

Item: 2022 Legislation of Interest

Item Summary: Following is an update on bills for which the Board previously adopted positions. Among the bills is SB 1237 for which the Executive Committee approved a position change from "Oppose" to "Watch" to be ratified by the Board.

[AB 646 \(Low\)](#) - Board Position: Watch

Title: DCA: boards: expunged convictions

Status: 5/4/22: Referred to Senate Committees on Business, Professions and Economic Development and Public Safety

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reappplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay a \$50 fee to the board, unless another amount is determined by the board to be necessary to cover the cost of administering the bill's provisions.

[AB 1604 \(Holden\)](#) - Board Position: Watch

Title: The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Status: 5/19/22 - Referred to Assembly Third Reading (Assembly Floor).

This bill would require, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members or commissioners, to have at least one volunteer board member or commissioner from an underrepresented community, as defined. This bill would further clarify that new board or commission members should be replaced, under these parameters, as vacancies occur.

[AB 1662 \(Gipson\)](#) - Board Position: Watch

Title: Licensing boards: disqualification from licensure: criminal conviction.

Status: 5/19/22 - Referred to Assembly Third Reading (Assembly Floor).

This bill requires each licensing board under the Department of Consumer Affairs (DCA) to establish a process for a prospective applicant who has been convicted of a crime to request a preapplication determination as to whether that crime would disqualify the prospective applicant from licensure. This bill allows a board to charge a fee for the reasonable cost of administering the predetermination process, not to exceed \$50.

[AB 1733 \(Quirk\)](#) - Board Position: Support

Title: State bodies: open meetings.

Status: 4/20/22 - Hearing before the Assembly Committee on Governmental Organization was postponed.

This urgency bill would specify that a "meeting" held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn.

[AB 1914 \(Davies\)](#) - Board Position: Watch

Title: Resource family approval: training.

Status: 5/48/22 - Referred to the Senate Committee on Human Services

This bill would exempt a resource family member that has an active and unrestricted license issued by the Medical Board of California, the Osteopathic Medical Board of California, the Podiatric Medical Board of California, the Physician Assistant Board, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Respiratory Care Board of California, or the Emergency Medical Services Authority from any requirement to complete, or show proof of completing, CPR or first aid training.

[AB 2104 \(Flora\)](#) - Board Position: Oppose

Title: Professions and vocations.

Status: This bill is dead.

This bill would authorize the Department of Consumer Affairs and each board in the Department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

[AB 2948 \(Cooper\)](#) - Board Position: Watch

Title: Consumer protection: Department of Consumer Affairs: complaints.

Status: This bill is dead.

This bill would require the Director of the Department of Consumer Affairs to notify a consumer of any action taken on a complaint submitted by that consumer, and any other means which may be available to the consumer to secure relief, unless doing so would be injurious to the public health, safety or welfare. Current law requires the Director to make these notifications "if appropriate," whereas this bill would require the notifications in most cases.

[SB 962 \(Jones\)](#) - Board Position: Support

Title: Healing arts: clinical laboratory technology: moderate-complexity laboratories.

Status: 5/19/22: Held under submission in Senate Appropriations. This bill is dead.

For purposes of a moderate-complexity laboratory, this bill would expand the definition of a "laboratory director" to include an individual who meets specified requirements and guidelines. The bill would authorize a laboratory director to operate as a technical consultant in a moderate-complexity laboratory if certain conditions are met, and ensures respiratory care practitioners who meet the College of American Pathologists standards may work as laboratory directors and technical consultants in moderate complexity laboratories. This bill is sponsored by the California Society for Respiratory Care.

[SB 1031 \(Ochoa Bogh\)](#) - Board Position: Oppose

Title: Healing arts boards: inactive license fees.

Status: 5/19/22: Held under submission in Senate Appropriations. This bill is dead.

This bill would instead require the renewal fee for an inactive license to be 1/2 of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee.

[SB 1237 \(Newman\)](#) - Board Position to be Ratified [Update from Oppose to Watch]

Title: Licenses: military service.

Status: 5/19/22 - Referred to Assembly Committees on Business & Professions and Military & Veterans Affairs

This bill defines the phrase "called to active duty" to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified for purposes of waiving license renewal fees for military service members.

[SB 1365 \(Jones\)](#) - Board Position: Watch

Title: Licensing boards: procedures.

Status: 5/19/22: Held under submission in Senate Appropriations. This bill is dead.

This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require the department to establish a process to assist each board in developing its internet website, as specified.

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

[SB 1436 \(Roth\)](#) - Board Position: Support

Title: Respiratory therapy.

Status: 5/19/22 - Ordered to Senate Third Reading (Senate Floor).

Existing law, the Respiratory Care Practice Act, provides for the licensure and regulation of respiratory therapy practitioners by the Respiratory Care Board of California and makes a violation of that act a crime. Existing law requires the employer of a respiratory care practitioner to report to the board the suspension or termination for cause of any practitioner in their employ. Existing law defines suspension or termination for cause to mean suspension or termination from employment for specified reasons, including gross incompetence or negligence, falsification of medical records, and the use of controlled substances or alcohol to the extent that it impairs the ability to safely practice respiratory care.

This bill would expand the definition of suspension or termination for cause to include administrative leave, employee leave, or resignation from employment for specified reasons that would additionally include suspected acts, such as suspected or actual gross incompetence or negligence, suspected or actual falsification of medical records, and the suspected or actual use of controlled substances or alcohol to such an extent that it impairs the ability to safely practice respiratory care. The bill would also require an owner, director, partner, or manager of a registry or agency that places one or more practitioners at any facility to practice respiratory care to report those specified suspected or actual acts to the board.

As amended 4/19/22, the bill now also addresses the ongoing issues with the unqualified practice of respiratory care by licensed vocational nurses, and authorizes the Board to provide a temporary, rapid response beneficial to consumers during a State of Emergency.