

Item: 2023 Legislation of Interest

Item Summary: Following are updates on bills for which the Board has already taken positions, as well as three newly identified bills of interest being presented to members to take one of the following positions: Watch, Support, Support if amended, Oppose, or Oppose unless amended.

NEWLY IDENTIFIED BILLS OF INTEREST

AB 477 (Waldron) - Staff Recommended Position: WATCH

Title: Legislative review of state boards.

Status: Referred to Assembly Committee on Business and Professions and is now a 2 year bill.

Existing law requires the Joint Sunset Review Committee to review eligible agencies and prepare a report that is made available to the public and the Legislature on whether the agency should be terminated, or continued, or whether its functions should be revised or consolidated with those of another agency, as specified. This bill would require the report prepared by the committee to be made available to the public online.

AB 1028 (McKinnor) - Staff Recommended Position: OPPOSE

Title: Reporting of crimes: mandated reporters.

Status: In Senate, awaiting referral to policy committee.

Existing law requires a health practitioner, as defined, to make a report to law enforcement when they suspect a patient has suffered physical injury that is either self-inflicted, caused by a firearm, or caused by assaultive or abusive conduct, including elder abuse, sexual assault, or torture. A violation of these provisions is punishable as a misdemeanor.

This bill would, on and after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, and instead require a health practitioner who suspects that a patient has suffered physical injury that is caused by domestic violence, as defined, to provide brief counseling, education, or other support, and a warm handoff, as defined, or referral to local and national domestic violence or sexual violence advocacy services, as specified. The bill would, on and after January 1, 2025, specify that a health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

SB 544 (Laird) - Staff Recommended Position: WATCH

Title: Bagley-Keene Open Meeting Act: teleconferencing.

Status: In Assembly, referred to the Governmental Organization Committee.

This bill would, among other things, remove existing teleconference requirements within the Bagley-Keene Open Meeting Act (Act) and instead require a state body to provide a means for the public to remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda: a teleconference phone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. This bill would also revise the Act to no longer require members of the public to have the opportunity to address the state body directly at each teleconference location and instead require the specific means of access to the meeting to be included in the meeting notice.

PREVIOUSLY IDENTIFIED BILLS OF INTEREST

AB 883 (Mathis) - Board Position: WATCH

Title: Business licenses: United States Department of Defense SkillBridge program.

Status: In Senate, awaiting referral to policy committee.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally require, on and after July 1, 2024, a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is enrolled in the United States Department of Defense SkillBridge program, as specified.

AB 996 (Low) - Board Position: WATCH

Title: Department of Consumer Affairs: continuing education: conflict-of-interest policy.

Status: In Senate, awaiting referral to policy committee.

Existing law provides for the licensure and regulation of professions and vocations by entities within the Department of Consumer Affairs. Under existing law, several of these entities may require licensees to satisfy continuing education course requirements, including, among others, licensed physicians and surgeons licensed by the Medical Board of California and certified public accountants and public accountants licensed by the California Board of Accountancy.

This bill would require those entities to develop and maintain a conflict-of-interest policy that, at minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course and requires conflicts to be disclosed at the beginning of each continuing education course.

AB 1070 (Low) - Board Position: WATCH **This bill has been amended and is no longer of interest to the RCB**

Title: ~~Department of Consumer Affairs: vacancies.~~

Status: **This bill now applies to physician assistants: physician supervision: exceptions**

~~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. Existing law requires the Director of the Department of Consumer Affairs to administer and enforce those provisions. Existing law requires the director to notify the appropriate policy committees of the Legislature within 60 days after the position of chief or executive officer of any board, as defined, within the department becomes vacant, as specified.~~

~~This bill would make a nonsubstantive change to the vacancy notification requirement provision.~~

AB 1741 (Waldron) - Board Position: WATCH

Title: Healing arts: clinical laboratories: personnel.

Status: In Senate, awaiting referral to policy committee.

Existing law provides for the licensure, registration, and regulation of clinical laboratories and various clinical laboratory personnel by the State Department of Public Health.

Existing law authorizes unlicensed laboratory personnel who have earned a high school diploma or its equivalent and who meet specified training requirements to perform specified activities in a licensed clinical laboratory under the direct and constant supervision of a physician and surgeon or licensed person, including biological specimen collection, assisting in preventive maintenance, and preparing and storing reagents and culture media. Existing law authorizes unlicensed laboratory personnel who do not meet the specified training requirements only to perform specimen labeling, handling, preservation or fixation, processing or preparation, transportation, and storing. A violation of these provisions is a crime.

This bill would revise the activities that may be performed by an unlicensed person to specify those activities that may be performed under direct and constant supervision of a physician and surgeon or licensed person, those activities that may be performed under supervision and control, as defined, and those activities that may not be performed by an unlicensed person.

Existing law prohibits unlicensed laboratory personnel from performing any test or part thereof that involves the quantitative measurement of the specimen or test reagent or any mathematical calculation relative to determining the results or validity of a test procedure.

The bill would provide an exception to this prohibition if the unlicensed person is assisting a licensed physician and surgeon or a licensed person, other than a trainee, in a licensed clinical laboratory. The bill would also prohibit unlicensed laboratory personnel from releasing waived, moderate-, or high-complexity testing and from performing any phase of clinical laboratory tests or examinations in the specialty of immunohematology beyond initial collection and centrifugation, as specified.

SB 259 (Seyarto) - Board Position: WATCH

Title: Reports submitted to legislative committees.

Status: To be heard by the Assembly Committee on Accountability & Administrative Review on 6/7/23.

Existing law requires a state agency that is required or requested by law to submit a report to the Members of either house of the Legislature generally to submit the report in a specified manner and to post the report on the state agency's internet website.

This bill would additionally require a state agency to post on its internet website any report, as defined, that the state agency submits to a committee of the Legislature.

SB 372 (Menjivar) - Board Position: WATCH

Title: Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Status: To be heard by the Assembly Business and Professions Committee on 6/20/23.

This bill would require a board to update a licensee or registrant's records, including records contained within an online license verification system, to include the licensee or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed..

SB 764 (Padilla) - Board Position: WATCH **This bill has been amended and is no longer of interest to the RCB**

Title: DCA: regulatory boards: removal of board members.

Status: **This bill now applies to social media platforms: minor users: civil penalties**

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes the appointing authority to remove from office any member of any board within the department appointed by them for continued neglect of duties, incompetence, or unprofessional or dishonorable conduct. Existing law authorizes the Governor to remove a member of a board or other licensing entity in the department from office if it is shown that the member has knowledge of the specific questions to be asked on the licensing entity's next examination and directly or indirectly discloses those questions in advance of or during the examination to any exam applicant.

This bill would instead authorize the appointing authority to remove a member that discloses questions in advance of or during an examination, as described above.

SB 802 (Roth) - Board Position: WATCH

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

Status: To be heard by the Assembly Business and Professions Committee on 7/11/23.

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 deny a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. Existing law requires a board to notify the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history.

If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, this bill would require a board to notify the applicant in writing within 30 days after a decision is made, as specified.