate
24 holder. A certificate may also be ~~suspended or revoked~~ *suspended,*
25 *revoked, or placed on probation* if the individual certificate holder
26 has been convicted of a felony as provided in Section 2555.1.

27 Any proceedings under this section shall be conducted in
28 accordance with Chapter 5 (commencing with Section 11500) of
29 Part 1 of Division 3 of Title 2 of the Government Code, and the
30 division shall have all the powers granted therein.

31 SEC. 31. Section 2563.5 is added to the Business and
32 Professions Code, to read:

33 2563.5. (a) A person whose certificate has been surrendered
34 while under investigation or while charges are pending or whose
35 certificate has been revoked or suspended or placed on probation,
36 may petition the board for reinstatement or modification of penalty,
37 including modification or termination of probation.

38 (b) The person may file the petition after a period of not less
39 than the following minimum periods have elapsed from the effective

1 *date of the surrender of the certificate or the decision ordering*
2 *that disciplinary action:*

3 *(1) At least three years for reinstatement of certificate*
4 *surrendered or revoked for unprofessional conduct, except that*
5 *the board may, for good cause shown, specify in a revocation order*
6 *that a petition for reinstatement may be filed after two years.*

7 *(2) At least two years for early termination of probation of three*
8 *years or more.*

9 *(3) At least one year for modification of a condition, or*
10 *reinstatement of a certificate surrendered or revoked for mental*
11 *or physical illness, or termination of probation of less than three*
12 *years.*

13 *(c) The petition shall state any facts as may be required by the*
14 *board. The petition shall be accompanied by at least two verified*
15 *recommendations from certificants licensed or registered in any*
16 *state who have personal knowledge of the activities of the petitioner*
17 *since the disciplinary penalty was imposed.*

18 *(d) The petition may be heard by a panel of the board. The board*
19 *may assign the petition to an administrative law judge designated*
20 *in Section 11371 of the Government Code. After a hearing on the*
21 *petition, the administrative law judge shall provide a proposed*
22 *decision to the board, which shall be acted upon in accordance*
23 *with Section 2335.*

24 *(e) The panel of the board or the administrative law judge*
25 *hearing the petition may consider all activities of the petitioner*
26 *since the disciplinary action was taken, the offense for which the*
27 *petitioner was disciplined, the petitioner's activities during the*
28 *time the certificate was in good standing, and the petitioner's*
29 *rehabilitative efforts, general reputation for truth, and professional*
30 *ability. The hearing may be continued from time to time as the*
31 *administrative law judge designated in Section 11371 of the*
32 *Government Code finds necessary.*

33 *(f) The administrative law judge, designated in Section 11371*
34 *of the Government Code, reinstating a certificate or modifying a*
35 *penalty may recommend the imposition of any terms and conditions*
36 *deemed necessary.*

37 *(g) No petition shall be considered while the petitioner is under*
38 *sentence for any criminal offense, including any period during*
39 *which the petitioner is on court-imposed probation or parole. No*
40 *petition shall be considered while there is an accusation or petition*

1 to revoke probation pending against the person. The board may
2 deny without a hearing or argument any petition filed pursuant to
3 this section within a period of two years from the effective date of
4 the prior decision following a hearing under this section.

5 SEC. 32. Section 2565 of the Business and Professions Code
6 is amended to read:

7 2565. The amount of fees prescribed in connection with the
8 registration of dispensing opticians shall be as set forth in this
9 section unless a lower fee is fixed by the ~~division~~ board:

10 (a) The initial registration fee is one hundred dollars (\$100).

11 (b) The renewal fee is one hundred dollars (\$100).

12 (c) The delinquency fee is twenty-five dollars (\$25).

13 (d) The fee for replacement of a lost, stolen, or destroyed
14 certificate is twenty-five dollars (\$25).

15 ~~This section shall become operative on January 1, 1988.~~

16 (e) A registrant placed on probation shall be required to pay
17 probation monitoring fees upon order of the board.

18 SEC. 33. Section 2566 of the Business and Professions Code
19 is amended to read:

20 2566. The amount of fees prescribed in connection with
21 certificates for contact lens dispensers, unless a lower fee is fixed
22 by the ~~division~~ board, is as follows:

23 (a) The application fee for a registered contact lens dispenser
24 shall be one hundred dollars (\$100).

25 (b) The biennial fee for the renewal of certificates shall be fixed
26 by the ~~division~~ board in an amount not to exceed one hundred
27 dollars (\$100).

28 (c) The delinquency fee is twenty-five dollars (\$25).

29 (d) The ~~division~~ board may by regulation provide for a refund
30 of a portion of the application fee to applicants who do not meet
31 the requirements for registration.

32 (e) The fee for replacement of a lost, stolen, or destroyed
33 certificate is twenty-five dollars (\$25).

34 ~~This section shall become operative on January 1, 1988.~~

35 (f) A registrant placed on probation shall be required to pay
36 probation monitoring fees upon order of the board.

37 SEC. 34. Section 2566.1 of the Business and Professions Code
38 is amended to read:

1 2566.1. The amount of fees prescribed in connection with
2 certificates for spectacle lens dispensers shall be as set forth in this
3 section unless a lower fee is fixed by the ~~division~~ board:

4 (a) The initial registration fee is one hundred dollars (\$100).

5 (b) The renewal fee shall be one hundred dollars (\$100).

6 (c) The delinquency fee is twenty-five dollars (\$25).

7 (d) The fee for replacement of a lost, stolen or destroyed
8 certificate is twenty-five dollars (\$25).

9 (e) *A registrant placed on probation shall be required to pay*
10 *probation monitoring fees upon order of the board.*

11 ~~SEC. 20.~~

12 *SEC. 35.* Section 2650 of the Business and Professions Code
13 is amended to read:

14 2650. (a) The physical therapist education requirements are
15 as follows:

16 (1) Except as otherwise provided in this chapter, each applicant
17 for a license as a physical therapist shall be a graduate of a
18 professional degree program of an accredited postsecondary
19 institution or institutions approved by the board and shall have
20 completed a professional education program including academic
21 course work and clinical internship in physical therapy.

22 (2) Unless otherwise specified by the board by regulation, the
23 educational requirements shall include instruction in the subjects
24 prescribed by the Commission on Accreditation in Physical
25 Therapy Education (CAPTE) of the American Physical Therapy
26 Association or Physiotherapy Education Accreditation Canada and
27 shall include a combination of didactic and clinical experiences.
28 The clinical experience shall include at least 18 weeks of full-time
29 experience with a variety of patients.

30 (b) The physical therapist assistant educational requirements
31 are as follows:

32 (1) Except as otherwise provided in this chapter, each applicant
33 for a license as a physical therapist assistant shall be a graduate of
34 a physical therapist assistant program of an accredited
35 postsecondary institution or institutions approved by the board,
36 and shall have completed both the academic and clinical experience
37 required by the physical therapist assistant program, and have been
38 awarded an associate degree.

39 (2) Unless otherwise specified by the board by regulation, the
40 educational requirements shall include instruction in the subjects

1 prescribed by the CAPTE of the American Physical Therapy
2 Association or Physiotherapy Education Accreditation Canada or
3 another body as may be approved by the board by regulation and
4 shall include a combination of didactic and clinical experiences.

5 ~~SEC. 21.~~

6 SEC. 36. The heading of Article 3.1 (commencing with Section
7 2770) of Chapter 6 of Division 2 of the Business and Professions
8 Code is amended to read:

9
10 Article 3.1. Intervention Program

11
12 ~~SEC. 22.~~

13 SEC. 37. Section 2770 of the Business and Professions Code
14 is amended to read:

15 2770. It is the intent of the Legislature that the Board of
16 Registered Nursing seek ways and means to identify and
17 rehabilitate registered nurses whose competency may be impaired
18 due to abuse of alcohol and other drugs, or due to mental illness
19 so that registered nurses so afflicted may be rehabilitated and
20 returned to the practice of nursing in a manner that will not
21 endanger the public health and safety. It is also the intent of the
22 Legislature that the Board of Registered Nursing shall implement
23 this legislation by establishing an intervention program as a
24 voluntary alternative to traditional disciplinary actions.

25 ~~SEC. 23.~~

26 SEC. 38. Section 2770.1 of the Business and Professions Code
27 is amended to read:

- 28 2770.1. As used in this article:
29 (a) "Board" means the Board of Registered Nursing.
30 (b) "Committee" means a an intervention evaluation committee
31 created by this article.
32 (c) "Program manager" means the staff manager of the
33 intervention program, as designated by the executive officer of the
34 board. The program manager shall have background experience
35 in dealing with substance abuse issues.

36 ~~SEC. 24.~~

37 SEC. 39. Section 2770.2 of the Business and Professions Code
38 is amended to read:

39 2770.2. One or more intervention evaluation committees is
40 hereby created in the state to be established by the board. Each

1 committee shall be composed of five persons appointed by the
2 board. No board member shall serve on any committee.

3 Each committee shall have the following composition:

4 (a) Three registered nurses, holding active California licenses,
5 who have demonstrated expertise in the field of chemical
6 dependency or psychiatric nursing.

7 (b) One physician, holding an active California license, who
8 specializes in the diagnosis and treatment of addictive diseases or
9 mental illness.

10 (c) One public member who is knowledgeable in the field of
11 chemical dependency or mental illness.

12 It shall require a majority vote of the board to appoint a person
13 to a committee. Each appointment shall be at the pleasure of the
14 board for a term not to exceed four years. In its discretion the board
15 may stagger the terms of the initial members appointed.

16 ~~SEC. 25.~~

17 *SEC. 40.* Section 2770.7 of the Business and Professions Code
18 is amended to read:

19 2770.7. (a) The board shall establish criteria for the acceptance,
20 denial, or termination of registered nurses in the intervention
21 program. Only those registered nurses who have voluntarily
22 requested to participate in the intervention program shall participate
23 in the program.

24 (b) A registered nurse under current investigation by the board
25 may request entry into the intervention program by contacting the
26 board. Prior to authorizing a registered nurse to enter into the
27 intervention program, the board may require the registered nurse
28 under current investigation for any violations of this chapter or
29 any other provision of this code to execute a statement of
30 understanding that states that the registered nurse understands that
31 his or her violations that would otherwise be the basis for discipline
32 may still be investigated and may be the subject of disciplinary
33 action.

34 (c) If the reasons for a current investigation of a registered nurse
35 are based primarily on the self-administration of any controlled
36 substance or dangerous drug or alcohol under Section 2762, or the
37 illegal possession, prescription, or nonviolent procurement of any
38 controlled substance or dangerous drug for self-administration that
39 does not involve actual, direct harm to the public, the board shall
40 close the investigation without further action if the registered nurse

1 is accepted into the board's intervention program and successfully
2 completes the program. If the registered nurse withdraws or is
3 terminated from the program by a intervention evaluation
4 committee, and the termination is approved by the program
5 manager, the investigation shall be reopened and disciplinary action
6 imposed, if warranted, as determined by the board.

7 (d) Neither acceptance nor participation in the intervention
8 program shall preclude the board from investigating or continuing
9 to investigate, or taking disciplinary action or continuing to take
10 disciplinary action against, any registered nurse for any
11 unprofessional conduct committed before, during, or after
12 participation in the intervention program.

13 (e) All registered nurses shall sign an agreement of
14 understanding that the withdrawal or termination from the
15 intervention program at a time when the program manager or
16 intervention evaluation committee determines the licentiate presents
17 a threat to the public's health and safety shall result in the
18 utilization by the board of intervention program treatment records
19 in disciplinary or criminal proceedings.

20 (f) Any registered nurse terminated from the intervention
21 program for failure to comply with program requirements is subject
22 to disciplinary action by the board for acts committed before,
23 during, and after participation in the intervention program. A
24 registered nurse who has been under investigation by the board
25 and has been terminated from the intervention program by a
26 intervention evaluation committee shall be reported by the
27 intervention evaluation committee to the board.

28 ~~SEC. 26.~~

29 *SEC. 41.* Section 2770.8 of the Business and Professions Code
30 is amended to read:

31 2770.8. A committee created under this article operates under
32 the direction of the intervention program manager. The program
33 manager has the primary responsibility to review and evaluate
34 recommendations of the committee. Each committee shall have
35 the following duties and responsibilities:

36 (a) To evaluate those registered nurses who request participation
37 in the program according to the guidelines prescribed by the board,
38 and to make recommendations.

39 (b) To review and designate those treatment services to which
40 registered nurses in an intervention program may be referred.

1 (c) To receive and review information concerning a registered
2 nurse participating in the program.

3 (d) To consider in the case of each registered nurse participating
4 in a program whether he or she may with safety continue or resume
5 the practice of nursing.

6 (e) To call meetings as necessary to consider the requests of
7 registered nurses to participate in an intervention program, and to
8 consider reports regarding registered nurses participating in a
9 program.

10 (f) To make recommendations to the program manager regarding
11 the terms and conditions of the intervention agreement for each
12 registered nurse participating in the program, including treatment,
13 supervision, and monitoring requirements.

14 ~~SEC. 27.~~

15 *SEC. 42.* Section 2770.10 of the Business and Professions Code
16 is amended to read:

17 2770.10. Notwithstanding Article 9 (commencing with Section
18 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
19 Government Code, relating to public meetings, a committee may
20 convene in closed session to consider reports pertaining to any
21 registered nurse requesting or participating in an intervention
22 program. A committee shall only convene in closed session to the
23 extent that it is necessary to protect the privacy of such a licentiate.

24 ~~SEC. 28.~~

25 *SEC. 43.* Section 2770.11 of the Business and Professions Code
26 is amended to read:

27 2770.11. (a) Each registered nurse who requests participation
28 in an intervention program shall agree to cooperate with the
29 rehabilitation program designed by the committee and approved
30 by the program manager. Any failure to comply with a
31 rehabilitation program may result in termination of the registered
32 nurse's participation in a program. The name and license number
33 of a registered nurse who is terminated for any reason, other than
34 successful completion, shall be reported to the board's enforcement
35 program.

36 (b) If the program manager determines that a registered nurse,
37 who is denied admission into the program or terminated from the
38 program, presents a threat to the public or his or her own health
39 and safety, the program manager shall report the name and license
40 number, along with a copy of all intervention program records for

1 that registered nurse, to the board's enforcement program. The
2 board may use any of the records it receives under this subdivision
3 in any disciplinary proceeding.

4 ~~SEC. 29.~~

5 *SEC. 44.* Section 2770.12 of the Business and Professions Code
6 is amended to read:

7 2770.12. (a) After the committee and the program manager
8 in their discretion have determined that a registered nurse has
9 successfully completed the intervention program, all records
10 pertaining to the registered nurse's participation in the intervention
11 program shall be purged.

12 (b) All board and committee records and records of a proceeding
13 pertaining to the participation of a registered nurse in the
14 intervention program shall be kept confidential and are not subject
15 to discovery or subpoena, except as specified in subdivision (b)
16 of Section 2770.11 and subdivision (c).

17 (c) A registered nurse shall be deemed to have waived any rights
18 granted by any laws and regulations relating to confidentiality of
19 the intervention program, if he or she does any of the following:

20 (1) Presents information relating to any aspect of the intervention
21 program during any stage of the disciplinary process subsequent
22 to the filing of an accusation, statement of issues, or petition to
23 compel an examination pursuant to Article 12.5 (commencing with
24 Section 820) of Chapter 1. The waiver shall be limited to
25 information necessary to verify or refute any information disclosed
26 by the registered nurse.

27 (2) Files a lawsuit against the board relating to any aspect of
28 the intervention program.

29 (3) Claims in defense to a disciplinary action, based on a
30 complaint that led to the registered nurse's participation in the
31 intervention program, that he or she was prejudiced by the length
32 of time that passed between the alleged violation and the filing of
33 the accusation. The waiver shall be limited to information necessary
34 to document the length of time the registered nurse participated in
35 the intervention program.

36 ~~SEC. 30.~~

37 *SEC. 45.* Section 2770.13 of the Business and Professions Code
38 is amended to read:

39 2770.13. The board shall provide for the legal representation
40 of any person making reports under this article to a committee or

1 the board in any action for defamation directly resulting from those
2 reports regarding a registered nurse’s participation in a intervention
3 program.

4 ~~SEC. 31.~~

5 *SEC. 46.* Section 2835.5 of the Business and Professions Code
6 is amended to read:

7 2835.5. On and after January 1, 2008, an applicant for initial
8 qualification or certification as a nurse practitioner under this article
9 who has not been qualified or certified as a nurse practitioner in
10 California or any other state shall meet the following requirements:

11 (a) Hold a valid and active registered nursing license issued
12 under this chapter.

13 (b) Possess a master’s degree in nursing, a master’s degree in
14 a clinical field related to nursing, or a graduate degree in nursing.

15 (c) Satisfactorily complete a nurse practitioner program
16 approved by the board.

17 ~~SEC. 32.~~

18 *SEC. 47.* Section 2914 of the Business and Professions Code
19 is amended to read:

20 2914. Each applicant for licensure shall comply with all of the
21 following requirements:

22 (a) Is not subject to denial of licensure under Division 1.5
23 (commencing with Section 475).

24 (b) Possess an earned doctorate degree (1) in psychology, (2)
25 in educational psychology, or (3) in education with the field of
26 specialization in counseling psychology or educational psychology.
27 Except as provided in subdivision (g), this degree or training shall
28 be obtained from an accredited university, college, or professional
29 school. The board shall make the final determination as to whether
30 a degree meets the requirements of this section.

31 No educational institution shall be denied recognition as an
32 accredited academic institution solely because its program is not
33 accredited by any professional organization of psychologists, and
34 nothing in this chapter or in the administration of this chapter shall
35 require the registration with the board by educational institutions
36 of their departments of psychology or their doctoral programs in
37 psychology.

38 An applicant for licensure trained in an educational institution
39 outside the United States or Canada shall demonstrate to the
40 satisfaction of the board that he or she possesses a doctorate degree

1 in psychology that is equivalent to a degree earned from a
2 regionally accredited university in the United States or Canada.
3 These applicants shall provide the board with a comprehensive
4 evaluation of the degree performed by a foreign credential
5 evaluation service that is a member of the National Association
6 of Credential Evaluation Services (NACES), and any other
7 documentation the board deems necessary.

8 (c) Have engaged for at least two years in supervised
9 professional experience under the direction of a licensed
10 psychologist, the specific requirements of which shall be defined
11 by the board in its regulations, or under suitable alternative
12 supervision as determined by the board in regulations duly adopted
13 under this chapter, at least one year of which shall be after being
14 awarded the doctorate in psychology. If the supervising licensed
15 psychologist fails to provide verification to the board of the
16 experience required by this subdivision within 30 days after being
17 so requested by the applicant, the applicant may provide written
18 verification directly to the board.

19 If the applicant sends verification directly to the board, the
20 applicant shall file with the board a declaration of proof of service,
21 under penalty of perjury, of the request for verification. A copy of
22 the completed verification forms shall be provided to the
23 supervising psychologist and the applicant shall prove to the board
24 that a copy has been sent to the supervising psychologist by filing
25 a declaration of proof of service under penalty of perjury, and shall
26 file this declaration with the board when the verification forms are
27 submitted.

28 Upon receipt by the board of the applicant's verification and
29 declarations, a rebuttable presumption affecting the burden of
30 producing evidence is created that the supervised, professional
31 experience requirements of this subdivision have been satisfied.
32 The supervising psychologist shall have 20 days from the day the
33 board receives the verification and declaration to file a rebuttal
34 with the board.

35 The authority provided by this subdivision for an applicant to
36 file written verification directly shall apply only to an applicant
37 who has acquired the experience required by this subdivision in
38 the United States.

1 The board shall establish qualifications by regulation for
2 supervising psychologists and shall review and approve applicants
3 for this position on a case-by-case basis.

4 (d) Take and pass the examination required by Section 2941
5 unless otherwise exempted by the board under this chapter.

6 (e) Show by evidence satisfactory to the board that he or she
7 has completed training in the detection and treatment of alcohol
8 and other chemical substance dependency. This requirement applies
9 only to applicants who matriculate on or after September 1, 1985.

10 (f) (1) Show by evidence satisfactory to the board that he or
11 she has completed coursework in spousal or partner abuse
12 assessment, detection, and intervention. This requirement applies
13 to applicants who began graduate training during the period
14 commencing on January 1, 1995, and ending on December 31,
15 2003.

16 (2) An applicant who began graduate training on or after January
17 1, 2004, shall show by evidence satisfactory to the board that he
18 or she has completed a minimum of 15 contact hours of coursework
19 in spousal or partner abuse assessment, detection, and intervention
20 strategies, including knowledge of community resources, cultural
21 factors, and same gender abuse dynamics. An applicant may request
22 an exemption from this requirement if he or she intends to practice
23 in an area that does not include the direct provision of mental health
24 services.

25 (3) Coursework required under this subdivision may be
26 satisfactory if taken either in fulfillment of other educational
27 requirements for licensure or in a separate course. This requirement
28 for coursework shall be satisfied by, and the board shall accept in
29 satisfaction of the requirement, a certification from the chief
30 academic officer of the educational institution from which the
31 applicant graduated that the required coursework is included within
32 the institution's required curriculum for graduation.

33 (g) An applicant holding a doctoral degree in psychology from
34 an approved institution is deemed to meet the requirements of this
35 section if both of the following are true:

36 (1) The approved institution offered a doctoral degree in
37 psychology designed to prepare students for a license to practice
38 psychology and was approved by the Bureau for Private
39 Postsecondary and Vocational Education on or before July 1, 1999.

1 (2) The approved institution has not, since July 1, 1999, had a
2 new location, as described in Section 94823.5 of the Education
3 Code.

4 ~~SEC. 33.~~

5 *SEC. 48.* Section 3057 of the Business and Professions Code
6 is amended to read:

7 3057. (a) The board may issue a license to practice optometry
8 to a person who meets all of the following requirements:

9 (1) Has a degree as a doctor of optometry issued by an accredited
10 school or college of optometry.

11 (2) Has successfully passed the licensing examination for an
12 optometric license in another state.

13 (3) Submits proof that he or she is licensed in good standing as
14 of the date of application in every state where he or she holds a
15 license, including compliance with continuing education
16 requirements.

17 (4) Is not subject to disciplinary action as set forth in subdivision
18 (h) of Section 3110. If the person has been subject to disciplinary
19 action, the board shall review that action to determine if it presents
20 sufficient evidence of a violation of this chapter to warrant the
21 submission of additional information from the person or the denial
22 of the application for licensure.

23 (5) Has furnished a signed release allowing the disclosure of
24 information from the Healthcare Integrity and Protection Data
25 Bank and, if applicable, the verification of registration status with
26 the federal Drug Enforcement Administration. The board shall
27 review this information to determine if it presents sufficient
28 evidence of a violation of this chapter to warrant the submission
29 of additional information from the person or the denial of the
30 application for licensure.

31 (6) Has never had his or her license to practice optometry
32 revoked or suspended in any state where the person holds a license.

33 (7) (A) Is not subject to denial of an application for licensure
34 based on any of the grounds listed in Section 480.

35 (B) Is not currently required to register as a sex offender
36 pursuant to Section 290 of the Penal Code.

37 (8) Has met the minimum continuing education requirements
38 set forth in Section 3059 for the current and preceding year.

1 (9) Has met the certification requirements of Section 3041.3 to
2 use therapeutic pharmaceutical agents under subdivision (e) of
3 Section 3041.

4 (10) Submits any other information as specified by the board
5 to the extent it is required for licensure by examination under this
6 chapter.

7 (11) Files an application on a form prescribed by the board,
8 with an acknowledgment by the person executed under penalty of
9 perjury and automatic forfeiture of license, of the following:

10 (A) That the information provided by the person to the board
11 is true and correct, to the best of his or her knowledge and belief.

12 (B) That the person has not been convicted of an offense
13 involving conduct that would violate Section 810.

14 (12) Pays an application fee in an amount equal to the
15 application fee prescribed pursuant to subdivision (a) of Section
16 3152.

17 (13) Has successfully passed the board's jurisprudence
18 examination.

19 (b) If the board finds that the competency of a candidate for
20 licensure pursuant to this section is in question, the board may
21 require the passage of a written, practical, or clinical exam or
22 completion of additional continuing education or coursework.

23 (c) In cases where the person establishes, to the board's
24 satisfaction, that he or she has been displaced by a federally
25 declared emergency and cannot relocate to his or her state of
26 practice within a reasonable time without economic hardship, the
27 board may reduce or waive the fees required by paragraph (12) of
28 subdivision (a).

29 (d) Any license issued pursuant to this section shall expire as
30 provided in Section 3146, and may be renewed as provided in this
31 chapter, subject to the same conditions as other licenses issued
32 under this chapter.

33 (e) The term "in good standing," as used in this section, means
34 that a person under this section:

35 (1) Is not currently under investigation nor has been charged
36 with an offense for any act substantially related to the practice of
37 optometry by any public agency, nor entered into any consent
38 agreement or subject to an administrative decision that contains
39 conditions placed by an agency upon a person's professional
40 conduct or practice, including any voluntary surrender of license,

1 nor been the subject of an adverse judgment resulting from the
2 practice of optometry that the board determines constitutes
3 evidence of a pattern of incompetence or negligence.

4 (2) Has no physical or mental impairment related to drugs or
5 alcohol, and has not been found mentally incompetent by a licensed
6 psychologist or licensed psychiatrist so that the person is unable
7 to undertake the practice of optometry in a manner consistent with
8 the safety of a patient or the public.

9 ~~SEC. 34.~~

10 *SEC. 49.* Section 3509.5 of the Business and Professions Code
11 is amended to read:

12 3509.5. The board shall elect annually a president and a vice
13 president from among its members.

14 *SEC. 50. Section 3576 of the Business and Professions Code*
15 *is amended to read:*

16 3576. (a) A registration under this chapter may be denied,
17 suspended, revoked, *placed on probation*, or otherwise subjected
18 to discipline for any of the following by the holder:

19 (1) Incompetence, gross negligence, or repeated similar
20 negligent acts performed by the registrant.

21 (2) An act of dishonesty or fraud.

22 (3) Committing any act or being convicted of a crime
23 constituting grounds for denial of licensure or registration under
24 Section 480.

25 (4) Violating or attempting to violate any provision of this
26 chapter or any regulation adopted under this chapter.

27 (b) Proceedings under this section shall be conducted in
28 accordance with Chapter 5 (commencing with Section 11500) of
29 Part 1 of Division 3 of Title 2 of the Government Code, and the
30 board shall have all powers granted therein.

31 *SEC. 51. Section 3576.5 is added to the Business and*
32 *Professions Code, to read:*

33 3576.5. (a) *A person whose registration has been surrendered*
34 *while under investigation or while charges are pending or whose*
35 *registration has been revoked or suspended or placed on probation,*
36 *may petition the board for reinstatement or modification of penalty,*
37 *including modification or termination of probation.*

38 (b) *The person may file the petition after a period of not less*
39 *than the following minimum periods have elapsed from the effective*

1 *date of the surrender of the registration or the decision ordering*
2 *that disciplinary action:*

3 *(1) At least three years for reinstatement of a registration*
4 *surrendered or revoked for unprofessional conduct, except that*
5 *the board may, for good cause shown, specify in a revocation order*
6 *that a petition for reinstatement may be filed after two years.*

7 *(2) At least two years for early termination of probation of three*
8 *years or more.*

9 *(3) At least one year for modification of a condition, or*
10 *reinstatement of a registration surrendered or revoked for mental*
11 *or physical illness, or termination of probation of less than three*
12 *years.*

13 *(c) The petition shall state any facts as may be required by the*
14 *board. The petition shall be accompanied by at least two verified*
15 *recommendations from registrants registered in any state who*
16 *have personal knowledge of the activities of the petitioner since*
17 *the disciplinary penalty was imposed.*

18 *(d) The petition may be heard by a panel of the board. The board*
19 *may assign the petition to an administrative law judge designated*
20 *in Section 11371 of the Government Code. After a hearing on the*
21 *petition, the administrative law judge shall provide a proposed*
22 *decision to the board, which shall be acted upon in accordance*
23 *with Section 2335.*

24 *(e) The panel of the board or the administrative law judge*
25 *hearing the petition may consider all activities of the petitioner*
26 *since the disciplinary action was taken, the offense for which the*
27 *petitioner was disciplined, the petitioner's activities during the*
28 *time the certificate was in good standing, and the petitioner's*
29 *rehabilitative efforts, general reputation for truth, and professional*
30 *ability. The hearing may be continued from time to time as the*
31 *administrative law judge designated in Section 11371 of the*
32 *Government Code finds necessary.*

33 *(f) The administrative law judge, designated in Section 11371*
34 *of the Government Code, reinstating a certificate or modifying a*
35 *penalty may recommend the imposition of any terms and conditions*
36 *deemed necessary.*

37 *(g) No petition shall be considered while the petitioner is under*
38 *sentence for any criminal offense, including any period during*
39 *which the petitioner is on court-imposed probation or parole. No*
40 *petition shall be considered while there is an accusation or petition*

1 to revoke probation pending against the person. The board may
2 deny without a hearing or argument any petition filed pursuant to
3 this section within a period of two years from the effective date of
4 the prior decision following a hearing under this section.

5 *SEC. 52. Section 3577 of the Business and Professions Code*
6 *is amended to read:*

7 3577. (a) Each person who applies for registration under this
8 chapter shall pay into the Contingent Fund of the Medical Board
9 of California a fee to be fixed by the board at a sum not in excess
10 of one hundred dollars (\$100).

11 (b) Each person to whom registration is granted under this
12 chapter shall pay into the Contingent Fund of the Medical Board
13 of California a fee to be fixed by the board at a sum not in excess
14 of one hundred dollars (\$100).

15 (c) The registration shall expire after two years. The registration
16 may be renewed biennially at a fee which shall be paid into the
17 Contingent Fund of the Medical Board of California to be fixed
18 by the board at a sum not in excess of one hundred fifty dollars
19 (\$150).

20 (d) A registrant placed on probation shall be required to pay
21 probation monitoring fees upon order of the board.

22 ~~(d)~~

23 (e) The money in the Contingent Fund of the Medical Board of
24 California that is collected pursuant to this section shall be used
25 for the administration of this chapter.

26 ~~SEC. 35.~~

27 *SEC. 53. Section 4836.2 of the Business and Professions Code*
28 *is amended to read:*

29 4836.2. (a) Applications for a veterinary assistant controlled
30 substance permit shall be upon a form furnished by the board.

31 (b) The fee for filing an application for a veterinary assistant
32 controlled substance permit shall be set by the board in an amount
33 the board determines is reasonably necessary to provide sufficient
34 funds to carry out the purposes of this section, not to exceed one
35 hundred dollars (\$100).

36 (c) The board may suspend or revoke the controlled substance
37 permit of a veterinary assistant after notice and hearing for any
38 cause provided in this subdivision. The proceedings under this
39 section shall be conducted in accordance with the provisions for
40 administrative adjudication in Chapter 5 (commencing with Section

1 11500) of Part 1 of Division 3 of Title 2 of the Government Code,
2 and the board shall have all the powers granted therein. The board
3 may deny, revoke, or suspend a veterinary assistant controlled
4 substance permit for any of the following reasons:

5 (1) The employment of fraud, misrepresentation, or deception
6 in obtaining a veterinary assistant controlled substance permit.

7 (2) Chronic inebriety or habitual use of controlled substances.

8 (3) The veterinary assistant to whom the permit is issued has
9 been convicted of a state or federal felony controlled substance
10 violation.

11 (4) Violating or attempts to violate, directly or indirectly, or
12 assisting in or abetting the violation of, or conspiring to violate,
13 any provision of this chapter, or of the regulations adopted under
14 this chapter.

15 (d) The board shall not issue a veterinary assistant controlled
16 substance permit to any applicant with a state or federal felony
17 controlled substance conviction.

18 (e) (1) As part of the application for a veterinary assistant
19 controlled substance permit, the applicant shall submit to the
20 Department of Justice fingerprint images and related information,
21 as required by the Department of Justice for all veterinary assistant
22 applicants, for the purposes of obtaining information as to the
23 existence and content of a record of state or federal convictions
24 and state or federal arrests and information as to the existence and
25 content of a record of state or federal arrests for which the
26 Department of Justice establishes that the person is free on bail or
27 on his or her own recognizance pending trial or appeal.

28 (2) When received, the Department of Justice shall forward to
29 the Federal Bureau of Investigation requests for federal summary
30 criminal history information that it receives pursuant to this section.
31 The Department of Justice shall review any information returned
32 to it from the Federal Bureau of Investigation and compile and
33 disseminate a response to the board summarizing that information.

34 (3) The Department of Justice shall provide a state or federal
35 level response to the board pursuant to paragraph (1) of subdivision
36 (p) of Section 11105 of the Penal Code.

37 (4) The Department of Justice shall charge a reasonable fee
38 sufficient to cover the cost of processing the request described in
39 this subdivision.

1 (f) The board shall request from the Department of Justice
2 subsequent notification service, as provided pursuant to Section
3 11105.2 of the Penal Code, for persons described in paragraph (1)
4 of subdivision (e).

5 (g) This section shall become operative on July 1, 2015.

6 *SEC. 54. Section 4887 of the Business and Professions Code*
7 *is amended to read:*

8 4887. (a) A person whose license or registration has been
9 revoked or who has been placed on probation may petition the
10 board for reinstatement or modification of penalty including
11 modification or termination of probation after a period of not less
12 than one year has elapsed from the effective date of the decision
13 ordering the disciplinary action. The petition shall state such facts
14 as may be required by the board.

15 ~~The~~

16 (b) *The* petition shall be accompanied by at least two verified
17 recommendations from veterinarians licensed by the board who
18 have personal knowledge of the activities of the petitioner since
19 the disciplinary penalty was imposed. The petition shall be heard
20 by the board. The board may consider all activities of the petitioner
21 since the disciplinary action was taken, the offense for which the
22 petitioner was disciplined, the petitioner's activities since the
23 license or registration was in good standing, and the petitioner's
24 rehabilitation efforts, general reputation for truth, and professional
25 ability. The hearing may be continued from time to time as the
26 board finds necessary.

27 ~~The~~

28 (c) *The* board reinstating the license or registration or modifying
29 a penalty may impose ~~such~~ terms and conditions as it determines
30 necessary. To reinstate a revoked license or registration or to
31 otherwise reduce a penalty or modify probation shall require a
32 vote of five of the members of the board.

33 ~~The~~

34 (d) *The* petition shall *not* be considered while the petitioner is
35 under sentence for any criminal offense, including any period
36 during which the petitioner is on court-imposed probation or parole.
37 The board may deny without a hearing or argument any petition
38 filed pursuant to this section within a period of two years from the
39 effective date of the prior decision following a hearing under this
40 section.

1 ~~SEC. 36.~~

2 *SEC. 55.* Section 4938 of the Business and Professions Code
3 is amended to read:

4 4938. The board shall issue a license to practice acupuncture
5 to any person who makes an application and meets the following
6 requirements:

7 (a) Is at least 18 years of age.

8 (b) Furnishes satisfactory evidence of completion of one of the
9 following:

10 (1) (A) An approved educational and training program.

11 (B) If an applicant began his or her educational and training
12 program at a school or college that submitted a letter of intent to
13 pursue accreditation to, or attained candidacy status from, the
14 Accreditation Commission for Acupuncture and Oriental Medicine,
15 but the commission subsequently denied the school or college
16 candidacy status or accreditation, respectively, the board may
17 review and evaluate the educational training and clinical experience
18 to determine whether to waive the requirements set forth in this
19 subdivision with respect to that applicant.

20 (2) Satisfactory completion of a tutorial program in the practice
21 of an acupuncturist that is approved by the board.

22 (3) In the case of an applicant who has completed education
23 and training outside the United States, documented educational
24 training and clinical experience that meets the standards established
25 pursuant to Sections 4939 and 4941.

26 (c) Passes a written examination administered by the board that
27 tests the applicant's ability, competency, and knowledge in the
28 practice of an acupuncturist. The written examination shall be
29 developed by the Office of Professional Examination Services of
30 the Department of Consumer Affairs.

31 (d) Is not subject to denial pursuant to Division 1.5 (commencing
32 with Section 475).

33 (e) Completes a clinical internship training program approved
34 by the board. The clinical internship training program shall not
35 exceed nine months in duration and shall be located in a clinic in
36 this state that is an approved educational and training program.
37 The length of the clinical internship shall depend upon the grades
38 received in the examination and the clinical training already
39 satisfactorily completed by the individual prior to taking the
40 examination. On and after January 1, 1987, individuals with 800

1 or more hours of documented clinical training shall be deemed to
2 have met this requirement. The purpose of the clinical internship
3 training program shall be to ensure a minimum level of clinical
4 competence.

5 Each applicant who qualifies for a license shall pay, as a
6 condition precedent to its issuance and in addition to other fees
7 required, the initial licensure fee.

8 ~~SEC. 37.~~

9 *SEC. 56.* Section 4939 of the Business and Professions Code,
10 as added by Section 9 of Chapter 397 of the Statutes of 2014, is
11 amended to read:

12 4939. (a) The board shall establish standards for the approval
13 of educational training and clinical experience received outside
14 the United States.

15 (b) This section shall become operative on January 1, 2017.

16 ~~SEC. 38.~~

17 *SEC. 57.* Section 4980.399 of the Business and Professions
18 Code is amended to read:

19 4980.399. (a) Except as provided in subdivision (a) of Section
20 4980.398, each applicant and registrant shall obtain a passing score
21 on a board-administered California law and ethics examination in
22 order to qualify for licensure.

23 (b) A registrant shall participate in a board-administered
24 California law and ethics examination prior to his or her registration
25 renewal.

26 (c) Notwithstanding subdivision (b), an applicant who holds a
27 registration eligible for renewal, with an expiration date no later
28 than June 30, 2016, and who applies for renewal of that registration
29 between January 1, 2016, and June 30, 2016, shall, if eligible, be
30 allowed to renew the registration without first participating in the
31 California law and ethics examination. These applicants shall
32 participate in the California law and ethics examination in the next
33 renewal cycle, and shall pass the examination prior to licensure or
34 issuance of a subsequent registration number, as specified in this
35 section.

36 (d) If an applicant fails the California law and ethics
37 examination, he or she may retake the examination, upon payment
38 of the required fees, without further application except as provided
39 in subdivision (e).

1 (e) If a registrant fails to obtain a passing score on the California
2 law and ethics examination described in subdivision (a) within his
3 or her renewal period on or after the operative date of this section,
4 he or she shall complete, at a minimum, a 12-hour course in
5 California law and ethics in order to be eligible to participate in
6 the California law and ethics examination. Registrants shall only
7 take the 12-hour California law and ethics course once during a
8 renewal period. The 12-hour law and ethics course required by
9 this section shall be taken through a continuing education provider
10 as specified by the board by regulation, a county, state or
11 governmental entity, or a college or university.

12 (f) The board shall not issue a subsequent registration number
13 unless the registrant has passed the California law and ethics
14 examination.

15 (g) Notwithstanding subdivision (f), an applicant who holds or
16 has held a registration, with an expiration date no later than January
17 1, 2017, and who applies for a subsequent registration number
18 between January 1, 2016, and January 1, 2017, shall, if eligible,
19 be allowed to obtain the subsequent registration number without
20 first passing the California law and ethics examination. These
21 applicants shall pass the California law and ethics examination
22 during the next renewal period or prior to licensure, whichever
23 occurs first.

24 (h) This section shall become operative on January 1, 2016.

25 ~~SEC. 39.~~

26 *SEC. 58.* Section 4980.43 of the Business and Professions Code
27 is amended to read:

28 4980.43. (a) Prior to applying for licensure examinations, each
29 applicant shall complete experience that shall comply with the
30 following:

31 (1) A minimum of 3,000 hours completed during a period of at
32 least 104 weeks.

33 (2) Not more than 40 hours in any seven consecutive days.

34 (3) Not less than 1,700 hours of supervised experience
35 completed subsequent to the granting of the qualifying master's
36 or doctoral degree.

37 (4) Not more than 1,300 hours of supervised experience obtained
38 prior to completing a master's or doctoral degree.

1 The applicant shall not be credited with more than 750 hours of
2 counseling and direct supervisor contact prior to completing the
3 master's or doctoral degree.

4 (5) No hours of experience may be gained prior to completing
5 either 12 semester units or 18 quarter units of graduate instruction
6 and becoming a trainee except for personal psychotherapy.

7 (6) No hours of experience may be gained more than six years
8 prior to the date the application for examination eligibility was
9 filed, except that up to 500 hours of clinical experience gained in
10 the supervised practicum required by subdivision (c) of Section
11 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
12 of Section 4980.36 shall be exempt from this six-year requirement.

13 (7) Not more than a combined total of 1,000 hours of experience
14 in the following:

15 (A) Direct supervisor contact.

16 (B) Professional enrichment activities. For purposes of this
17 chapter, "professional enrichment activities" include the following:

18 (i) Workshops, seminars, training sessions, or conferences
19 directly related to marriage and family therapy attended by the
20 applicant that are approved by the applicant's supervisor. An
21 applicant shall have no more than 250 hours of verified attendance
22 at these workshops, seminars, training sessions, or conferences.

23 (ii) Participation by the applicant in personal psychotherapy,
24 which includes group, marital or conjoint, family, or individual
25 psychotherapy by an appropriately licensed professional. An
26 applicant shall have no more than 100 hours of participation in
27 personal psychotherapy. The applicant shall be credited with three
28 hours of experience for each hour of personal psychotherapy.

29 (8) Not more than 500 hours of experience providing group
30 therapy or group counseling.

31 (9) For all hours gained on or after January 1, 2012, not more
32 than 500 hours of experience in the following:

33 (A) Experience administering and evaluating psychological
34 tests, writing clinical reports, writing progress notes, or writing
35 process notes.

36 (B) Client centered advocacy.

37 (10) Not less than 500 total hours of experience in diagnosing
38 and treating couples, families, and children. For up to 150 hours
39 of treating couples and families in conjoint therapy, the applicant

1 shall be credited with two hours of experience for each hour of
2 therapy provided.

3 (11) Not more than 375 hours of experience providing personal
4 psychotherapy, crisis counseling, or other counseling services via
5 telehealth in accordance with Section 2290.5.

6 (12) It is anticipated and encouraged that hours of experience
7 will include working with elders and dependent adults who have
8 physical or mental limitations that restrict their ability to carry out
9 normal activities or protect their rights.

10 This subdivision shall only apply to hours gained on and after
11 January 1, 2010.

12 (b) All applicants, trainees, and registrants shall be at all times
13 under the supervision of a supervisor who shall be responsible for
14 ensuring that the extent, kind, and quality of counseling performed
15 is consistent with the training and experience of the person being
16 supervised, and who shall be responsible to the board for
17 compliance with all laws, rules, and regulations governing the
18 practice of marriage and family therapy. Supervised experience
19 shall be gained by interns and trainees only as an employee or as
20 a volunteer. The requirements of this chapter regarding gaining
21 hours of experience and supervision are applicable equally to
22 employees and volunteers. Experience shall not be gained by
23 interns or trainees as an independent contractor.

24 (1) If employed, an intern shall provide the board with copies
25 of the corresponding W-2 tax forms for each year of experience
26 claimed upon application for licensure.

27 (2) If volunteering, an intern shall provide the board with a letter
28 from his or her employer verifying the intern's employment as a
29 volunteer upon application for licensure.

30 (c) Except for experience gained pursuant to subparagraph (B)
31 of paragraph (7) of subdivision (a), supervision shall include at
32 least one hour of direct supervisor contact in each week for which
33 experience is credited in each work setting, as specified:

34 (1) A trainee shall receive an average of at least one hour of
35 direct supervisor contact for every five hours of client contact in
36 each setting. No more than six hours of supervision, whether
37 individual or group, shall be credited during any single week.

38 (2) An individual supervised after being granted a qualifying
39 degree shall receive at least one additional hour of direct supervisor
40 contact for every week in which more than 10 hours of client

1 contact is gained in each setting. No more than six hours of
2 supervision, whether individual or group, shall be credited during
3 any single week.

4 (3) For purposes of this section, “one hour of direct supervisor
5 contact” means one hour per week of face-to-face contact on an
6 individual basis or two hours per week of face-to-face contact in
7 a group.

8 (4) Direct supervisor contact shall occur within the same week
9 as the hours claimed.

10 (5) Direct supervisor contact provided in a group shall be
11 provided in a group of not more than eight supervisees and in
12 segments lasting no less than one continuous hour.

13 (6) Notwithstanding paragraph (3), an intern working in a
14 governmental entity, a school, a college, or a university, or an
15 institution that is both nonprofit and charitable may obtain the
16 required weekly direct supervisor contact via two-way, real-time
17 videoconferencing. The supervisor shall be responsible for ensuring
18 that client confidentiality is upheld.

19 (7) All experience gained by a trainee shall be monitored by the
20 supervisor as specified by regulation.

21 (8) The six hours of supervision that may be credited during
22 any single week pursuant to paragraphs (1) and (2) shall apply to
23 supervision hours gained on or after January 1, 2009.

24 (d) (1) A trainee may be credited with supervised experience
25 completed in any setting that meets all of the following:

26 (A) Lawfully and regularly provides mental health counseling
27 or psychotherapy.

28 (B) Provides oversight to ensure that the trainee’s work at the
29 setting meets the experience and supervision requirements set forth
30 in this chapter and is within the scope of practice for the profession
31 as defined in Section 4980.02.

32 (C) Is not a private practice owned by a licensed marriage and
33 family therapist, a licensed professional clinical counselor, a
34 licensed psychologist, a licensed clinical social worker, a licensed
35 physician and surgeon, or a professional corporation of any of
36 those licensed professions.

37 (2) Experience may be gained by the trainee solely as part of
38 the position for which the trainee volunteers or is employed.

39 (e) (1) An intern may be credited with supervised experience
40 completed in any setting that meets both of the following:

1 (A) Lawfully and regularly provides mental health counseling
2 or psychotherapy.

3 (B) Provides oversight to ensure that the intern’s work at the
4 setting meets the experience and supervision requirements set forth
5 in this chapter and is within the scope of practice for the profession
6 as defined in Section 4980.02.

7 (2) An applicant shall not be employed or volunteer in a private
8 practice, as defined in subparagraph (C) of paragraph (1) of
9 subdivision (d), until registered as an intern.

10 (3) While an intern may be either a paid employee or a
11 volunteer, employers are encouraged to provide fair remuneration
12 to interns.

13 (4) Except for periods of time during a supervisor’s vacation or
14 sick leave, an intern who is employed or volunteering in private
15 practice shall be under the direct supervision of a licensee that has
16 satisfied subdivision (g) of Section 4980.03. The supervising
17 licensee shall either be employed by and practice at the same site
18 as the intern’s employer, or shall be an owner or shareholder of
19 the private practice. Alternative supervision may be arranged during
20 a supervisor’s vacation or sick leave if the supervision meets the
21 requirements of this section.

22 (5) Experience may be gained by the intern solely as part of the
23 position for which the intern volunteers or is employed.

24 (f) Except as provided in subdivision (g), all persons shall
25 register with the board as an intern to be credited for postdegree
26 hours of supervised experience gained toward licensure.

27 (g) Postdegree hours of experience shall be credited toward
28 licensure so long as the applicant applies for the intern registration
29 within 90 days of the granting of the qualifying master’s or doctoral
30 degree and is thereafter granted the intern registration by the board.
31 An applicant shall not be employed or volunteer in a private
32 practice until registered as an intern by the board.

33 (h) Trainees, interns, and applicants shall not receive any
34 remuneration from patients or clients, and shall only be paid by
35 their employers.

36 (i) Trainees, interns, and applicants shall only perform services
37 at the place where their employers regularly conduct business,
38 which may include performing services at other locations, so long
39 as the services are performed under the direction and control of
40 their employer and supervisor, and in compliance with the laws

1 and regulations pertaining to supervision. Trainees and interns
2 shall have no proprietary interest in their employers' businesses
3 and shall not lease or rent space, pay for furnishings, equipment,
4 or supplies, or in any other way pay for the obligations of their
5 employers.

6 (j) Trainees, interns, or applicants who provide volunteered
7 services or other services, and who receive no more than a total,
8 from all work settings, of five hundred dollars (\$500) per month
9 as reimbursement for expenses actually incurred by those trainees,
10 interns, or applicants for services rendered in any lawful work
11 setting other than a private practice shall be considered an
12 employee and not an independent contractor. The board may audit
13 applicants who receive reimbursement for expenses, and the
14 applicants shall have the burden of demonstrating that the payments
15 received were for reimbursement of expenses actually incurred.

16 (k) Each educational institution preparing applicants for
17 licensure pursuant to this chapter shall consider requiring, and
18 shall encourage, its students to undergo individual, marital or
19 conjoint, family, or group counseling or psychotherapy, as
20 appropriate. Each supervisor shall consider, advise, and encourage
21 his or her interns and trainees regarding the advisability of
22 undertaking individual, marital or conjoint, family, or group
23 counseling or psychotherapy, as appropriate. Insofar as it is deemed
24 appropriate and is desired by the applicant, the educational
25 institution and supervisors are encouraged to assist the applicant
26 in locating that counseling or psychotherapy at a reasonable cost.

27 ~~SEC. 40.~~

28 *SEC. 59.* Section 4980.54 of the Business and Professions Code
29 is amended to read:

30 4980.54. (a) The Legislature recognizes that the education and
31 experience requirements in this chapter constitute only minimal
32 requirements to ensure that an applicant is prepared and qualified
33 to take the licensure examinations as specified in subdivision (d)
34 of Section 4980.40 and, if he or she passes those examinations, to
35 begin practice.

36 (b) In order to continuously improve the competence of licensed
37 marriage and family therapists and as a model for all
38 psychotherapeutic professions, the Legislature encourages all
39 licensees to regularly engage in continuing education related to
40 the profession or scope of practice as defined in this chapter.

1 (c) Except as provided in subdivision (e), the board shall not
2 renew any license pursuant to this chapter unless the applicant
3 certifies to the board, on a form prescribed by the board, that he
4 or she has completed not less than 36 hours of approved continuing
5 education in or relevant to the field of marriage and family therapy
6 in the preceding two years, as determined by the board.

7 (d) The board shall have the right to audit the records of any
8 applicant to verify the completion of the continuing education
9 requirement. Applicants shall maintain records of completion of
10 required continuing education coursework for a minimum of two
11 years and shall make these records available to the board for
12 auditing purposes upon request.

13 (e) The board may establish exceptions from the continuing
14 education requirements of this section for good cause, as defined
15 by the board.

16 (f) The continuing education shall be obtained from one of the
17 following sources:

18 (1) An accredited school or state-approved school that meets
19 the requirements set forth in Section 4980.36 or 4980.37. Nothing
20 in this paragraph shall be construed as requiring coursework to be
21 offered as part of a regular degree program.

22 (2) Other continuing education providers, as specified by the
23 board by regulation.

24 (g) The board shall establish, by regulation, a procedure for
25 identifying acceptable providers of continuing education courses,
26 and all providers of continuing education, as described in
27 paragraphs (1) and (2) of subdivision (f), shall adhere to procedures
28 established by the board. The board may revoke or deny the right
29 of a provider to offer continuing education coursework pursuant
30 to this section for failure to comply with this section or any
31 regulation adopted pursuant to this section.

32 (h) Training, education, and coursework by approved providers
33 shall incorporate one or more of the following:

34 (1) Aspects of the discipline that are fundamental to the
35 understanding or the practice of marriage and family therapy.

36 (2) Aspects of the discipline of marriage and family therapy in
37 which significant recent developments have occurred.

38 (3) Aspects of other disciplines that enhance the understanding
39 or the practice of marriage and family therapy.

1 (i) A system of continuing education for licensed marriage and
2 family therapists shall include courses directly related to the
3 diagnosis, assessment, and treatment of the client population being
4 served.

5 (j) The board shall, by regulation, fund the administration of
6 this section through continuing education provider fees to be
7 deposited in the Behavioral Sciences Fund. The fees related to the
8 administration of this section shall be sufficient to meet, but shall
9 not exceed, the costs of administering the corresponding provisions
10 of this section. For purposes of this subdivision, a provider of
11 continuing education as described in paragraph (1) of subdivision
12 (f) shall be deemed to be an approved provider.

13 (k) The continuing education requirements of this section shall
14 comply fully with the guidelines for mandatory continuing
15 education established by the Department of Consumer Affairs
16 pursuant to Section 166.

17 ~~SEC. 41.~~

18 *SEC. 60.* Section 4984.01 of the Business and Professions
19 Code, as amended by Section 31 of Chapter 473 of the Statutes of
20 2013, is amended to read:

21 4984.01. (a) The marriage and family therapist intern
22 registration shall expire one year from the last day of the month
23 in which it was issued.

24 (b) To renew the registration, the registrant shall, on or before
25 the expiration date of the registration, complete all of the following
26 actions:

27 (1) Apply for renewal on a form prescribed by the board.

28 (2) Pay a renewal fee prescribed by the board.

29 (3) Participate in the California law and ethics examination
30 pursuant to Section 4980.399 each year until successful completion
31 of this examination.

32 (4) Notify the board whether he or she has been convicted, as
33 defined in Section 490, of a misdemeanor or felony, and whether
34 any disciplinary action has been taken against him or her by a
35 regulatory or licensing board in this or any other state subsequent
36 to the last renewal of the registration.

37 (c) The registration may be renewed a maximum of five times.
38 No registration shall be renewed or reinstated beyond six years
39 from the last day of the month during which it was issued,
40 regardless of whether it has been revoked. When no further

1 renewals are possible, an applicant may apply for and obtain a
2 subsequent intern registration number if the applicant meets the
3 educational requirements for registration in effect at the time of
4 the application for a subsequent intern registration number and
5 has passed the California law and ethics examination described in
6 Section 4980.399. An applicant who is issued a subsequent intern
7 registration number pursuant to this subdivision shall not be
8 employed or volunteer in a private practice.

9 (d) This section shall become operative on January 1, 2016.

10 ~~SEC. 42.~~

11 *SEC. 61.* Section 4989.34 of the Business and Professions Code
12 is amended to read:

13 4989.34. (a) To renew his or her license, a licensee shall certify
14 to the board, on a form prescribed by the board, completion in the
15 preceding two years of not less than 36 hours of approved
16 continuing education in, or relevant to, educational psychology.

17 (b) (1) The continuing education shall be obtained from either
18 an accredited university or a continuing education provider as
19 specified by the board by regulation.

20 (2) The board shall establish, by regulation, a procedure
21 identifying acceptable providers of continuing education courses,
22 and all providers of continuing education shall comply with
23 procedures established by the board. The board may revoke or
24 deny the right of a provider to offer continuing education
25 coursework pursuant to this section for failure to comply with this
26 section or any regulation adopted pursuant to this section.

27 (c) Training, education, and coursework by approved providers
28 shall incorporate one or more of the following:

29 (1) Aspects of the discipline that are fundamental to the
30 understanding or the practice of educational psychology.

31 (2) Aspects of the discipline of educational psychology in which
32 significant recent developments have occurred.

33 (3) Aspects of other disciplines that enhance the understanding
34 or the practice of educational psychology.

35 (d) The board may audit the records of a licensee to verify
36 completion of the continuing education requirement. A licensee
37 shall maintain records of the completion of required continuing
38 education coursework for a minimum of two years and shall make
39 these records available to the board for auditing purposes upon its
40 request.

1 (e) The board may establish exceptions from the continuing
2 education requirements of this section for good cause, as
3 determined by the board.

4 (f) The board shall, by regulation, fund the administration of
5 this section through continuing education provider fees to be
6 deposited in the Behavioral Sciences Fund. The amount of the fees
7 shall be sufficient to meet, but shall not exceed, the costs of
8 administering this section.

9 (g) The continuing education requirements of this section shall
10 comply fully with the guidelines for mandatory continuing
11 education established by the Department of Consumer Affairs
12 pursuant to Section 166.

13 ~~SEC. 43.~~

14 *SEC. 62.* Section 4992.09 of the Business and Professions Code
15 is amended to read:

16 4992.09. (a) Except as provided in subdivision (a) of Section
17 4992.07, an applicant and registrant shall obtain a passing score
18 on a board-administered California law and ethics examination in
19 order to qualify for licensure.

20 (b) A registrant shall participate in a board-administered
21 California law and ethics examination prior to his or her registration
22 renewal.

23 (c) Notwithstanding subdivision (b), an applicant who holds a
24 registration eligible for renewal, with an expiration date no later
25 than June 30, 2016, and who applies for renewal of that registration
26 between January 1, 2016, and June 30, 2016, shall, if eligible, be
27 allowed to renew the registration without first participating in the
28 California law and ethics examination. These applicants shall
29 participate in the California law and ethics examination in the next
30 renewal cycle, and shall pass the examination prior to licensure or
31 issuance of a subsequent registration number, as specified in this
32 section.

33 (d) If an applicant fails the California law and ethics
34 examination, he or she may retake the examination, upon payment
35 of the required fees, without further application except for as
36 provided in subdivision (e).

37 (e) If a registrant fails to obtain a passing score on the California
38 law and ethics examination described in subdivision (a) within his
39 or her renewal period on or after the operative date of this section,
40 he or she shall complete, at a minimum, a 12-hour course in

1 California law and ethics in order to be eligible to participate in
2 the California law and ethics examination. Registrants shall only
3 take the 12-hour California law and ethics course once during a
4 renewal period. The 12-hour law and ethics course required by
5 this section shall be taken through a continuing education provider,
6 as specified by the board by regulation, a county, state or
7 governmental entity, or a college or university.

8 (f) The board shall not issue a subsequent registration number
9 unless the registrant has passed the California law and ethics
10 examination.

11 (g) Notwithstanding subdivision (f), an applicant who holds or
12 has held a registration, with an expiration date no later than January
13 1, 2017, and who applies for a subsequent registration number
14 between January 1, 2016, and January 1, 2017, shall, if eligible,
15 be allowed to obtain the subsequent registration number without
16 first passing the California law and ethics examination. These
17 applicants shall pass the California law and ethics examination
18 during the next renewal period or prior to licensure, whichever
19 occurs first.

20 (h) This section shall become operative on January 1, 2016.

21 ~~SEC. 44.~~

22 *SEC. 63.* Section 4996.2 of the Business and Professions Code
23 is amended to read:

24 4996.2. Each applicant for a license shall furnish evidence
25 satisfactory to the board that he or she complies with all of the
26 following requirements:

27 (a) Is at least 21 years of age.

28 (b) Has received a master's degree from an accredited school
29 of social work.

30 (c) Has had two years of supervised post-master's degree
31 experience, as specified in Section 4996.23.

32 (d) Has not committed any crimes or acts constituting grounds
33 for denial of licensure under Section 480. The board shall not issue
34 a registration or license to any person who has been convicted of
35 any crime in this or another state or in a territory of the United
36 States that involves sexual abuse of children or who is required to
37 register pursuant to Section 290 of the Penal Code or the equivalent
38 in another state or territory.

39 (e) Has completed adequate instruction and training in the
40 subject of alcoholism and other chemical substance dependency.

1 This requirement applies only to applicants who matriculate on or
2 after January 1, 1986.

3 (f) Has completed instruction and training in spousal or partner
4 abuse assessment, detection, and intervention. This requirement
5 applies to an applicant who began graduate training during the
6 period commencing on January 1, 1995, and ending on December
7 31, 2003. An applicant who began graduate training on or after
8 January 1, 2004, shall complete a minimum of 15 contact hours
9 of coursework in spousal or partner abuse assessment, detection,
10 and intervention strategies, including knowledge of community
11 resources, cultural factors, and same gender abuse dynamics.
12 Coursework required under this subdivision may be satisfactory
13 if taken either in fulfillment of other educational requirements for
14 licensure or in a separate course.

15 (g) Has completed a minimum of 10 contact hours of training
16 or coursework in human sexuality as specified in Section 1807 of
17 Title 16 of the California Code of Regulations. This training or
18 coursework may be satisfactory if taken either in fulfillment of
19 other educational requirements for licensure or in a separate course.

20 (h) Has completed a minimum of seven contact hours of training
21 or coursework in child abuse assessment and reporting as specified
22 in Section 1807.2 of Title 16 of the California Code of Regulations.
23 This training or coursework may be satisfactory if taken either in
24 fulfillment of other educational requirements for licensure or in a
25 separate course.

26 ~~SEC. 45.~~

27 *SEC. 64.* Section 4996.22 of the Business and Professions Code
28 is amended to read:

29 4996.22. (a) (1) Except as provided in subdivision (c), the
30 board shall not renew any license pursuant to this chapter unless
31 the applicant certifies to the board, on a form prescribed by the
32 board, that he or she has completed not less than 36 hours of
33 approved continuing education in or relevant to the field of social
34 work in the preceding two years, as determined by the board.

35 (2) The board shall not renew any license of an applicant who
36 began graduate study prior to January 1, 2004, pursuant to this
37 chapter unless the applicant certifies to the board that during the
38 applicant's first renewal period after the operative date of this
39 section, he or she completed a continuing education course in
40 spousal or partner abuse assessment, detection, and intervention

1 strategies, including community resources, cultural factors, and
2 same gender abuse dynamics. On and after January 1, 2005, the
3 course shall consist of not less than seven hours of training.
4 Equivalent courses in spousal or partner abuse assessment,
5 detection, and intervention strategies taken prior to the operative
6 date of this section or proof of equivalent teaching or practice
7 experience may be submitted to the board and at its discretion,
8 may be accepted in satisfaction of this requirement. Continuing
9 education courses taken pursuant to this paragraph shall be applied
10 to the 36 hours of approved continuing education required under
11 paragraph (1).

12 (b) The board shall have the right to audit the records of any
13 applicant to verify the completion of the continuing education
14 requirement. Applicants shall maintain records of completion of
15 required continuing education coursework for a minimum of two
16 years and shall make these records available to the board for
17 auditing purposes upon request.

18 (c) The board may establish exceptions from the continuing
19 education requirement of this section for good cause as defined
20 by the board.

21 (d) The continuing education shall be obtained from one of the
22 following sources:

23 (1) An accredited school of social work, as defined in Section
24 4991.2, or a school or department of social work that is a candidate
25 for accreditation by the Commission on Accreditation of the
26 Council on Social Work Education. Nothing in this paragraph shall
27 be construed as requiring coursework to be offered as part of a
28 regular degree program.

29 (2) Other continuing education providers, as specified by the
30 board by regulation.

31 (e) The board shall establish, by regulation, a procedure for
32 identifying acceptable providers of continuing education courses,
33 and all providers of continuing education, as described in
34 paragraphs (1) and (2) of subdivision (d), shall adhere to the
35 procedures established by the board. The board may revoke or
36 deny the right of a provider to offer continuing education
37 coursework pursuant to this section for failure to comply with this
38 section or any regulation adopted pursuant to this section.

39 (f) Training, education, and coursework by approved providers
40 shall incorporate one or more of the following:

1 (1) Aspects of the discipline that are fundamental to the
2 understanding, or the practice, of social work.

3 (2) Aspects of the social work discipline in which significant
4 recent developments have occurred.

5 (3) Aspects of other related disciplines that enhance the
6 understanding, or the practice, of social work.

7 (g) A system of continuing education for licensed clinical social
8 workers shall include courses directly related to the diagnosis,
9 assessment, and treatment of the client population being served.

10 (h) The continuing education requirements of this section shall
11 comply fully with the guidelines for mandatory continuing
12 education established by the Department of Consumer Affairs
13 pursuant to Section 166.

14 (i) The board may adopt regulations as necessary to implement
15 this section.

16 (j) The board shall, by regulation, fund the administration of
17 this section through continuing education provider fees to be
18 deposited in the Behavioral Science Examiners Fund. The fees
19 related to the administration of this section shall be sufficient to
20 meet, but shall not exceed, the costs of administering the
21 corresponding provisions of this section. For purposes of this
22 subdivision, a provider of continuing education as described in
23 paragraph (1) of subdivision (d) shall be deemed to be an approved
24 provider.

25 ~~SEC. 46.~~

26 *SEC. 65.* Section 4996.28 of the Business and Professions Code
27 is amended to read:

28 4996.28. (a) Registration as an associate clinical social worker
29 shall expire one year from the last day of the month during which
30 it was issued. To renew a registration, the registrant shall, on or
31 before the expiration date of the registration, complete all of the
32 following actions:

33 (1) Apply for renewal on a form prescribed by the board.

34 (2) Pay a renewal fee prescribed by the board.

35 (3) Notify the board whether he or she has been convicted, as
36 defined in Section 490, of a misdemeanor or felony, and whether
37 any disciplinary action has been taken by a regulatory or licensing
38 board in this or any other state, subsequent to the last renewal of
39 the registration.

1 (4) On and after January 1, 2016, obtain a passing score on the
2 California law and ethics examination pursuant to Section 4992.09.

3 (b) A registration as an associate clinical social worker may be
4 renewed a maximum of five times. When no further renewals are
5 possible, an applicant may apply for and obtain a subsequent
6 associate clinical social worker registration number if the applicant
7 meets all requirements for registration in effect at the time of his
8 or her application for a subsequent associate clinical social worker
9 registration number. An applicant issued a subsequent associate
10 registration number pursuant to this subdivision shall not be
11 employed or volunteer in a private practice.

12 *SEC. 66. Section 4999.1 of the Business and Professions Code*
13 *is amended to read:*

14 4999.1. Application for registration as ~~an in-state or out-of-state~~
15 *a telephone medical advice service* shall be made on a form
16 prescribed by the department, accompanied by the fee prescribed
17 pursuant to Section 4999.5. The department shall make application
18 forms available. Applications shall contain all of the following:

19 (a) The signature of the individual owner of the ~~in-state or~~
20 ~~out-of-state~~ telephone medical advice service, or of all of the
21 partners if the service is a partnership, or of the president or
22 secretary if the service is a corporation. The signature shall be
23 accompanied by a resolution or other written communication
24 identifying the individual whose signature is on the form as owner,
25 partner, president, or secretary.

26 (b) The name under which the person applying for the in-state
27 or out-of-state telephone medical advice service proposes to do
28 business.

29 (c) The physical address, mailing address, and telephone number
30 of the business entity.

31 (d) The designation, including the name and physical address,
32 of an agent for service of process in California.

33 (e) A list of all ~~in-state or out-of-state staff health care~~
34 *professionals* providing ~~telephone~~ medical advice services that are
35 required to be licensed, registered, or certified pursuant to this
36 chapter. This list shall be submitted to the department ~~on a quarterly~~
37 ~~basis~~ on a form to be prescribed by the department and shall
38 include, but not be limited to, the name, ~~address~~, state of licensure,
39 ~~category~~ *type* of license, and license number.

1 (f) The department shall be notified within 30 days of any
2 change of name, physical location, mailing address, or telephone
3 number of any business, owner, partner, corporate officer, or agent
4 for service of process in California, together with copies of all
5 resolutions or other written communications that substantiate these
6 changes.

7 *SEC. 67. Section 4999.2 of the Business and Professions Code*
8 *is amended to read:*

9 4999.2. (a) In order to obtain and maintain a registration,
10 ~~in-state or out-of-state~~ a telephone medical advice services service
11 shall comply with the requirements established by the department.
12 Those requirements shall include, but shall not be limited to, all
13 of the following:

14 (1) (A) Ensuring that all ~~staff~~ *health care professionals* who
15 provide medical advice services are appropriately licensed,
16 certified, or registered as a physician and surgeon pursuant to
17 Chapter 5 (commencing with Section 2000) or the Osteopathic
18 Initiative Act, as a dentist, dental hygienist, dental hygienist in
19 alternative practice, or dental hygienist in extended functions
20 pursuant to Chapter 4 (commencing with Section 1600), as an
21 occupational therapist pursuant to Chapter 5.6 (commencing with
22 Section 2570), as a registered nurse pursuant to Chapter 6
23 (commencing with Section 2700), as a psychologist pursuant to
24 Chapter 6.6 (commencing with Section 2900), *as a naturopathic*
25 *doctor pursuant to Chapter 8.2 (commencing with Section 3610)*,
26 as a marriage and family therapist pursuant to Chapter 13
27 (commencing with Section 4980), as a licensed clinical social
28 worker pursuant to Chapter 14 (commencing with Section 4991),
29 *as a licensed professional clinical counselor pursuant to Chapter*
30 *16 (commencing with Section 4999.10)*, as an optometrist pursuant
31 to Chapter 7 (commencing with Section 3000), or as a chiropractor
32 pursuant to the Chiropractic Initiative Act, and operating consistent
33 with the laws governing their respective scopes of practice in the
34 state within which they provide telephone medical advice services,
35 except as provided in paragraph (2).

36 (B) Ensuring that all ~~staff~~ *health care professionals* who provide
37 telephone medical advice services from an out-of-state ~~location~~
38 ~~are health care professionals~~, *location*, as identified in subparagraph
39 (A), ~~who~~ are licensed, registered, or certified in the state within
40 which they are providing the telephone medical advice services

1 and are operating consistent with the laws governing their
2 respective scopes of practice.

3 (2) Ensuring that the telephone medical advice provided is
4 consistent with good professional practice.

5 (3) Maintaining records of telephone medical advice services,
6 including records of complaints, provided to patients in California
7 for a period of at least five years.

8 (4) Ensuring that no staff member uses a title or designation
9 when speaking to an ~~enrollee or subscriber~~ *enrollee, subscriber,*
10 *or consumer* that may cause a reasonable person to believe that
11 the staff member is a licensed, certified, or registered *health care*
12 professional described in subparagraph (A) of paragraph (1), unless
13 the staff member is a licensed, certified, or registered professional.

14 (5) Complying with all directions and requests for information
15 made by the department.

16 (6) *Notifying the department within 30 days of any change of*
17 *name, physical location, mailing address, or telephone number of*
18 *any business, owner, partner, corporate officer, or agent for service*
19 *of process in California, together with copies of all resolutions or*
20 *other written communications that substantiate these changes.*

21 (7) *Submitting quarterly reports, on a form prescribed by the*
22 *department, to the department within 30 days of the end of each*
23 *calendar quarter.*

24 (b) To the extent permitted by Article VII of the California
25 Constitution, the department may contract with a private nonprofit
26 accrediting agency to evaluate the qualifications of applicants for
27 registration pursuant to this chapter and to make recommendations
28 to the department.

29 *SEC. 68. Section 4999.3 of the Business and Professions Code*
30 *is amended to read:*

31 4999.3. (a) The department may suspend, revoke, or otherwise
32 discipline a registrant or deny an application for registration as ~~an~~
33 ~~in-state or out-of-state~~ a telephone medical advice service based
34 on any of the following:

35 (1) Incompetence, gross negligence, or repeated similar
36 negligent acts performed by the registrant or any employee of the
37 registrant.

38 (2) An act of dishonesty or fraud by the registrant or any
39 employee of the registrant.

1 (3) The commission of any act, or being convicted of a crime,
2 that constitutes grounds for denial or revocation of licensure
3 pursuant to any provision of this division.

4 (b) The proceedings shall be conducted in accordance with
5 Chapter 5 (commencing with Section 11500) of Part 1 of Division
6 3 of Title 2 of the Government Code, and the department shall
7 have all powers granted therein.

8 (c) Copies of any complaint against ~~an in-state or out-of-state~~
9 a telephone medical advice service shall be forwarded to the
10 Department of Managed *Health* Care.

11 (d) The department shall forward a copy of any complaint
12 submitted to the department pursuant to this chapter to the entity
13 that issued the license to the licensee involved in the advice
14 provided to the patient.

15 *SEC. 69. Section 4999.4 of the Business and Professions Code*
16 *is amended to read:*

17 4999.4. (a) Every registration issued to a telephone medical
18 advice service shall expire 24 months after the initial date of
19 issuance.

20 (b) To renew an unexpired registration, the registrant shall,
21 before the time at which the ~~license~~ registration would otherwise
22 expire, ~~apply for renewal on a form prescribed by the bureau, and~~
23 pay the renewal fee authorized by Section 4999.5.

24 (c) ~~A registration that is not renewed within three years~~
25 ~~following its expiration shall not be renewed, restored, or reinstated~~
26 ~~thereafter, and the delinquent registration shall be canceled~~
27 ~~immediately upon expiration of the three-year period. An expired~~
28 registration may be renewed at any time within three years after
29 its expiration upon the filing of an application for renewal on a
30 form prescribed by the bureau and the payment of all fees
31 authorized by Section 4999.5. *A registration that is not renewed*
32 *within three years following its expiration shall not be renewed,*
33 *restored, or reinstated thereafter, and the delinquent registration*
34 *shall be canceled immediately upon expiration of the three-year*
35 *period.*

36 *SEC. 70. Section 4999.5 of the Business and Professions Code*
37 *is amended to read:*

38 4999.5. The department may set fees for ~~registration,~~
39 *registration and renewal as an in-state or out-of-state a telephone*

1 medical advice service sufficient to pay the costs of administration
2 of this chapter.

3 *SEC. 71. Section 4999.7 of the Business and Professions Code*
4 *is amended to read:*

5 4999.7. (a) This section does not limit, preclude, or otherwise
6 interfere with the practices of other persons licensed or otherwise
7 authorized to practice, under any other provision of this division,
8 telephone medical advice services consistent with the laws
9 governing their respective scopes of practice, or licensed under
10 the Osteopathic Initiative Act or the Chiropractic Initiative Act
11 and operating consistent with the laws governing their respective
12 scopes of practice.

13 (b) For purposes of this chapter, “telephone medical advice”
14 means a telephonic communication between a patient and a health
15 care professional in which the health care professional’s primary
16 function is to provide to the patient a telephonic response to the
17 patient’s questions regarding his or her or a family member’s
18 medical care or treatment. “Telephone medical advice” includes
19 assessment, evaluation, or advice provided to patients or their
20 family members.

21 (c) For purposes of this chapter, “health care professional” is a
22 ~~staff person~~ *an employee or independent contractor* described in
23 Section 4999.2 who provides medical advice services and is
24 appropriately licensed, certified, or registered as a dentist, dental
25 hygienist, dental hygienist in alternative practice, or dental
26 hygienist in extended functions pursuant to Chapter 4 (commencing
27 with Section 1600), as a physician and surgeon pursuant to Chapter
28 5 (commencing with Section 2000) or the Osteopathic Initiative
29 Act, as a registered nurse pursuant to Chapter 6 (commencing with
30 Section 2700), as a psychologist pursuant to Chapter 6.6
31 (commencing with Section 2900), *as a naturopathic doctor*
32 *pursuant to Chapter 8.2 (commencing with Section 3610)*, as an
33 optometrist pursuant to Chapter 7 (commencing with Section
34 3000), as a marriage and family therapist pursuant to Chapter 13
35 (commencing with Section 4980), as a licensed clinical social
36 worker pursuant to Chapter 14 (commencing with Section 4991),
37 *as a licensed professional clinical counselor pursuant to Chapter*
38 *16 (commencing with Section 4999.10)*, or as a chiropractor
39 pursuant to the Chiropractic Initiative Act, and who is operating
40 consistent with the laws governing his or her respective scopes of

1 practice in the state in which he or she provides telephone medical
2 advice services.

3 ~~SEC. 47.~~

4 *SEC. 72.* Section 4999.45 of the Business and Professions
5 Code, as amended by Section 54 of Chapter 473 of the Statutes of
6 2013, is amended to read:

7 4999.45. (a) An intern employed under this chapter shall:

8 (1) Not perform any duties, except for those services provided
9 as a clinical counselor trainee, until registered as an intern.

10 (2) Not be employed or volunteer in a private practice until
11 registered as an intern.

12 (3) Inform each client prior to performing any professional
13 services that he or she is unlicensed and under supervision.

14 (4) Renew annually for a maximum of five years after initial
15 registration with the board.

16 (b) When no further renewals are possible, an applicant may
17 apply for and obtain a subsequent intern registration number if the
18 applicant meets the educational requirements for registration in
19 effect at the time of the application for a subsequent intern
20 registration number and has passed the California law and ethics
21 examination described in Section 4999.53. An applicant issued a
22 subsequent intern registration number pursuant to this subdivision
23 shall not be employed or volunteer in a private practice.

24 (c) This section shall become operative on January 1, 2016.

25 ~~SEC. 48.~~

26 *SEC. 73.* Section 4999.46 of the Business and Professions
27 Code, as amended by Section 3 of Chapter 435 of the Statutes of
28 2014, is amended to read:

29 4999.46. (a) To qualify for the licensure examination specified
30 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
31 shall complete clinical mental health experience under the general
32 supervision of an approved supervisor as defined in Section
33 4999.12.

34 (b) The experience shall include a minimum of 3,000 postdegree
35 hours of supervised clinical mental health experience related to
36 the practice of professional clinical counseling, performed over a
37 period of not less than two years (104 weeks), which shall include:

38 (1) Not more than 40 hours in any seven consecutive days.

39 (2) Not less than 1,750 hours of direct counseling with
40 individuals, groups, couples, or families in a setting described in

1 Section 4999.44 using a variety of psychotherapeutic techniques
2 and recognized counseling interventions within the scope of
3 practice of licensed professional clinical counselors.

4 (3) Not more than 500 hours of experience providing group
5 therapy or group counseling.

6 (4) Not more than 375 hours of experience providing personal
7 psychotherapy, crisis counseling, or other counseling services via
8 telehealth in accordance with Section 2290.5.

9 (5) Not less than 150 hours of clinical experience in a hospital
10 or community mental health setting, as defined in Section 1820 of
11 Title 16 of the California Code of Regulations.

12 (6) Not more than a combined total of 1,250 hours of experience
13 in the following related activities:

14 (A) Direct supervisor contact.

15 (B) Client centered advocacy.

16 (C) Not more than 250 hours of experience administering tests
17 and evaluating psychological tests of clients, writing clinical
18 reports, writing progress notes, or writing process notes.

19 (D) Not more than 250 hours of verified attendance at
20 workshops, seminars, training sessions, or conferences directly
21 related to professional clinical counseling that are approved by the
22 applicant's supervisor.

23 (c) No hours of clinical mental health experience may be gained
24 more than six years prior to the date the application for examination
25 eligibility was filed.

26 (d) An applicant shall register with the board as an intern in
27 order to be credited for postdegree hours of experience toward
28 licensure. Postdegree hours of experience shall be credited toward
29 licensure, provided that the applicant applies for intern registration
30 within 90 days of the granting of the qualifying degree and is
31 thereafter granted the intern registration by the board. An applicant
32 shall not be employed or volunteer in a private practice until
33 registered as an intern by the board.

34 (e) All applicants and interns shall be at all times under the
35 supervision of a supervisor who shall be responsible for ensuring
36 that the extent, kind, and quality of counseling performed is
37 consistent with the training and experience of the person being
38 supervised, and who shall be responsible to the board for
39 compliance with all laws, rules, and regulations governing the
40 practice of professional clinical counseling.

1 (f) Experience obtained under the supervision of a spouse or
2 relative by blood or marriage shall not be credited toward the
3 required hours of supervised experience. Experience obtained
4 under the supervision of a supervisor with whom the applicant has
5 had or currently has a personal, professional, or business
6 relationship that undermines the authority or effectiveness of the
7 supervision shall not be credited toward the required hours of
8 supervised experience.

9 (g) Except for experience gained pursuant to subparagraph (D)
10 of paragraph (6) of subdivision (b), supervision shall include at
11 least one hour of direct supervisor contact in each week for which
12 experience is credited in each work setting.

13 (1) No more than six hours of supervision, whether individual
14 or group, shall be credited during any single week. This paragraph
15 shall apply to supervision hours gained on or after January 1, 2009.

16 (2) An intern shall receive at least one additional hour of direct
17 supervisor contact for every week in which more than 10 hours of
18 face-to-face psychotherapy is performed in each setting in which
19 experience is gained.

20 (3) For purposes of this section, “one hour of direct supervisor
21 contact” means one hour of face-to-face contact on an individual
22 basis or two hours of face-to-face contact in a group of not more
23 than eight persons in segments lasting no less than one continuous
24 hour.

25 (4) Notwithstanding paragraph (3), an intern working in a
26 governmental entity, a school, a college, or a university, or an
27 institution that is both nonprofit and charitable, may obtain the
28 required weekly direct supervisor contact via two-way, real-time
29 videoconferencing. The supervisor shall be responsible for ensuring
30 that client confidentiality is upheld.

31 (h) This section shall become operative on January 1, 2016.

32 ~~SEC. 49.~~

33 *SEC. 74.* Section 4999.55 of the Business and Professions Code
34 is amended to read:

35 4999.55. (a) Each applicant and registrant shall obtain a
36 passing score on a board-administered California law and ethics
37 examination in order to qualify for licensure.

38 (b) A registrant shall participate in a board-administered
39 California law and ethics examination prior to his or her registration
40 renewal.

1 (c) Notwithstanding subdivision (b), an applicant who holds a
2 registration eligible for renewal, with an expiration date no later
3 than June 30, 2016, and who applies for renewal of that registration
4 between January 1, 2016, and June 30, 2016, shall, if eligible, be
5 allowed to renew the registration without first participating in the
6 California law and ethics examination. These applicants shall
7 participate in the California law and ethics examination in the next
8 renewal cycle, and shall pass the examination prior to licensure or
9 issuance of a subsequent registration number, as specified in this
10 section.

11 (d) If an applicant fails the California law and ethics
12 examination, he or she may retake the examination, upon payment
13 of the required fees, without further application, except as provided
14 in subdivision (e).

15 (e) If a registrant fails to obtain a passing score on the California
16 law and ethics examination described in subdivision (a) within his
17 or her renewal period on or after the operative date of this section,
18 he or she shall complete, at minimum, a 12-hour course in
19 California law and ethics in order to be eligible to participate in
20 the California law and ethics examination. Registrants shall only
21 take the 12-hour California law and ethics course once during a
22 renewal period. The 12-hour law and ethics course required by
23 this section shall be taken through a continuing education provider
24 as specified by the board by regulation, a county, state, or
25 governmental entity, or a college or university.

26 (f) The board shall not issue a subsequent registration number
27 unless the registrant has passed the California law and ethics
28 examination.

29 (g) Notwithstanding subdivision (f), an applicant who holds or
30 has held a registration, with an expiration date no later than January
31 1, 2017, and who applies for a subsequent registration number
32 between January 1, 2016, and January 1, 2017, shall, if eligible,
33 be allowed to obtain the subsequent registration number without
34 first passing the California law and ethics examination. These
35 applicants shall pass the California law and ethics examination
36 during the next renewal period or prior to licensure, whichever
37 occurs first.

38 (h) This section shall become operative January 1, 2016.

1 ~~SEC. 50.~~

2 *SEC. 75.* Section 4999.76 of the Business and Professions Code
3 is amended to read:

4 4999.76. (a) Except as provided in subdivision (c), the board
5 shall not renew any license pursuant to this chapter unless the
6 applicant certifies to the board, on a form prescribed by the board,
7 that he or she has completed not less than 36 hours of approved
8 continuing education in or relevant to the field of professional
9 clinical counseling in the preceding two years, as determined by
10 the board.

11 (b) The board shall have the right to audit the records of any
12 applicant to verify the completion of the continuing education
13 requirement. Applicants shall maintain records of completed
14 continuing education coursework for a minimum of two years and
15 shall make these records available to the board for auditing
16 purposes upon request.

17 (c) The board may establish exceptions from the continuing
18 education requirement of this section for good cause, as defined
19 by the board.

20 (d) The continuing education shall be obtained from one of the
21 following sources:

22 (1) A school, college, or university that is accredited or
23 approved, as defined in Section 4999.12. Nothing in this paragraph
24 shall be construed as requiring coursework to be offered as part
25 of a regular degree program.

26 (2) Other continuing education providers as specified by the
27 board by regulation.

28 (e) The board shall establish, by regulation, a procedure for
29 identifying acceptable providers of continuing education courses,
30 and all providers of continuing education, as described in
31 paragraphs (1) and (2) of subdivision (d), shall adhere to procedures
32 established by the board. The board may revoke or deny the right
33 of a provider to offer continuing education coursework pursuant
34 to this section for failure to comply with this section or any
35 regulation adopted pursuant to this section.

36 (f) Training, education, and coursework by approved providers
37 shall incorporate one or more of the following:

38 (1) Aspects of the discipline that are fundamental to the
39 understanding or the practice of professional clinical counseling.

1 (2) Significant recent developments in the discipline of
2 professional clinical counseling.

3 (3) Aspects of other disciplines that enhance the understanding
4 or the practice of professional clinical counseling.

5 (g) A system of continuing education for licensed professional
6 clinical counselors shall include courses directly related to the
7 diagnosis, assessment, and treatment of the client population being
8 served.

9 (h) The board shall, by regulation, fund the administration of
10 this section through continuing education provider fees to be
11 deposited in the Behavioral Sciences Fund. The fees related to the
12 administration of this section shall be sufficient to meet, but shall
13 not exceed, the costs of administering the corresponding provisions
14 of this section. For the purposes of this subdivision, a provider of
15 continuing education as described in paragraph (1) of subdivision
16 (d) shall be deemed to be an approved provider.

17 (i) The continuing education requirements of this section shall
18 fully comply with the guidelines for mandatory continuing
19 education established by the Department of Consumer Affairs
20 pursuant to Section 166.

21 ~~SEC. 51.~~

22 *SEC. 76.* Section 4999.100 of the Business and Professions
23 Code, as amended by Section 66 of Chapter 473 of the Statutes of
24 2013, is amended to read:

25 4999.100. (a) An intern registration shall expire one year from
26 the last day of the month in which it was issued.

27 (b) To renew a registration, the registrant on or before the
28 expiration date of the registration, shall do the following:

29 (1) Apply for a renewal on a form prescribed by the board.

30 (2) Pay a renewal fee prescribed by the board.

31 (3) Notify the board whether he or she has been convicted, as
32 defined in Section 490, of a misdemeanor or felony, or whether
33 any disciplinary action has been taken by any regulatory or
34 licensing board in this or any other state, subsequent to the
35 registrant's last renewal.

36 (4) Participate in the California law and ethics examination
37 pursuant to Section 4999.53 each year until successful completion
38 of this examination.

39 (c) The intern registration may be renewed a maximum of five
40 times. ~~No registration~~ *Registration* shall *not* be renewed or

1 reinstated beyond six years from the last day of the month during
2 which it was issued, regardless of whether it has been revoked.
3 When no further renewals are possible, an applicant may apply
4 for and obtain a subsequent intern registration number if the
5 applicant meets the educational requirements for registration in
6 effect at the time of the application for a subsequent intern
7 registration number and has passed the California law and ethics
8 examination described in Section 4999.53. An applicant who is
9 issued a subsequent intern registration number pursuant to this
10 subdivision shall not be employed or volunteer in a private practice.

11 (d) This section shall become operative on January 1, 2016.

12 ~~SEC. 52.~~

13 *SEC. 77.* No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

BOARD OF REGISTERED NURSING
Legislative Committee
Agenda Item Summary

AGENDA ITEM: 8.3

DATE: May 7, 2015

ACTION REQUESTED: Update on Regulatory Proposal to Increase Fees in California Code of Regulations, Article 1, Section 1417, Fees

REQUESTED BY: Ronnie Whitaker
Legislative and Regulatory Analyst

BACKGROUND:

At its April 2015 meeting, the Board directed staff to move forward with both an emergency rulemaking process and a regular rulemaking process for the regulatory proposal to increase fees in CCR, Article 1, Section 1417. The rulemaking files are making its way through the DCA Board process before being submitted to the Office of Administrative Law.

NEXT STEP: Place on Board agenda

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