

**Item:** 2017 Legislation of Interest: Review of and Possible Action to Support/Oppose/Watch

**Item Summary** AB 387 and AB 391 were identified as potential legislation of interest following the March Board Meeting. In accordance with Board policy, the Executive Committee was made aware of the bills and approved the positions as noted below.

- Board Action:**
1. President calls the agenda item and it is presented by the Executive Committee
  2. Executive Committee makes motion to ratify the position approved by the Executive Committee on AB 387 and AB 391
  3. President may request if there is a second to the motion, if not already made.
  4. Board member discussion/edits (if applicable).
  5. Inquire for public comment / Further Board discussion as applicable
  6. Repeat motion and vote: 1) aye, in favor, 2) no, not in favor, or 3) abstain
- [Board members may choose to take alternate positions on either bill: Watch, Support, Support if amended, Oppose, or Oppose unless amended.]

**AB 387 (Thurmond) - Oppose**

Title: Minimum wage: health professionals: interns.

Status: Ordered to Assembly Inactive File at the request of the author. May become a 2-year bill.

This bill provides that any person engaged in a period of supervised work experience longer than 100 hours to satisfy requirements for licensure, registration, or certification as an Allied Health Professional be subject to the minimum wage law. This bill directly conflicts with Business and Professions Code section 3740, which specifies minimum education requirements. Currently, applicants must graduate from a program accredited by the Commission on Accreditation for Respiratory Care (CoARC). However, CoARC's Standards provide students are prohibited from being compensated for clinical training. Moreover, there is also concern that potential costs associated with this bill will ultimately be passed down to students in the form of higher tuition and/or less availability of clinical site participation.

**AB 391 (Chiu) - Support if Amended**

Title: Medi-Cal: asthma preventive services.

Status: Senate Committee on Rules, Pending Referral

This bill would expand preventative asthma services for low-income Californians in Medi-Cal. Initial areas of concern included 1) ensuring RCPs would not be subject to additional training requirements, 2) requesting the addition of Respiratory Care Practitioners acting within their scope of practice, among those authorized to supervise qualified asthma preventative services providers, and 3) requesting consideration to add American Association for Respiratory Care's (AARC's) Asthma Educator Course to the list of approved providers.

Staff has recently met with Senator Chiu's staff and confirmed that RCPs will not be subject to additional training requirements. With regard to RCPs being included among those authorized to supervise, this is currently being limited to providers with direct billing access, of which RCPs are not currently included. Finally, rather than naming specific courses within the bill, the sponsors have worked with California Department of Health Care Services to establish criteria aimed at allowing for numerous courses (of which AARC's Asthma Educator Course should meet the established criteria).

## Agenda Item: 5

Meeting Date: 6/30/17

**Board Action:** Information only - No Board Action Required

Below are the bills the Board adopted positions on at its March 10, 2017 meeting, including the current status of each bill as of June 12, 2017.

### **AB 208 (Eggman) - Oppose**

Title: Deferred entry of judgment: pretrial diversion.

Status: Senate Committee on Rules, Pending Referral

This bill will negatively impact the Board's ability to prove, in disciplinary proceedings that an applicant or licensee is or has been engaged in illegal drug activities.

### **AB 654 (Maienschein) - Support if Amended**

Title: Pediatric home health care.

Status: This bill was held under submission in Assembly Appropriations and failed the house of origin deadline.

This bill will, among other things, increase access to quality in-home nursing services, encourage additional home health agencies to participate in nursing care for children receiving Medi-Cal services, and require the California Department of Public Health (CDPH) to collaborate with designated stakeholders in establishing the payments, and would authorize the department to establish reasonable provider standards.

### **AB 703 (Flora) - Watch**

Title: Professions and vocations: fee waivers.

Status: This bill failed passage in Assembly Business and Professions Committee and failed the house of origin deadline.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for application and issuance of an initial license for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States if the applicant holds a current license in the same profession or vocation in another state, district, or territory. The bill would require that an applicant be granted fee waivers for both the application for and issuance of a license if the board charges fees for both. The bill would prohibit fee waivers from being issued for renewal of a license, for an additional license, a certificate, a registration, or a permit associated with the initial license, or for the application for an examination.

### **AB 827 (Rubio) - Watch**

Title: Department of Consumer Affairs: task force: foreign trained professionals.

Status: Senate Committee on Rules, Pending Referral

This bill, the California Opportunity Act of 2017, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than January 1, 2019, as specified.

### **SB 27 (Morrell) - Watch**

Title: Professions and vocations: licensees: military service.

Status: This bill was held under submission in Senate Appropriations and failed the house of origin deadline. Has become a 2-year bill.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an applicant that has served as an active duty member of the California National Guard or the United States Armed Forces and was honorably discharged.

**SB 227 (Monning) - Watch**

Title: Vocational nurse: feeding tube services: neurodegenerative conditions.

Status: This bill was held under submission in Senate Business, Professions and Economic Development and failed the house of origin deadline.

This bill would authorize a licensed vocational nurse to perform certain feeding tube services in a home setting for a patient with a neurodegenerative condition.

**SB 572 (Stone) - Oppose**

Title: Healing arts licensees: violations: grace period.

Status: This bill failed passage in Senate Business Professions and Economic Development Committee and failed the house of origin deadline. Has become a 2-year bill.

This bill would prohibit the boards from taking disciplinary action against, or otherwise penalizing, healing arts licensees who violate those provisions but correct the violations within 15 days, if the violations did not cause irreparable harm and will not result in irreparable harm if left uncorrected for 15 days.

**SB 715 (Newman) - Watch**

Title: Department of Consumer Affairs: regulatory boards: removal of board members.

Status: Assembly Business and Professions Committee

This bill would specifically include the failure to attend meetings of the board as one example of continued neglect of duties required by law that the Governor can use as a reason to remove a member from a board. **The provisions of this bill were previously in SB 496.**

**SB 796 (Hill) - Support**

Title: Healing arts: boards.

Status: In Assembly, Pending Referral

This bill extends the operation of the Respiratory Care Board through January 1, 2022. This bill would also require an appropriation before funds from the Respiratory Care Fund are made available to the Respiratory Care Board.