



Item: **2019 Legislation of Interest**

Item Summary: Following are bills that have been identified as legislation of interest as of February 13, 2019.

- Board Action:**
1. President asks for motion to adopt the staff recommended positions on the identified legislation of interest.
 2. President may request if there is a second to the motion, if not already made.
 3. Board member discussion/edits (if applicable).
 4. Inquire for public comment / Further Board discussion as applicable
 5. Repeat motion and vote:
 - 1) aye, in favor, 2) no, not in favor, or 3) abstainBoard members may choose to take alternate positions on each bill: Watch, Support, Support if amended, Oppose, or Oppose unless amended.

AB 193 (Patterson) - Staff Recommended Position: Watch

Title: Professions and vocations.

Status: Referred to Assembly Business and Professions Committee on 2/4/19.

This bill would require the Department of Consumer Affairs, beginning on January 1, 2021, to conduct a comprehensive review of all occupational licensing requirements and identify unnecessary licensing requirements that cannot be adequately justified. The bill would require the department to report to the Legislature on January 1, 2023, and every 2 years thereafter, on the department's progress, and would require the department to issue a final report to the Legislature no later than January 1, 2033. The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

AB 241 (Kamlager-Dove) - Staff Recommended Position: Watch

Title: Implicit bias.

Status: Pending referral: may be heard in committee after 2/21/19.

Existing law, the California Fair Employment and Housing Act, protects and safeguards the right and opportunity of all persons to seek, obtain, and hold employment without discrimination, abridgment, or harassment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

This bill would declare the intent of the Legislature to enact legislation that would address implicit bias in the healing arts professions.

AB 476 (Blanca Rubio) - Staff Recommended Position: Watch

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

Status: Pending referral as of 2/12/19.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session.

This bill, the California Opportunity Act of 2019, 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, 2021, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

AB 496 (Low) - Staff Recommended Position: Watch

Title: Business and professions.

Status: Pending referral as of 2/12/19.

Under existing law, the Department of Consumer Affairs, which is under the control of the director of the Director of Consumer Affairs, is comprised of various boards, as defined, that license and regulate various professions and vocations. This bill would replace gendered terms with nongendered terms and make various other nonsubstantive changes.

Existing law authorizes the director to audit and review, upon the director's own initiative or upon the request of a consumer or licensee, inquiries and complaints regarding, among other things, dismissals of disciplinary cases of specified licensees and requires the director to report to the Chairpersons of the Senate Business and Professions Committee and the Assembly Health Committee annually regarding any findings from such an audit or review. This bill would instead require the director to report to the Chairpersons of the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee.

Existing law defines the term "licentiate" to mean any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified. This bill would instead define "licensee" to mean any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified, and would provide that any reference to licentiate be deemed to refer to licensee.

SB 181 (Chang) - Staff Recommended Position: Watch

Title: Healing arts boards.

Status: Referred to Senate Rules Committee on 2/6/19.

Existing law creates various regulatory boards within the Department of Consumer Affairs. Existing law authorizes health-related boards to adopt regulations requiring licensees to display their licenses in the locality in which they are treating patients and to make specified disclosures to patients.

This bill would make nonsubstantive changes to that license display and disclosure provision.

SB 207 (Hurtado) - Staff Recommended Position: Watch

Title: Medi-Cal: asthma preventive services.

Status: Pending referral: may be acted upon on or after 3/7/19.

This bill would include asthma preventive services, as defined, as a covered benefit under the Medi-Cal program. The bill would require the department, in consultation with external stakeholders, to develop a coverage policy consistent with specified federal and clinically appropriate guidelines. The bill would require an entity or supervising licensed Medi-Cal provider and the Medi-Cal asthma services provider to satisfy specified requirements. The bill would authorize the department to implement, interpret, or make specific its provisions without taking regulatory action until regulations are adopted. The bill would require the department to adopt regulations by July 1, 2020, and to provide semiannual status reports to the Legislature until regulations have been adopted. The bill would require the department to seek any federal waivers or other state plan amendments as necessary, and would require these provisions to be implemented if federal approvals are obtained, as specified.

ASSEMBLY BILL

No. 193

Introduced by Assembly Member Patterson

January 10, 2019

An act to amend Sections 7026.1, 7316, 7332, 7334, 7337.5, 7396, 7423, 19011, 19017, 19051, 19059.5, 19060.6, and 19170 of, to add and repeal Section 101.5 of, and to repeal Sections 7326, 7365, 19010.1, and 19052 of, the Business and Professions Code, and to amend Section 110371 of the Health and Safety Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 193, as introduced, Patterson. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated.

This bill would require the department, beginning on January 1, 2021, to conduct a comprehensive review of all occupational licensing requirements and identify unnecessary licensing requirements that cannot be adequately justified. The bill would require the department to report to the Legislature on January 1, 2023, and every 2 years thereafter, on the department's progress, and would require the department to issue a final report to the Legislature no later than January 1, 2033. The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

(2) Existing law provides for the licensure and regulation of contractors by the Contractors’ State License Board in the department and includes within the term “contractor” a person who performs tree removal, tree pruning, stump removal, or engages in tree or limb cabling or guying.

This bill would delete tree pruning from those provisions.

(3) Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of cosmetology by the State Board of Barbering and Cosmetology in the department and defines the practice of both barbering and cosmetology to include shampooing the hair of any person. The act also specifies that, within the practice of cosmetology, there is the specialty branch of skin care, which includes applying makeup, and the specialty branch of nail care, which includes cutting, trimming, polishing, coloring, tinting, cleansing, manicuring, or pedicuring the nails of any person.

This bill would delete shampooing another person from the practice of barbering and cosmetology, would delete the act of applying makeup on another person from the specialty practice of skin care, and would delete nail care from the practice of cosmetology.

(4) Existing law provides for the regulation of custom upholsterers by the Bureau of Household Goods and Services in the department, and requires every custom upholsterer to hold a custom upholsterer’s license.

This bill would delete those provisions requiring licensure of custom upholsterers.

(5) The bill would make conforming and other nonsubstantive changes.

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

3 (a) Many entities, including the Federal Trade Commission, the
4 United States Department of Labor, and the Milton Marks “Little
5 Hoover” Commission on California State Government Organization
6 and Economy, have acknowledged the unnecessary burdens that
7 occupational licensing places on otherwise qualified workers.

8 (b) Unnecessary licensing increases costs for consumers and
9 restricts opportunities for workers.

1 (c) Researchers show that occupational licensing restrictions
2 can result in almost three million fewer jobs and a cost of over
3 \$200,000,000,000 to consumers.

4 (d) The Institute for Justice estimates that burdensome licensing
5 in California results in a loss of 195,917 jobs and \$22,000,000,000
6 in misallocated resources.

7 (e) California is the most broadly and onerously licensed state
8 in the nation and has been identified as the nation’s worst licensing
9 environment for workers in lower-income occupations.

10 (f) Licensing is also believed to disproportionately affect
11 minorities and exacerbate income inequality.

12 SEC. 2. Section 101.5 is added to the Business and Professions
13 Code, to read:

14 101.5. (a) The department shall apply for federal funds that
15 have been made available specifically for the purposes of
16 reviewing, updating, and eliminating overly burdensome licensing
17 requirements.

18 (b) Beginning on January 1, 2021, the department shall conduct
19 a comprehensive review of all occupational licensing requirements
20 and shall identify unnecessary licensing requirements that cannot
21 be adequately justified. The department shall conduct the review
22 whether or not the state receives federal funds pursuant to
23 subdivision (a).

24 (c) The department shall report to the Legislature on January
25 1, 2023, and every two years thereafter until the department has
26 completed its review, on the department’s progress in conducting
27 the review. The department shall issue a final report to the
28 Legislature no later than January 1, 2033.

29 (d) A report to be submitted pursuant to subdivision (c) shall
30 be submitted in compliance with Section 9795 of the Government
31 Code.

32 (e) Notwithstanding Section 10231.5 of the Government Code,
33 this section is repealed on January 1, 2034.

34 SEC. 3. Section 7026.1 of the Business and Professions Code
35 is amended to read:

36 7026.1. (a) The term “contractor” includes all of the following:

37 (1) Any person not exempt under Section 7053 who maintains
38 or services air-conditioning, heating, or refrigeration equipment
39 that is a fixed part of the structure to which it is attached.

1 (2) (A) Any person, consultant to an owner-builder, firm,
2 association, organization, partnership, business trust, corporation,
3 or company, who or which undertakes, offers to undertake, purports
4 to have the capacity to undertake, or submits a bid to construct
5 any building or home improvement project, or part thereof.

6 (B) For purposes of this paragraph, a consultant is a person,
7 other than a public agency or an owner of privately owned real
8 property to be improved, who meets either of the following criteria
9 as it relates to work performed pursuant to a home improvement
10 contract as defined in Section 7151.2:

11 (i) Provides or oversees a bid for a construction project.

12 (ii) Arranges for and sets up work schedules for contractors and
13 subcontractors and maintains oversight of a construction project.

14 (3) A temporary labor service agency that, as the employer,
15 provides employees for the performance of work covered by this
16 chapter. The provisions of this paragraph shall not apply if there
17 is a properly licensed contractor who exercises supervision in
18 accordance with Section 7068.1 and who is directly responsible
19 for the final results of the work. Nothing in this paragraph shall
20 require a qualifying individual, as provided in Section 7068, to be
21 present during the supervision of work covered by this chapter. A
22 contractor requesting the services of a temporary labor service
23 agency shall provide ~~his or her~~ *the contractor's* license number to
24 that temporary labor service agency.

25 (4) Any person not otherwise exempt by this ~~chapter~~, *chapter*
26 who performs tree removal, ~~tree pruning~~, stump removal, or
27 engages in tree or limb cabling or guying. The term contractor
28 does not include a person performing the activities of a
29 nurseryperson who in the normal course of routine work performs
30 incidental pruning of trees, or guying of planted trees and their
31 limbs. The term contractor does not include a gardener who in the
32 normal course of routine work performs incidental pruning of trees
33 measuring less than 15 feet in height after planting.

34 (5) Any person engaged in the business of drilling, digging,
35 boring, or otherwise constructing, deepening, repairing,
36 reperforming, or abandoning any water well, cathodic protection
37 well, or monitoring well.

38 (b) The term “contractor” or “consultant” does not include a
39 common interest development manager, as defined in Section
40 11501, and a common interest development manager is not required

1 to have a contractor's license when performing management
2 services, as defined in subdivision (d) of Section 11500.

3 SEC. 4. Section 7316 of the Business and Professions Code is
4 amended to read:

5 7316. (a) The practice of barbering is all or any combination
6 of the following practices:

7 (1) Shaving or trimming the beard or cutting the hair.

8 (2) Giving facial and scalp massages or treatments with oils,
9 creams, lotions, or other preparations either by hand or mechanical
10 appliances.

11 (3) Singeing, ~~shampooing~~, arranging, dressing, curling, waving,
12 chemical waving, hair relaxing, or dyeing the hair or applying hair
13 tonics.

14 (4) Applying cosmetic preparations, antiseptics, powders, oils,
15 clays, or lotions to scalp, face, or neck.

16 (5) Hairstyling of all textures of hair by standard methods that
17 are current at the time of the hairstyling.

18 (b) The practice of cosmetology is all or any combination of
19 the following practices:

20 (1) Arranging, dressing, curling, waving, machineless permanent
21 waving, permanent waving, cleansing, cutting, ~~shampooing~~,
22 relaxing, singeing, bleaching, tinting, coloring, straightening,
23 dyeing, applying hair tonics to, beautifying, or otherwise treating
24 by any means, the hair of any person.

25 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
26 arms, or upper part of the human body, by means of the hands,
27 devices, apparatus or appliances, with or without the use of
28 cosmetic preparations, antiseptics, tonics, lotions, or creams.

29 (3) Beautifying the face, neck, arms, or upper part of the human
30 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
31 or creams.

32 (4) Removing superfluous hair from the body of any person by
33 the use of depilatories or by the use of tweezers, chemicals, or
34 preparations or by the use of devices or appliances of any kind or
35 description, except by the use of light waves, commonly known
36 as rays.

37 (5) ~~Cutting, trimming, polishing, tinting, coloring, cleansing,~~
38 ~~or manicuring the nails of any person.~~

39 (6)

1 (5) Massaging, cleansing, treating, or beautifying the hands or
2 feet of any person.

3 (c) Within the practice of cosmetology there ~~exist~~ *exists* the
4 specialty ~~branches of skin care and nail care.~~

5 ~~(1) Skin care branch of skin care, which is any one or more of~~
6 ~~the following practices:~~

7 ~~(A)~~

8 ~~(1) Giving facials, applying makeup, giving skin care, removing~~
9 ~~superfluous hair from the body of any person by the use of~~
10 ~~depilatories, tweezers or waxing, or applying eyelashes to any~~
11 ~~person.~~

12 ~~(B)~~

13 ~~(2) Beautifying the face, neck, arms, or upper part of the human~~
14 ~~body, by use of cosmetic preparations, antiseptics, tonics, lotions,~~
15 ~~or creams.~~

16 ~~(C)~~

17 ~~(3) Massaging, cleaning, or stimulating the face, neck, arms, or~~
18 ~~upper part of the human body, by means of the hands, devices,~~
19 ~~apparatus, or appliances, with the use of cosmetic preparations,~~
20 ~~antiseptics, tonics, lotions, or creams.~~

21 ~~(2) Nail care is the practice of cutting, trimming, polishing,~~
22 ~~coloring, tinting, cleansing, manicuring, or pedicuring the nails of~~
23 ~~any person or massaging, cleansing, or beautifying from the elbow~~
24 ~~to the fingertips or the knee to the toes of any person.~~

25 (d) The practice of barbering and the practice of cosmetology
26 do not include any of the following:

27 (1) The mere sale, fitting, or styling of wigs or hairpieces.

28 (2) Natural hair braiding. Natural hair braiding is a service that
29 results in tension on hair strands or roots by twisting, wrapping,
30 weaving, extending, locking, or braiding by hand or mechanical
31 device, provided that the service does not include haircutting or
32 the application of dyes, reactive chemicals, or other preparations
33 to alter the color of the hair or to straighten, curl, or alter the
34 structure of the hair.

35 (3) Threading. Threading is a technique that results in removing
36 hair by twisting thread around unwanted hair and pulling it from
37 the skin and the incidental trimming of eyebrow hair.

38 (e) Notwithstanding paragraph (2) of subdivision (d), a person
39 who engages in natural hairstyling, which is defined as the
40 provision of natural hair braiding services together with any of the

1 services or procedures defined within the regulated practices of
2 barbering or cosmetology, is subject to regulation pursuant to this
3 chapter and shall obtain and maintain a barbering or cosmetology
4 license as applicable to the services respectively offered or
5 performed.

6 (f) Electrolysis is the practice of removing hair from, or
7 destroying hair on, the human body by the use of an electric needle
8 only.

9 “Electrolysis” as used in this chapter includes electrolysis or
10 thermolysis.

11 SEC. 5. Section 7326 of the Business and Professions Code is
12 repealed.

13 ~~7326. The board shall admit to examination for a license as a~~
14 ~~manicurist to practice nail care, any person who has made~~
15 ~~application to the board in proper form, paid the fee required by~~
16 ~~this chapter, and is qualified as follows:~~

17 (a) ~~Is not less than 17 years of age.~~

18 (b) ~~Has completed the 10th grade in the public schools of this~~
19 ~~state or its equivalent.~~

20 (c) ~~Is not subject to denial pursuant to Section 480.~~

21 (d) ~~Has done any of the following:~~

22 (1) ~~Completed a course in nail care from a school approved by~~
23 ~~the board.~~

24 (2) ~~Practiced nail care, as defined in this chapter, outside of this~~
25 ~~state for a period of time equivalent to the study and training of a~~
26 ~~qualified person who has completed a course in nail care from a~~
27 ~~school the curriculum of which complied with requirements~~
28 ~~adopted by the board. Each three months of practice shall be~~
29 ~~deemed the equivalent of 100 hours of training for qualification~~
30 ~~under paragraph (1).~~

31 (3) ~~Completed the apprenticeship program in nail care specified~~
32 ~~in Article 4 (commencing with Section 7332).—~~

33 SEC. 6. Section 7332 of the Business and Professions Code is
34 amended to read:

35 7332. (a) An apprentice is any person who is licensed by the
36 board to engage in learning or acquiring a knowledge of barbering,
37 cosmetology, skin care, ~~nail care~~, or electrology, in a licensed
38 establishment under the supervision of a licensee approved by the
39 board.

1 (b) For purposes of this section, “under the supervision of a
2 licensee” means that the apprentice shall be supervised at all times
3 by a licensee approved by the board while performing services in
4 a licensed establishment. At no time shall an apprentice be the
5 only individual working in the establishment. An apprentice that
6 is not being supervised by a ~~licensee~~, *licensee* that has been
7 approved by the board to supervise an ~~apprentice~~, *apprentice* shall
8 be deemed to be practicing unlicensed under this chapter.

9 SEC. 7. Section 7334 of the Business and Professions Code is
10 amended to read:

11 7334. (a) The board may license as an apprentice in barbering,
12 cosmetology, ~~or skin care, or nail care~~ any person who has made
13 application to the board upon the proper form, has paid the fee
14 required by this chapter, and who is qualified as follows:

15 (1) Is over 16 years of age.

16 (2) Has completed the 10th grade in the public schools of this
17 state or its equivalent.

18 (3) Is not subject to denial pursuant to Section 480.

19 (4) Has submitted evidence acceptable to the board that any
20 training the apprentice is required by law to obtain shall be
21 conducted in a licensed establishment and under the supervision
22 of a licensee approved by the board.

23 (b) The board may license as an apprentice in electrolysis any
24 person who has made application to the board upon the proper
25 form, has paid the fee required by this chapter, and who is qualified
26 as follows:

27 (1) Is not less than 17 years of age.

28 (2) Has completed the 12th grade or an accredited senior high
29 school course of study in schools of this state or its equivalent.

30 (3) Is not subject to denial pursuant to Section 480.

31 (4) Has submitted evidence acceptable to the board that any
32 training the apprentice is required by law to obtain shall be
33 conducted in a licensed establishment and under the supervision
34 of a licensee approved by the board.

35 (c) All persons making application as an apprentice in barbering
36 shall also complete a minimum of 39 hours of preapprentice
37 training in a facility approved by the board prior to serving the
38 general public.

39 (d) All persons making application as an apprentice in
40 cosmetology, skin care, ~~nail care~~, or electrology shall also complete

1 minimum preapprentice training for the length of time established
2 by the board in a facility approved by the board prior to serving
3 the general public.

4 (e) Apprentices may only perform services on the general public
5 for which they have received technical training.

6 (f) Apprentices shall be required to obtain at least the minimum
7 hours of technical instruction and minimum number of practical
8 operations for each subject as specified in board regulations for
9 courses taught in schools approved by the board, in accordance
10 with Sections 3074 and 3078 of the Labor Code.

11 SEC. 8. Section 7337.5 of the Business and Professions Code
12 is amended to read:

13 7337.5. (a) The board shall adopt regulations providing for
14 the submittal of applications for admission to examination of
15 students of approved cosmetology, electrology, or barbering
16 schools who have completed at least 75 percent of the required
17 course clock hours and curriculum requirements (60 percent for
18 students of the manicurist course), or any person licensed as an
19 apprentice in barbering, cosmetology, *or* skin-care, ~~or nail care~~
20 who has completed at least 75 percent of the required
21 apprenticeship training hours. The regulations shall include
22 provisions that ensure that all proof of qualifications of the
23 applicant is received by the board before the applicant is examined.

24 (b) An application for examination submitted by a student of
25 an approved cosmetology, electrology, or barbering school under
26 this section shall be known as a “school preapplication” and an
27 additional preapplication fee may be required.

28 (c) An application for examination submitted by a person
29 licensed as an apprentice in barbering, cosmetology, *or* skin-care,
30 ~~or nail care~~ shall be known as an “apprenticeship preapplication”
31 and an additional fee may be required.

32 (d) The board shall administer the licensing examination not
33 later than 10 working days after graduation from an approved
34 cosmetology, electrology, or barbering school to students who
35 have submitted an application for admission for examination under
36 the preapplication procedure, or not later than 10 working days
37 after completion of an approved barbering, cosmetology, *or* skin
38 ~~care, or nail care~~ apprenticeship program for a person licensed as
39 an apprentice.

1 SEC. 9. Section 7365 of the Business and Professions Code is
2 repealed.

3 ~~7365. A nail care course established by a school shall consist~~
4 ~~of not less than 350 hours of practical training and technical~~
5 ~~instruction in accordance with a curriculum established by board~~
6 ~~regulation.~~

7 SEC. 10. Section 7396 of the Business and Professions Code
8 is amended to read:

9 7396. The form and content of a license issued by the board
10 shall be determined in accordance with Section 164.

11 The license shall prominently state that the holder is licensed as
12 a barber, cosmetologist, esthetician, ~~manicurist~~, electrologist, or
13 apprentice, and shall contain a photograph of the licensee.

14 SEC. 11. Section 7423 of the Business and Professions Code
15 is amended to read:

16 7423. The amounts of the fees required by this chapter relating
17 to licenses for individual practitioners are as follows:

18 (a) (1) ~~Cosmetologist~~—A *cosmetologist* application and
19 examination fee shall be the actual cost to the board for developing,
20 purchasing, grading, and administering the examination.

21 (2) A cosmetologist initial license fee shall not be more than
22 fifty dollars (\$50).

23 (b) (1) An esthetician application and examination fee shall be
24 the actual cost to the board for developing, purchasing, grading,
25 and administering the examination.

26 (2) An esthetician initial license fee shall not be more than forty
27 dollars (\$40).

28 (c) (1) ~~A manicurist application and examination fee shall be~~
29 ~~the actual cost to the board for developing, purchasing, grading,~~
30 ~~and administering the examination.~~

31 (2) ~~A manicurist initial license fee shall not be more than~~
32 ~~thirty-five dollars (\$35).~~

33 (d)

34 (c) (1) A barber application and examination fee shall be the
35 actual cost to the board for developing, purchasing, grading, and
36 administering the examination.

37 (2) A barber initial license fee shall be not more than fifty dollars
38 (\$50).

39 (e)

1 (d) (1) An electrologist application and examination fee shall
2 be the actual cost to the board for developing, purchasing, grading,
3 and administering the examination.

4 (2) An electrologist initial license fee shall be not more than
5 fifty dollars (\$50).

6 ~~(f)~~

7 (e) An apprentice application and license fee shall be not more
8 than twenty-five dollars (\$25).

9 ~~(g)~~

10 (f) The license renewal fee for individual practitioner licenses
11 that are subject to renewal shall be not more than fifty dollars
12 (\$50).

13 ~~(h)~~

14 (g) Notwithstanding Section 163.5 the license renewal
15 delinquency fee shall be 50 percent of the renewal fee in effect on
16 the date of renewal.

17 ~~(i)~~

18 (h) Any preapplication fee shall be established by the board in
19 an amount sufficient to cover the costs of processing and
20 administration of the preapplication.

21 SEC. 12. Section 19010.1 of the Business and Professions
22 Code is repealed.

23 19010.1. ~~“Custom upholsterer” means a person who, either by~~
24 ~~himself or herself or through employees or agents, repairs,~~
25 ~~reupholsters, re-covers, restores, or renews upholstered furniture,~~
26 ~~or who makes to order and specification of the user any article of~~
27 ~~upholstered furniture, using either new materials or owner’s~~
28 ~~materials.~~

29 SEC. 13. Section 19011 of the Business and Professions Code
30 is amended to read:

31 19011. “Manufacturer” means a person who, either by ~~himself~~
32 ~~or herself~~ *themselves* or through employees or agents, makes any
33 article of upholstered furniture or bedding in whole or in part, ~~or~~
34 ~~who does the upholstery or covering of any unit thereof,~~ using
35 either new or secondhand material. ~~“Manufacturer” does not,~~
36 ~~however, include a “custom upholsterer,” as defined in Section~~
37 ~~19010.1.~~

38 SEC. 14. Section 19017 of the Business and Professions Code
39 is amended to read:

1 19017. “Owner’s material” means any article or material
2 belonging to a person for ~~his or her~~ *their* own, or *their* tenant’s
3 use, that is sent to any ~~manufacturer, manufacturer or bedding~~
4 ~~renovator, or custom upholsterer to be repaired or renovated,~~
5 *renovator* or used in repairing or renovating.

6 SEC. 15. Section 19051 of the Business and Professions Code
7 is amended to read:

8 19051. Every upholstered-furniture retailer, unless ~~he or she~~
9 *the person* holds an importer’s license, a furniture and bedding
10 manufacturer’s license, a wholesale furniture and bedding dealer’s
11 license, ~~a custom upholsterer’s license,~~ or a retail furniture and
12 bedding dealer’s ~~license~~ *license*, shall hold a retail furniture dealer’s
13 license.

14 (a) This section does not apply to a person whose sole business
15 is designing and specifying for interior spaces, and who purchases
16 specific amenable upholstered furniture items on behalf of a client,
17 provided that the furniture is purchased from an appropriately
18 licensed importer, wholesaler, or retailer. This section does not
19 apply to a person who sells “used” and “antique” furniture as
20 defined in Sections 19008.1 and 19008.2.

21 (b) This section does not apply to a person who is licensed as
22 a home medical device retail facility by the State Department of
23 Health Services, provided that the furniture is purchased from an
24 appropriately licensed importer, wholesaler, or retailer.

25 SEC. 16. Section 19052 of the Business and Professions Code
26 is repealed.

27 ~~19052. Every custom upholsterer, unless he or she holds a~~
28 ~~furniture and bedding manufacturer’s license, shall hold a custom~~
29 ~~upholsterer’s license.~~

30 SEC. 17. Section 19059.5 of the Business and Professions
31 Code is amended to read:

32 19059.5. Every sanitizer shall hold a sanitizer’s license unless
33 ~~he or she~~ *the person* is licensed as a home medical device retail
34 facility by the State Department of Health Services or as an
35 upholstered furniture and bedding manufacturer, retail furniture
36 and bedding dealer, ~~or retail bedding dealer, or custom upholsterer.~~
37 *dealer.*

38 SEC. 18. Section 19060.6 of the Business and Professions
39 Code is amended to read:

1 19060.6. (a) ~~Except as provided in subdivision (b), every~~ Every
 2 person who, on ~~his or her~~ *their* own account, advertises, ~~solicits~~
 3 ~~solicits~~, or contracts to ~~manufacture, repair or renovate~~ *manufacture*
 4 upholstered furniture or bedding, and who either does the work
 5 ~~himself or herself~~ *themselves* or has others do it for ~~him or her, it,~~
 6 shall obtain the particular license required by this chapter for the
 7 particular type of work that ~~he or she~~ *the person* solicits or
 8 advertises that ~~he or she~~ *the person* will do, regardless of whether
 9 ~~he or she~~ *the person* has a shop or factory.

10 (b) ~~Every person who, on his or her own account, advertises,~~
 11 ~~solicits or contracts to repair or renovate upholstered furniture and~~
 12 ~~who does not do the work himself or herself nor have employees~~
 13 ~~do it for him or her but does have the work done by a licensed~~
 14 ~~custom upholsterer need not obtain a license as a custom~~
 15 ~~upholsterer but shall obtain a license as a retail furniture dealer.~~
 16 ~~However, nothing in this section shall exempt a retail furniture~~
 17 ~~dealer from complying with Sections 19162 and 19163.~~

18 SEC. 19. Section 19170 of the Business and Professions Code
 19 is amended to read:

20 19170. (a) The fee imposed for the issuance and for the
 21 biennial renewal of each license granted under this chapter shall
 22 be set by the chief, with the approval of the director, at a sum not
 23 more nor less than that shown in the following table:

	Maximum	Minimum
	fee	fee
27 Importer's license	\$940	\$120
28 Furniture and bedding manufacturer's		
29 license	940	120
30 Wholesale furniture and bedding		
31 dealer's license	675	120
32 Supply dealer's license	675	120
33 Custom upholsterer's license	450	80
34 Sanitizer's license	450	80
35 Retail furniture and bedding dealer's license	300	40
36 Retail furniture dealer's license	150	20
37 Retail bedding dealer's license	150	20

38
 39 (b) Individuals who, in their own homes and without the
 40 employment of any other person, make, sell, advertise, or contract

1 to make pillows, quilts, quilted pads, or comforters are exempt
2 from the fee requirements imposed by subdivision (a). However,
3 these individuals shall comply with all other provisions of this
4 chapter.

5 (c) Retailers who only sell “used” and “antique” furniture as
6 defined in Sections 19008.1 and 19008.2 are exempt from the fee
7 requirements imposed by subdivision (a). Those retailers are also
8 exempt from the other provisions of this chapter.

9 (d) A person who makes, sells, or advertises upholstered
10 furniture and bedding as defined in Sections 19006 and 19007,
11 and who also makes, sells, or advertises furniture used exclusively
12 for the purpose of physical fitness and exercise, shall comply with
13 the fee requirements imposed by subdivision (a).

14 (e) A person who has paid the required fee and who is licensed
15 either as an upholstered furniture and bedding manufacturer or a
16 custom upholsterer under this chapter shall not be required to
17 additionally pay the fee for a sanitizer’s license.

18 SEC. 20. Section 110371 of the Health and Safety Code is
19 amended to read:

20 110371. (a) A professional cosmetic manufactured on or after
21 July 1, 2020, for sale in this state shall have a label affixed on the
22 container that satisfies all of the labeling requirements for any
23 other cosmetic pursuant to the Federal Food, Drug, and Cosmetic
24 Act (21 U.S.C. Sec. 301, et seq.), and the federal Fair Packaging
25 and Labeling Act (15 U.S.C. Sec. 1451, et seq.).

26 (b) The following definitions shall apply to this section:

27 (1) “Ingredient” has the same meaning as in Section 111791.5.

28 (2) “Professional” means a person that has been granted a license
29 by the State Board of Barbering and Cosmetology to practice in
30 the field of cosmetology, ~~nail care~~, barbering, or esthetics.

31 (3) “Professional cosmetic” means a cosmetic product as it is
32 defined in Section 109900 that is intended or marketed to be used
33 only by a professional on account of a specific ingredient, increased
34 concentration of an ingredient, or other quality that requires safe
35 handling, or is otherwise used by a professional.

ASSEMBLY BILL

No. 241

Introduced by Assembly Member Kamlager-Dove

January 18, 2019

An act relating to implicit bias.

LEGISLATIVE COUNSEL’S DIGEST

AB 241, as introduced, Kamlager-Dove. Implicit bias.

Existing law, the California Fair Employment and Housing Act, protects and safeguards the right and opportunity of all persons to seek, obtain, and hold employment without discrimination, abridgment, or harassment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

This bill would declare the intent of the Legislature to enact legislation that would address implicit bias in the healing arts professions.

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

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

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that would address implicit bias in the healing arts
- 3 professions.

ASSEMBLY BILL

No. 476

Introduced by Assembly Member Blanca Rubio

February 12, 2019

An act to add Section 110.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as introduced, Blanca Rubio. Department of Consumer Affairs: task force: foreign-trained professionals.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session.

This bill, the California Opportunity Act of 2019, 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, 2021, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for

expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

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. This act shall be known as the California
2 Opportunity Act of 2019.

3 SEC. 2. Section 110.5 is added to the Business and Professions
4 Code, to read:

5 110.5. (a) The Department of Consumer Affairs shall create
6 a task force to study, and write the report described in subdivision
7 (c) regarding, the licensing of foreign-trained professionals with
8 the goal of integrating foreign-trained professionals into the state's
9 workforce.

10 (b) The task force shall consist of the following 15 members:

11 (1) The Director of Consumer Affairs, or the director's designee,
12 who shall serve as the chair of the task force.

13 (2) One member appointed by the Governor.

14 (3) One member appointed by the President pro Tempore of the
15 Senate.

16 (4) One member appointed by the Speaker of the Assembly.

17 (5) One member of the Regents of the University of California.

18 (6) One member of the Trustees of the California State
19 University.

20 (7) One member of the Board of Governors of the California
21 Community Colleges.

22 (8) Four members appointed by the Governor who are
23 representatives of the private sector from diverse regions in the
24 state.

25 (9) Four members appointed by the Governor who are
26 representatives of nonprofit organizations that serve the immigrant
27 community from diverse regions in the state.

28 (c) (1) The task force shall write a report of its findings and
29 recommendations regarding the licensing of foreign-trained
30 professionals, that include, but are not limited to, the following:

1 (A) Strategies to integrate foreign-trained professionals and
2 methods of implementing those strategies, including those
3 recommended by the Little Hoover Commission in its October
4 2016 report entitled Jobs for Californians: Strategies to Ease
5 Occupational Licensing Barriers (Report #234).

6 (B) Identification of state and national licensing regulations that
7 potentially pose unnecessary barriers to practice for foreign-trained
8 professionals, corresponding changes to state licensing
9 requirements, and opportunities to advocate for corresponding
10 changes to national licensing requirements.

11 (C) Identification of best practices learned from similar efforts
12 to integrate foreign-trained professionals into the workforce in
13 other states.

14 (2) The task force may include in the report guidelines for full
15 licensure and conditional licensing of foreign-trained professionals.

16 (3) The task force may hold hearings and invite testimony from
17 experts and the public to gather information.

18 (d) The task force shall submit the report described in
19 subdivision (c) to the Legislature no later than January 1, 2021,
20 and in compliance with Section 9795 of the Government Code.

21 (e) The following shall also apply:

22 (1) The task force shall meet at least once each calendar quarter.
23 The task force shall meet at least once in northern California, once
24 in central California, and once in southern California to facilitate
25 participation by the public.

26 (2) A majority of the appointed task force shall constitute a
27 quorum. Task force meetings shall be held in accordance with the
28 Bagley-Keene Open Meeting Act (Article 9 (commencing with
29 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
30 the Government Code).

31 (3) (A) Each member shall receive a per diem of one hundred
32 dollars (\$100) for each day actually spent in the discharge of
33 official duties, and shall be reimbursed for traveling and other
34 expenses necessarily incurred in the performance of official duties.

35 (B) Notwithstanding any other law, a public officer or employee
36 shall not receive per diem salary compensation for serving on the
37 task force on any day when the officer or employee also received
38 compensation for their regular public employment.

- 1 (4) The task force shall solicit input from a variety of
2 government agencies, stakeholders, and the public, including, but
3 not limited to, the following:
- 4 (A) The Little Hoover Commission.
 - 5 (B) The California Workforce Development Board.
 - 6 (C) The Department of Industrial Relations.
 - 7 (D) In- and out-of-state licensing entities.
 - 8 (E) Professional associations.
 - 9 (F) Labor and workforce organizations.

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Low

February 12, 2019

An act to amend Sections 23.8, 23.9, 25, 27, 28, 30, 31, 101, 101.7, 102.3, 103, 105.5, 106, 107, 108.5, 111, 114, 114.3, 115.5, 115.6, 116, 119, 120, 121, 124, 125, 125.3, 125.6, 125.9, 127, 129, 130, 132, 136, 137, 138, and 144 of the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as introduced, Low. Business and professions.

Under existing law, the Department of Consumer Affairs, which is under the control of the director of the Director of Consumer Affairs, is comprised of various boards, as defined, that license and regulate various professions and vocations.

This bill would replace gendered terms with nongendered terms and make various other nonsubstantive changes.

Existing law authorizes the director to audit and review, upon the director's own initiative or upon the request of a consumer or licensee, inquiries and complaints regarding, among other things, dismissals of disciplinary cases of specified licensees and requires the director to report to the Chairpersons of the Senate Business and Professions Committee and the Assembly Health Committee annually regarding any findings from such an audit or review.

This bill would instead require the director to report to the Chairpersons of the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee.

Existing law defines the term “licentiate” to mean any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified.

This bill would instead define “licensee” to mean any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified, and would provide that any reference to licentiate be deemed to refer to licensee.

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

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

1 SECTION 1. Section 23.8 of the Business and Professions
2 Code is amended to read:

3 23.8. ~~“Licentiate”~~ “Licensee” means any person authorized
4 by a license, certificate, registration, or other means to engage in
5 a business or profession regulated by this code or referred to in
6 Sections 1000 and 3600.

7 *Any reference to licentiate in this code shall be deemed to refer*
8 *to licensee.*

9 SEC. 2. Section 23.9 of the Business and Professions Code is
10 amended to read:

11 23.9. Notwithstanding any other provision of this code, any
12 individual who, while imprisoned in a state prison or other
13 correctional institution, is trained, in the course of a rehabilitation
14 program approved by the particular licensing agency concerned
15 and provided by the prison or other correctional institution, in a
16 particular skill, occupation, or profession for which a state license,
17 certificate, or other evidence of proficiency is required by this code
18 shall not, when released from the prison or institution, be denied
19 the right to take the next regularly scheduled state examination or
20 any examination thereafter required to obtain the license,
21 certificate, or other evidence of proficiency and shall not be denied
22 such license, certificate, or other evidence of proficiency, because
23 ~~of his~~ *that individual’s* imprisonment or the conviction from which
24 the imprisonment resulted, or because ~~he~~ *the individual* obtained
25 ~~his~~ *the individual’s* training in prison or in the correctional
26 institution, if the licensing agency, upon recommendation of the
27 Adult Authority or the Department of the Youth Authority, as the

1 case may be, finds that ~~he~~ *the individual* is a fit person to be
2 licensed.

3 SEC. 3. Section 25 of the Business and Professions Code is
4 amended to read:

5 25. Any person applying for a license, registration, or the first
6 renewal of a license, after the effective date of this section, as a
7 licensed marriage and family therapist, a licensed clinical social
8 worker, a licensed psychologist, or a licensed professional clinical
9 counselor shall, in addition to any other requirements, show by
10 evidence satisfactory to the agency regulating the business or
11 profession, that ~~he or she has~~ *they have* completed training in
12 human sexuality as a condition of licensure. The training shall be
13 creditable toward continuing education requirements as deemed
14 appropriate by the agency regulating the business or profession,
15 and the course shall not exceed more than 50 contact hours.

16 The Board of Psychology shall exempt from the requirements
17 of this section any persons whose field of practice is such that they
18 are not likely to have use for this training.

19 “Human sexuality” as used in this section means the study of a
20 human being as a sexual being and how ~~he or she~~ *a human being*
21 functions with respect thereto.

22 The content and length of the training shall be determined by
23 the administrative agency regulating the business or profession
24 and the agency shall proceed immediately upon the effective date
25 of this section to determine what training, and the quality of staff
26 to provide the training, is available and shall report its
27 determination to the Legislature on or before July 1, 1977.

28 If a licensing board or agency proposes to establish a training
29 program in human sexuality, the board or agency shall first consult
30 with other licensing boards or agencies that have established or
31 propose to establish a training program in human sexuality to
32 ensure that the programs are compatible in scope and content.

33 SEC. 4. Section 27 of the Business and Professions Code is
34 amended to read:

35 27. (a) Each entity specified in subdivisions (c), (d), and (e)
36 shall provide on the Internet information regarding the status of
37 every license issued by that entity in accordance with the California
38 Public Records Act (Chapter 3.5 (commencing with Section 6250)
39 of Division 7 of Title 1 of the Government Code) and the
40 Information Practices Act of 1977 (Chapter 1 (commencing with

1 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
2 The public information to be provided on the Internet shall include
3 information on suspensions and revocations of licenses issued by
4 the entity and other related enforcement action, including
5 accusations filed pursuant to the Administrative Procedure Act
6 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
7 Division 3 of Title 2 of the Government Code) taken by the entity
8 relative to persons, businesses, or facilities subject to licensure or
9 regulation by the entity. The information may not include personal
10 information, including home telephone number, date of birth, or
11 social security number. Each entity shall disclose a licensee's
12 address of record. However, each entity shall allow a licensee to
13 provide a post office box number or other alternate address, instead
14 of ~~his or her~~ *the licensee's* home address, as the address of record.
15 This section shall not preclude an entity from also requiring a
16 licensee, who has provided a post office box number or other
17 alternative mailing address as ~~his or her~~ *the licensee's* address of
18 record, to provide a physical business address or residence address
19 only for the entity's internal administrative use and not for
20 disclosure as the licensee's address of record or disclosure on the
21 Internet.

22 (b) In providing information on the Internet, each entity specified
23 in subdivisions (c) and (d) shall comply with the Department of
24 Consumer Affairs' guidelines for access to public records.

25 (c) Each of the following entities within the Department of
26 Consumer Affairs shall comply with the requirements of this
27 section:

28 (1) The Board for Professional Engineers, Land Surveyors, and
29 Geologists shall disclose information on its registrants and
30 licensees.

31 (2) The Bureau of Automotive Repair shall disclose information
32 on its licensees, including auto repair dealers, smog stations, lamp
33 and brake stations, smog check technicians, and smog inspection
34 certification stations.

35 (3) The Bureau of Household Goods and Services shall disclose
36 information on its licensees and registrants, including major
37 appliance repair dealers, combination dealers (electronic and
38 appliance), electronic repair dealers, service contract sellers, ~~and~~
39 service contract ~~administrators~~. *administrators, and household*
40 *movers.*

1 (4) The Cemetery and Funeral Bureau shall disclose information
2 on its licensees, including cemetery brokers, cemetery salespersons,
3 cemetery managers, crematory managers, cemetery authorities,
4 crematories, cremated remains disposers, embalmers, funeral
5 establishments, and funeral directors.

6 (5) The Professional Fiduciaries Bureau shall disclose
7 information on its licensees.

8 (6) The Contractors' State License Board shall disclose
9 information on its licensees and registrants in accordance with
10 Chapter 9 (commencing with Section 7000) of Division 3. In
11 addition to information related to licenses as specified in
12 subdivision (a), the board shall also disclose information provided
13 to the board by the Labor Commissioner pursuant to Section 98.9
14 of the Labor Code.

15 (7) The Bureau for Private Postsecondary Education shall
16 disclose information on private postsecondary institutions under
17 its jurisdiction, including disclosure of notices to comply issued
18 pursuant to Section 94935 of the Education Code.

19 (8) The California Board of Accountancy shall disclose
20 information on its licensees and registrants.

21 (9) The California Architects Board shall disclose information
22 on its licensees, including architects and landscape architects.

23 (10) The State Athletic Commission shall disclose information
24 on its licensees and registrants.

25 (11) The State Board of Barbering and Cosmetology shall
26 disclose information on its licensees.

27 ~~(12) The State Board of Guide Dogs for the Blind shall disclose~~
28 ~~information on its licensees and registrants.~~

29 ~~(13)~~

30 (12) The Acupuncture Board shall disclose information on its
31 licensees.

32 ~~(14)~~

33 (13) The Board of Behavioral Sciences shall disclose
34 information on its licensees and registrants.

35 ~~(15)~~

36 (14) The Dental Board of California shall disclose information
37 on its licensees.

38 ~~(16)~~

39 (15) The State Board of Optometry shall disclose information
40 on its licensees and registrants.

1 ~~(17)~~

2 (16) The Board of Psychology shall disclose information on its
3 licensees, including psychologists, psychological assistants, and
4 registered psychologists.

5 ~~(18)~~

6 (17) The Veterinary Medical Board shall disclose information
7 on its licensees, registrants, and permitholders.

8 (d) The State Board of Chiropractic Examiners shall disclose
9 information on its licensees.

10 (e) The Structural Pest Control Board shall disclose information
11 on its licensees, including applicators, field representatives, and
12 operators in the areas of fumigation, general pest and wood
13 destroying pests and organisms, and wood roof cleaning and
14 treatment.

15 (f) The Bureau of Cannabis Control shall disclose information
16 on its licensees.

17 (g) “Internet” for the purposes of this section has the meaning
18 set forth in paragraph (6) of subdivision (f) of Section 17538.

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

21 28. (a) The Legislature finds that there is a need to ensure that
22 professionals of the healing arts who have demonstrable contact
23 with victims and potential victims of child, elder, and dependent
24 adult abuse, and abusers and potential abusers of children, elders,
25 and dependent adults are provided with adequate and appropriate
26 training regarding the assessment and reporting of child, elder,
27 and dependent adult abuse that will ameliorate, reduce, and
28 eliminate the trauma of abuse and neglect and ensure the reporting
29 of abuse in a timely manner to prevent additional occurrences.

30 (b) The Board of Psychology and the Board of Behavioral
31 Sciences shall establish required training in the area of child abuse
32 assessment and reporting for all persons applying for initial
33 licensure and renewal of a license as a psychologist, clinical social
34 worker, professional clinical counselor, or marriage and family
35 therapist. This training shall be required one time only for all
36 persons applying for initial licensure or for licensure renewal.

37 (c) All persons applying for initial licensure or renewal of a
38 license as a psychologist, clinical social worker, professional
39 clinical counselor, or marriage and family therapist shall, in
40 addition to all other requirements for licensure or renewal, have

1 completed coursework or training in child abuse assessment and
2 reporting that meets the requirements of this section, including
3 detailed knowledge of the Child Abuse and Neglect Reporting Act
4 (Article 2.5 (commencing with Section 11164) of Chapter 2 of
5 Title 1 of Part 4 of the Penal Code). The training shall meet all of
6 the following requirements:

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

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

11 (B) A continuing education provider as specified by the
12 responsible board by regulation.

13 (C) A course sponsored or offered by a professional association
14 or a local, county, or state department of health or mental health
15 for continuing education and approved or accepted by the
16 responsible board.

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

18 (3) Include the study of the assessment and method of reporting
19 of sexual assault, neglect, severe neglect, general neglect, willful
20 cruelty or unjustifiable punishment, corporal punishment or injury,
21 and abuse in out-of-home care. The training shall also include
22 physical and behavioral indicators of abuse, crisis counseling
23 techniques, community resources, rights and responsibilities of
24 reporting, consequences of failure to report, caring for a child's
25 needs after a report is made, sensitivity to previously abused
26 children and adults, and implications and methods of treatment
27 for children and adults.

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

30 (d) The Board of Psychology and the Board of Behavioral
31 Sciences shall exempt an applicant who applies for an exemption
32 from this section and who shows to the satisfaction of the board
33 that there would be no need for the training in ~~his or her~~ *the*
34 *applicant's* practice because of the nature of that practice.

35 (e) It is the intent of the Legislature that a person licensed as a
36 psychologist, clinical social worker, professional clinical counselor,
37 or marriage and family therapist have minimal but appropriate
38 training in the areas of child, elder, and dependent adult abuse
39 assessment and reporting. It is not intended that, by solely
40 complying with this section, a practitioner is fully trained in the

1 subject of treatment of child, elder, and dependent adult abuse
2 victims and abusers.

3 (f) The Board of Psychology and the Board of Behavioral
4 Sciences are encouraged to include coursework regarding the
5 assessment and reporting of elder and dependent adult abuse in
6 the required training on aging and long-term care issues prior to
7 licensure or license renewal.

8 SEC. 6. Section 30 of the Business and Professions Code is
9 amended to read:

10 30. (a) (1) Notwithstanding any other law, any board, as
11 defined in Section 22, the State Bar of California, and the
12 Department of Real Estate shall, at the time of issuance of the
13 license, require that the applicant provide its federal employer
14 identification number, if the applicant is a partnership, or the
15 applicant's social security number for all other applicants.

16 (2) (A) In accordance with Section 135.5, a board, as defined
17 in Section 22, the State Bar of California, and the Department of
18 Real Estate shall require either the individual taxpayer
19 identification number or social security number if the applicant is
20 an individual for a license or certificate, as defined in subparagraph
21 (2) of subdivision (e), and for purposes of this subdivision.

22 (B) In implementing the requirements of subparagraph (A), a
23 licensing board shall not require an individual to disclose either
24 citizenship status or immigration status for purposes of licensure.

25 (C) A licensing board shall not deny licensure to an otherwise
26 qualified and eligible individual based solely on his or her
27 citizenship status or immigration status.

28 (D) The Legislature finds and declares that the requirements of
29 this subdivision are consistent with subsection (d) of Section 1621
30 of Title 8 of the United States Code.

31 (b) A licensee failing to provide the federal employer
32 identification number, or the individual taxpayer identification
33 number or social security number shall be reported by the licensing
34 board to the Franchise Tax Board. If the licensee fails to provide
35 that information after notification pursuant to paragraph (1) of
36 subdivision (b) of Section 19528 of the Revenue and Taxation
37 Code, the licensee shall be subject to the penalty provided in
38 paragraph (2) of subdivision (b) of Section 19528 of the Revenue
39 and Taxation Code.

1 (c) In addition to the penalty specified in subdivision (b), a
2 licensing board shall not process an application for an initial license
3 unless the applicant provides its federal employer identification
4 number, or individual taxpayer identification number or social
5 security number where requested on the application.

6 (d) A licensing board shall, upon request of the Franchise Tax
7 Board or the Employment Development Department, furnish to
8 the board or the department, as applicable, the following
9 information with respect to every licensee:

10 (1) Name.

11 (2) Address or addresses of record.

12 (3) Federal employer identification number if the licensee is a
13 partnership, or the licensee's individual taxpayer identification
14 number or social security number for all other licensees.

15 (4) Type of license.

16 (5) Effective date of license or a renewal.

17 (6) Expiration date of license.

18 (7) Whether license is active or inactive, if known.

19 (8) Whether license is new or a renewal.

20 (e) For the purposes of this section:

21 (1) "Licensee" means a person or entity, other than a
22 corporation, authorized by a license, certificate, registration, or
23 other means to engage in a business or profession regulated by
24 this code or referred to in Section 1000 or 3600.

25 (2) "License" includes a certificate, registration, or any other
26 authorization needed to engage in a business or profession
27 regulated by this code or referred to in Section 1000 or 3600.

28 (3) "Licensing board" means any board, as defined in Section
29 22, the State Bar of California, and the Department of Real Estate.

30 (f) The reports required under this section shall be filed on
31 magnetic media or in other machine-readable form, according to
32 standards furnished by the Franchise Tax Board or the Employment
33 Development Department, as applicable.

34 (g) Licensing boards shall provide to the Franchise Tax Board
35 or the Employment Development Department the information
36 required by this section at a time that the board or the department,
37 as applicable, may require.

38 (h) Notwithstanding Chapter 3.5 (commencing with Section
39 6250) of Division 7 of Title 1 of the Government Code, a federal
40 employer identification number, individual taxpayer identification

1 number, or social security number furnished pursuant to this section
2 shall not be deemed to be a public record and shall not be open to
3 the public for inspection.

4 (i) A deputy, agent, clerk, officer, or employee of a licensing
5 board described in subdivision (a), or any former officer or
6 employee or other individual who, in the course of ~~his or her~~ *their*
7 employment or duty, has or has had access to the information
8 required to be furnished under this section, shall not disclose or
9 make known in any manner that information, except as provided
10 pursuant to this section, to the Franchise Tax Board, the
11 Employment Development Department, the Office of the
12 Chancellor of the California Community Colleges, a collections
13 agency contracted to collect funds owed to the State Bar by
14 licensees pursuant to Sections 6086.10 and 6140.5, or as provided
15 in subdivisions (j) and (k).

16 (j) It is the intent of the Legislature in enacting this section to
17 utilize the federal employer identification number, individual
18 taxpayer identification number, or social security number for the
19 purpose of establishing the identification of persons affected by
20 state tax laws, for purposes of compliance with Section 17520 of
21 the Family Code, for purposes of measuring employment outcomes
22 of students who participate in career technical education programs
23 offered by the California Community Colleges, and for purposes
24 of collecting funds owed to the State Bar by licensees pursuant to
25 Section 6086.10 and Section 6140.5 and, to that end, the
26 information furnished pursuant to this section shall be used
27 exclusively for those purposes.

28 (k) If the board utilizes a national examination to issue a license,
29 and if a reciprocity agreement or comity exists between the State
30 of California and the state requesting release of the individual
31 taxpayer identification number or social security number, any
32 deputy, agent, clerk, officer, or employee of any licensing board
33 described in subdivision (a) may release an individual taxpayer
34 identification number or social security number to an examination
35 or licensing entity, only for the purpose of verification of licensure
36 or examination status.

37 (l) For the purposes of enforcement of Section 17520 of the
38 Family Code, and notwithstanding any other law, a board, as
39 defined in Section 22, the State Bar of California, and the
40 Department of Real Estate shall at the time of issuance of the

1 license require that each licensee provide the individual taxpayer
2 identification number or social security number of each individual
3 listed on the license and any person who qualifies for the license.
4 For the purposes of this subdivision, “licensee” means an entity
5 that is issued a license by any board, as defined in Section 22, the
6 State Bar of California, the Department of Real Estate, and the
7 Department of Motor Vehicles.

8 (m) The department shall, upon request by the Office of the
9 Chancellor of the California Community Colleges, furnish to the
10 chancellor’s office, as applicable, the following information with
11 respect to every licensee:

12 (1) Name.

13 (2) Federal employer identification number if the licensee is a
14 partnership, or the licensee’s individual taxpayer identification
15 number or social security number for all other licensees.

16 (3) Date of birth.

17 (4) Type of license.

18 (5) Effective date of license or a renewal.

19 (6) Expiration date of license.

20 (n) The department shall make available information pursuant
21 to subdivision (m) only to allow the chancellor’s office to measure
22 employment outcomes of students who participate in career
23 technical education programs offered by the California Community
24 Colleges and recommend how these programs may be improved.
25 Licensure information made available by the department pursuant
26 to this section shall not be used for any other purpose.

27 (o) The department may make available information pursuant
28 to subdivision (m) only to the extent that making the information
29 available complies with state and federal privacy laws.

30 (p) The department may, by agreement, condition or limit the
31 availability of licensure information pursuant to subdivision (m)
32 in order to ensure the security of the information and to protect
33 the privacy rights of the individuals to whom the information
34 pertains.

35 (q) All of the following apply to the licensure information made
36 available pursuant to subdivision (m):

37 (1) It shall be limited to only the information necessary to
38 accomplish the purpose authorized in subdivision (n).

1 (2) It shall not be used in a manner that permits third parties to
2 personally identify the individual or individuals to whom the
3 information pertains.

4 (3) Except as provided in subdivision (n), it shall not be shared
5 with or transmitted to any other party or entity without the consent
6 of the individual or individuals to whom the information pertains.

7 (4) It shall be protected by reasonable security procedures and
8 practices appropriate to the nature of the information to protect
9 that information from unauthorized access, destruction, use,
10 modification, or disclosure.

11 (5) It shall be immediately and securely destroyed when no
12 longer needed for the purpose authorized in subdivision (n).

13 (r) The department or the chancellor's office may share licensure
14 information with a third party who contracts to perform the function
15 described in subdivision (n), if the third party is required by
16 contract to follow the requirements of this section.

17 SEC. 7. Section 31 of the Business and Professions Code is
18 amended to read:

19 31. (a) As used in this section, "board" means any entity listed
20 in Section 101, the entities referred to in Sections 1000 and 3600,
21 the State Bar, the ~~Bureau~~ *Department* of Real Estate, and any other
22 state agency that issues a license, certificate, or registration
23 authorizing a person to engage in a business or profession.

24 (b) Each applicant for the issuance or renewal of a license,
25 certificate, registration, or other means to engage in a business or
26 profession regulated by a board who is not in compliance with a
27 judgment or order for support shall be subject to Section 17520 of
28 the Family Code.

29 (c) "Compliance with a judgment or order for support" has the
30 meaning given in paragraph (4) of subdivision (a) of Section 17520
31 of the Family Code.

32 (d) Each licensee or applicant whose name appears on a list of
33 the 500 largest tax delinquencies pursuant to Section 7063 or 19195
34 of the Revenue and Taxation Code shall be subject to Section
35 494.5.

36 (e) Each application for a new license or renewal of a license
37 shall indicate on the application that the law allows the ~~State Board~~
38 ~~of Equalization~~ *California Department of Tax and Fee*
39 *Administration* and the Franchise Tax Board to share taxpayer
40 information with a board and requires the licensee to pay ~~his or~~

1 ~~her~~ *the licensee's* state tax obligation and that ~~his or her~~ *the*
2 *licensee's* license may be suspended if the state tax obligation is
3 not paid.

4 (f) For purposes of this section, "tax obligation" means the tax
5 imposed under, or in accordance with, Part 1 (commencing with
6 Section 6001), Part 1.5 (commencing with Section 7200), Part 1.6
7 (commencing with Section 7251), Part 1.7 (commencing with
8 Section 7280), Part 10 (commencing with Section 17001), or Part
9 11 (commencing with Section 23001) of Division 2 of the Revenue
10 and Taxation Code.

11 SEC. 8. Section 101 of the Business and Professions Code is
12 amended to read:

13 101. The department is comprised of the following:

- 14 (a) The Dental Board of California.
- 15 (b) The Medical Board of California.
- 16 (c) The State Board of Optometry.
- 17 (d) The California State Board of Pharmacy.
- 18 (e) The Veterinary Medical Board.
- 19 (f) The California Board of Accountancy.
- 20 (g) The California Architects Board.
- 21 (h) The State Board of Barbering and Cosmetology.
- 22 (i) The Board for Professional Engineers, Land Surveyors, and
23 Geologists.
- 24 (j) The Contractors' State License Board.
- 25 (k) The Bureau for Private Postsecondary Education.
- 26 (l) The Bureau of Household Goods and Services.
- 27 (m) The Board of Registered Nursing.
- 28 (n) The Board of Behavioral Sciences.
- 29 (o) The State Athletic Commission.
- 30 (p) The Cemetery and Funeral Bureau.
- 31 (q) The Bureau of Security and Investigative Services.
- 32 (r) The Court Reporters Board of California.
- 33 (s) The Board of Vocational Nursing and Psychiatric
34 Technicians.
- 35 (t) The Landscape Architects Technical Committee.
- 36 (u) The Division of Investigation.
- 37 (v) The Bureau of Automotive Repair.
- 38 (w) The Respiratory Care Board of California.
- 39 (x) The Acupuncture Board.
- 40 (y) The Board of Psychology.

1 (z) ~~The California Board of Podiatric Medicine.~~ *Podiatric*
2 ~~Medical Board of California.~~

3 (aa) The Physical Therapy Board of California.

4 (ab) The Arbitration Review Program.

5 (ac) The Physician Assistant Board.

6 (ad) The Speech-Language Pathology and Audiology and
7 Hearing Aid Dispensers Board.

8 (ae) The California Board of Occupational Therapy.

9 (af) The Osteopathic Medical Board of California.

10 (ag) The Naturopathic Medicine Committee.

11 (ah) The Dental Hygiene Board of California.

12 (ai) The Professional Fiduciaries Bureau.

13 (aj) The State Board of Chiropractic Examiners.

14 (ak) The Bureau of Real Estate Appraisers.

15 (al) The Structural Pest Control Board.

16 (am) The Bureau of Cannabis Control.

17 (an) Any other boards, offices, or officers subject to its
18 jurisdiction by law.

19 (ao) This section shall become operative on July 1, 2018.

20 SEC. 9. Section 101.7 of the Business and Professions Code
21 is amended to read:

22 101.7. (a) Notwithstanding any other provision of law, boards
23 shall meet at least three times each calendar year. Boards shall
24 meet at least once each calendar year in northern California and
25 once each calendar year in southern California in order to facilitate
26 participation by the public and its licensees.

27 (b) The director at ~~his or her~~ *the director's* discretion may
28 exempt any board from the requirement in subdivision (a) upon a
29 showing of good cause that the board is not able to meet at least
30 three times in a calendar year.

31 (c) The director may call for a special meeting of the board
32 when a board is not fulfilling its duties.

33 (d) An agency within the department that is required to provide
34 a written notice pursuant to subdivision (a) of Section 11125 of
35 the Government Code, may provide that notice by regular mail,
36 email, or by both regular mail and email. An agency shall give a
37 person who requests a notice the option of receiving the notice by
38 regular mail, email, or by both regular mail and email. The agency
39 shall comply with the requester's chosen form or forms of notice.

1 (e) An agency that plans to Web cast a meeting shall include in
2 the meeting notice required pursuant to subdivision (a) of Section
3 11125 of the Government Code a statement of the board's intent
4 to Web cast the meeting. An agency may Web cast a meeting even
5 if the agency fails to include that statement of intent in the notice.

6 SEC. 10. Section 102.3 of the Business and Professions Code
7 is amended to read:

8 102.3. (a) The director may enter into an interagency
9 agreement with an appropriate entity within the Department of
10 Consumer Affairs as provided for in Section 101 to delegate the
11 duties, powers, purposes, responsibilities, and jurisdiction that
12 have been succeeded and vested with the department, of a board,
13 as defined in Section 477, which became inoperative and was
14 repealed in accordance with Chapter 908 of the Statutes of 1994.

15 (b) (1) Where, pursuant to subdivision (a), an interagency
16 agreement is entered into between the director and that entity, the
17 entity receiving the delegation of authority may establish a
18 technical committee to regulate, as directed by the entity, the
19 profession subject to the authority that has been delegated. The
20 entity may delegate to the technical committee only those powers
21 that it received pursuant to the interagency agreement with the
22 director. The technical committee shall have only those powers
23 that have been delegated to it by the entity.

24 (2) Where the entity delegates its authority to adopt, amend, or
25 repeal regulations to the technical committee, all regulations
26 adopted, amended, or repealed by the technical committee shall
27 be subject to the review and approval of the entity.

28 (3) The entity shall not delegate to a technical committee its
29 authority to discipline a ~~licentiate~~ *licensee* who has violated the
30 provisions of the applicable chapter of the Business and Professions
31 Code that is subject to the director's delegation of authority to the
32 entity.

33 (c) An interagency agreement entered into, pursuant to
34 subdivision (a), shall continue until such time as the licensing
35 program administered by the technical committee has undergone
36 a review by the ~~Joint Committee on Boards, Commissions, and~~
37 ~~Consumer Protection Assembly Committee on Business and~~
38 ~~Professions and the Senate Committee on Business, Professions~~
39 ~~and Economic Development~~ to evaluate and determine whether
40 the licensing program has demonstrated a public need for its

1 continued existence. Thereafter, at the director's discretion, the
2 interagency agreement may be renewed.

3 SEC. 11. Section 103 of the Business and Professions Code is
4 amended to read:

5 103. Each member of a board, commission, or committee
6 created in the various chapters of Division 2 (commencing with
7 Section 500) and Division 3 (commencing with Section 5000),
8 and in Chapter 2 (commencing with Section 18600) and Chapter
9 3 (commencing with Section 19000) of Division 8, shall receive
10 the moneys specified in this section when authorized by the
11 respective provisions.

12 Each such member shall receive a per diem of one hundred
13 dollars (\$100) for each day actually spent in the discharge of
14 official duties, and shall be reimbursed for traveling and other
15 expenses necessarily incurred in the performance of official duties.

16 The payments in each instance shall be made only from the fund
17 from which the expenses of the agency are paid and shall be subject
18 to the availability of money.

19 Notwithstanding any other provision of law, no public officer
20 or employee shall receive per diem salary compensation for serving
21 on those boards, commissions, ~~committees, or the Consumer~~
22 ~~Advisory Council~~ *or committees* on any day when the officer or
23 employee also received compensation for ~~his or her~~ *the officer or*
24 *employee's* regular public employment.

25 SEC. 12. Section 105.5 of the Business and Professions Code
26 is amended to read:

27 105.5. Notwithstanding any other provision of this code, each
28 member of a board, commission, examining committee, or other
29 similarly constituted agency within the department shall hold office
30 until the appointment and qualification of ~~his~~ *that member's*
31 successor or until one year shall have elapsed since the expiration
32 of the term for which ~~he~~ *the member* was appointed, whichever
33 first occurs.

34 SEC. 13. Section 106 of the Business and Professions Code is
35 amended to read:

36 106. The Governor has power to remove from office at any
37 time, any member of any board appointed by ~~him~~ *the Governor*
38 for continued neglect of duties required by law, or for
39 incompetence, or unprofessional or dishonorable conduct. Nothing
40 in this section shall be construed as a limitation or restriction on

1 the power of the Governor, conferred on ~~him~~ *the Governor* by any
2 other provision of law, to remove any member of any board.

3 SEC. 14. Section 107 of the Business and Professions Code is
4 amended to read:

5 107. Pursuant to subdivision (e) of Section 4 of Article VII of
6 the California Constitution, each board may appoint a person
7 exempt from civil service and may fix ~~his or her~~ *that person's*
8 salary, with the approval of the Department of Human Resources
9 pursuant to Section 19825 of the Government Code, who shall be
10 designated as an executive officer unless the licensing act of the
11 particular board designates the person as a registrar.

12 SEC. 15. Section 108.5 of the Business and Professions Code
13 is amended to read:

14 108.5. In any investigation, proceeding or hearing which any
15 board, commission or officer in the department is empowered to
16 institute, conduct, or hold, any witness appearing at such
17 investigation, proceeding or hearing whether upon a subpoena or
18 voluntarily, may be paid the sum of twelve dollars (\$12) per day
19 for every day in actual attendance at such investigation, proceeding
20 or hearing and for ~~his~~ *the witness's* actual, necessary and reasonable
21 expenses and such sums shall be a legal charge against the funds
22 of the respective board, commission or officer; provided further,
23 that no witness appearing other than at the instance of the board,
24 commission or officer may be compensated out of such fund.

25 The board, ~~commission~~ *commission*, or officer will determine
26 the sums due any such witness and enter the amount on its minutes.

27 SEC. 16. Section 111 of the Business and Professions Code is
28 amended to read:

29 111. Unless otherwise expressly provided, any board may, with
30 the approval of the appointing power, appoint qualified persons,
31 who shall be designated as commissioners on examination, to give
32 the whole or any portion of any examination. A commissioner on
33 examination need not be a member of the board but ~~he~~ shall have
34 the same qualifications as one and shall be subject to the same
35 rules.

36 SEC. 17. Section 114 of the Business and Professions Code is
37 amended to read:

38 114. (a) Notwithstanding any other provision of this code, any
39 licensee or registrant of any board, commission, or bureau within
40 the department whose license expired while the licensee or

1 registrant was on active duty as a member of the California
2 National Guard or the United States Armed Forces, may, upon
3 application, reinstate ~~his or her~~ *their* license or registration without
4 examination or penalty, provided that all of the following
5 requirements are satisfied:

6 (1) ~~His or her~~ *The licensee or registrant's* license or registration
7 was valid at the time ~~he or she~~ *they* entered the California National
8 Guard or the United States Armed Forces.

9 (2) The application for reinstatement is made while serving in
10 the California National Guard or the United States Armed Forces,
11 or not later than one year from the date of discharge from active
12 service or return to inactive military status.

13 (3) The application for reinstatement is accompanied by an
14 affidavit showing the date of entrance into the service, whether
15 still in the service, or date of discharge, and the renewal fee for
16 the current renewal period in which the application is filed is paid.

17 (b) If application for reinstatement is filed more than one year
18 after discharge or return to inactive status, the applicant, in the
19 discretion of the licensing agency, may be required to pass an
20 examination.

21 (c) If application for reinstatement is filed and the licensing
22 agency determines that the applicant has not actively engaged in
23 the practice of ~~his or her~~ *the applicant's* profession while on active
24 duty, then the licensing agency may require the applicant to pass
25 an examination.

26 (d) Unless otherwise specifically provided in this code, any
27 licensee or registrant who, either part time or full time, practices
28 in this state the profession or vocation for which ~~he or she~~ *is the*
29 *licensee or registrant* is licensed or registered shall be required to
30 maintain ~~his or her~~ *their* license in good standing even though ~~he~~
31 ~~or she~~ *the licensee or registrant* is in military service.

32 For the purposes in this section, time spent by a licensee in
33 receiving treatment or hospitalization in any veterans' facility
34 during which ~~he or she~~ *the licensee* is prevented from practicing
35 ~~his or her~~ *the licensee's* profession or vocation shall be excluded
36 from said period of one year.

37 SEC. 18. Section 114.3 of the Business and Professions Code
38 is amended to read:

39 114.3. (a) Notwithstanding any other ~~provision of~~ law, every
40 board, as defined in Section 22, within the department shall waive

1 the renewal fees, continuing education requirements, and other
2 renewal requirements as determined by the board, if any are
3 applicable, for any licensee or registrant called to active duty as a
4 member of the United States Armed Forces or the California
5 National Guard if all of the following requirements are met:

6 (1) The licensee or registrant possessed a current and valid
7 license with the board at the time ~~he or she~~ *the licensee or*
8 *registrant* was called to active duty.

9 (2) The renewal requirements are waived only for the period
10 during which the licensee or registrant is on active duty service.

11 (3) Written documentation that substantiates the licensee or
12 registrant's active duty service is provided to the board.

13 (b) (1) Except as specified in paragraph (2), the licensee or
14 registrant shall not engage in any activities requiring a license
15 during the period that the waivers provided by this section are in
16 effect.

17 (2) If the licensee or registrant will provide services for which
18 ~~he or she~~ *the licensee or registrant* is licensed while on active duty,
19 the board shall convert the license status to military active and no
20 private practice of any type shall be permitted.

21 (c) In order to engage in any activities for which ~~he or she is~~
22 *the licensee or registrant* is licensed once discharged from active
23 duty, the licensee or registrant shall meet all necessary renewal
24 requirements as determined by the board within six months from
25 the licensee's or registrant's date of discharge from active duty
26 service.

27 (d) After a licensee or registrant receives notice of ~~his or her~~
28 *the licensee or registrant's* discharge date, the licensee or registrant
29 shall notify the board of ~~his or her~~ *their* discharge from active duty
30 within 60 days of receiving ~~his or her~~ *their* notice of discharge.

31 (e) A board may adopt regulations to carry out the provisions
32 of this section.

33 (f) This section shall not apply to any board that has a similar
34 license renewal waiver process statutorily authorized for that board.

35 SEC. 19. Section 115.5 of the Business and Professions Code
36 is amended to read:

37 115.5. (a) A board within the department shall expedite the
38 licensure process for an applicant who meets both of the following
39 requirements:

1 (1) Supplies evidence satisfactory to the board that the applicant
2 is married to, or in a domestic partnership or other legal union
3 with, an active duty member of the Armed Forces of the United
4 States who is assigned to a duty station in this state under official
5 active duty military orders.

6 (2) Holds a current license in another state, district, or territory
7 of the United States in the profession or vocation for which ~~he or~~
8 ~~she~~ *the applicant* seeks a license from the board.

9 (b) A board may adopt regulations necessary to administer this
10 section.

11 SEC. 20. Section 115.6 of the Business and Professions Code
12 is amended to read:

13 115.6. (a) A board within the department shall, after
14 appropriate investigation, issue the following eligible temporary
15 licenses to an applicant if ~~he or she~~ *the applicant* meets the
16 requirements set forth in subdivision (c):

17 (1) Registered nurse license by the Board of Registered Nursing.

18 (2) Vocational nurse license issued by the Board of Vocational
19 Nursing and Psychiatric Technicians of the State of California.

20 (3) Psychiatric technician license issued by the Board of
21 Vocational Nursing and Psychiatric Technicians of the State of
22 California.

23 (4) Speech-language pathologist license issued by the
24 Speech-Language Pathology and Audiology and Hearing Aid
25 Dispensers Board.

26 (5) Audiologist license issued by the Speech-Language
27 Pathology and Audiology and Hearing Aid Dispensers Board.

28 (6) Veterinarian license issued by the Veterinary Medical Board.

29 (7) All licenses issued by the Board for Professional Engineers,
30 Land Surveyors, and Geologists.

31 (8) All licenses issued by the Medical Board of California.

32 (9) All licenses issued by the ~~California Board of Podiatric~~
33 ~~Medicine.~~ *Podiatric Medical Board of California.*

34 (b) The board may conduct an investigation of an applicant for
35 purposes of denying or revoking a temporary license issued
36 pursuant to this section. This investigation may include a criminal
37 background check.

38 (c) An applicant seeking a temporary license pursuant to this
39 section shall meet the following requirements:

1 (1) The applicant shall supply evidence satisfactory to the board
2 that the applicant is married to, or in a domestic partnership or
3 other legal union with, an active duty member of the Armed Forces
4 of the United States who is assigned to a duty station in this state
5 under official active duty military orders.

6 (2) The applicant shall hold a current, active, and unrestricted
7 license that confers upon ~~him or her~~ *the applicant* the authority to
8 practice, in another state, district, or territory of the United States,
9 the profession or vocation for which ~~he or she~~ *the applicant* seeks
10 a temporary license from the board.

11 (3) The applicant shall submit an application to the board that
12 shall include a signed affidavit attesting to the fact that ~~he or she~~
13 *the applicant* meets all of the requirements for the temporary
14 license and that the information submitted in the application is
15 accurate, to the best of ~~his or her~~ *the applicant's* knowledge. The
16 application shall also include written verification from the
17 applicant's original licensing jurisdiction stating that the applicant's
18 license is in good standing in that jurisdiction.

19 (4) The applicant shall not have committed an act in any
20 jurisdiction that would have constituted grounds for denial,
21 suspension, or revocation of the license under this code at the time
22 the act was committed. A violation of this paragraph may be
23 grounds for the denial or revocation of a temporary license issued
24 by the board.

25 (5) The applicant shall not have been disciplined by a licensing
26 entity in another jurisdiction and shall not be the subject of an
27 unresolved complaint, review procedure, or disciplinary proceeding
28 conducted by a licensing entity in another jurisdiction.

29 (6) The applicant shall, upon request by a board, furnish a full
30 set of fingerprints for purposes of conducting a criminal
31 background check.

32 (d) A board may adopt regulations necessary to administer this
33 section.

34 (e) A temporary license issued pursuant to this section may be
35 immediately terminated upon a finding that the temporary
36 licenseholder failed to meet any of the requirements described in
37 subdivision (c) or provided substantively inaccurate information
38 that would affect his or her eligibility for temporary licensure.
39 Upon termination of the temporary license, the board shall issue
40 a notice of termination that shall require the temporary

1 licenseholder to immediately cease the practice of the licensed
2 profession upon receipt.

3 (f) An applicant seeking a temporary license as a civil engineer,
4 geotechnical engineer, structural engineer, land surveyor,
5 professional geologist, professional geophysicist, certified
6 engineering geologist, or certified hydrogeologist pursuant to this
7 section shall successfully pass the appropriate California-specific
8 examination or examinations required for licensure in those
9 respective professions by the Board for Professional Engineers,
10 Land Surveyors, and Geologists.

11 (g) A temporary license issued pursuant to this section shall
12 expire 12 months after issuance, upon issuance of an expedited
13 license pursuant to Section 115.5, or upon denial of the application
14 for expedited licensure by the board, whichever occurs first.

15 SEC. 21. Section 116 of the Business and Professions Code is
16 amended to read:

17 116. (a) The director may audit and review, upon ~~his or her~~
18 *the director's* own initiative, or upon the request of a consumer or
19 licensee, inquiries and complaints regarding licensees, dismissals
20 of disciplinary cases, the opening, conduct, or closure of
21 investigations, informal conferences, and discipline short of formal
22 accusation by the Medical Board of California, the allied health
23 professional boards, and the ~~California Board of Podiatric~~
24 ~~Medicine.~~ *Podiatric Medical Board of California.* The director
25 may make recommendations for changes to the disciplinary system
26 to the appropriate board, the Legislature, or both.

27 (b) The director shall report to the Chairpersons of the Senate
28 ~~Business and~~ *Business, Professions and Economic Development*
29 ~~Committee and the Assembly~~ *Health Business and Professions*
30 ~~Committee~~ annually, commencing March 1, 1995, regarding ~~his~~
31 ~~or her~~ *the director's* findings from any audit, review, or monitoring
32 and evaluation conducted pursuant to this section.

33 SEC. 22. Section 119 of the Business and Professions Code is
34 amended to read:

35 119. Any person who does any of the following is guilty of a
36 misdemeanor:

37 (a) Displays or causes or permits to be displayed or has in ~~his~~
38 ~~or her~~ *the person's* possession either of the following:

39 (1) A canceled, revoked, suspended, or fraudulently altered
40 license.

1 (2) A fictitious license or any document simulating a license or
2 purporting to be or have been issued as a license.

3 (b) Lends ~~his or her~~ *the person's* license to any other person or
4 knowingly permits the use thereof by another.

5 (c) Displays or represents any license not issued to ~~him or her~~
6 *the person* as being ~~his or her~~ *the person's* license.

7 (d) Fails or refuses to surrender to the issuing authority upon
8 its lawful written demand any license, registration, permit, or
9 certificate which has been suspended, revoked, or canceled.

10 (e) Knowingly permits any unlawful use of a license issued to
11 ~~him or her~~ *the person*.

12 (f) Photographs, photostats, duplicates, manufactures, or in any
13 way reproduces any license or facsimile thereof in a manner that
14 it could be mistaken for a valid license, or displays or has in ~~his~~
15 ~~or her~~ *the person's* possession any such photograph, photostat,
16 duplicate, reproduction, or facsimile unless authorized by this
17 code.

18 (g) Buys or receives a fraudulent, forged, or counterfeited license
19 knowing that it is fraudulent, forged, or counterfeited. For purposes
20 of this subdivision, "fraudulent" means containing any
21 misrepresentation of fact.

22 As used in this section, "license" includes "certificate," "permit,"
23 "authority," and "registration" or any other indicia giving
24 authorization to engage in a business or profession regulated by
25 this code or referred to in Section 1000 or 3600.

26 SEC. 23. Section 120 of the Business and Professions Code is
27 amended to read:

28 120. (a) Subdivision (a) of Section 119 shall not apply to a
29 surviving spouse having in ~~his or her~~ *the surviving spouse's*
30 possession or displaying a deceased spouse's canceled certified
31 public accountant certificate or canceled public accountant
32 certificate that has been canceled by official action of the California
33 Board of Accountancy.

34 (b) Notwithstanding Section 119, any person who has received
35 a certificate of certified public accountant or a certificate of public
36 accountant from the board may possess and may display the
37 certificate received unless the person's certificate, permit, or
38 registration has been suspended or revoked.

39 SEC. 24. Section 121 of the Business and Professions Code is
40 amended to read:

1 121. No licensee who has complied with the provisions of this
2 code relating to the renewal of ~~his or her~~ *the licensee's* license
3 prior to expiration of such license shall be deemed to be engaged
4 illegally in the practice of ~~his or her~~ *the licensee's* business or
5 profession during any period between such renewal and receipt of
6 evidence of such renewal which may occur due to delay not the
7 fault of the applicant.

8 As used in this section, "license" includes "certificate," "permit,"
9 "authorization," and "registration," or any other indicia giving
10 authorization, by any agency, board, bureau, commission,
11 committee, or entity within the Department of Consumer Affairs,
12 to engage in a business or profession regulated by this code or by
13 the board referred to in the Chiropractic Act or the Osteopathic
14 Act.

15 SEC. 25. Section 124 of the Business and Professions Code is
16 amended to read:

17 124. Notwithstanding subdivision (c) of Section 11505 of the
18 Government Code, whenever written notice, including a notice,
19 order, or document served pursuant to Chapter 3.5 (commencing
20 with Section 11340), Chapter 4 (commencing with Section 11370),
21 or Chapter 5 (commencing with Section 11500), of Part 1 of
22 Division 3 of Title 2 of the Government Code, is required to be
23 given by any board in the department, the notice may be given by
24 regular mail addressed to the last known address of the ~~licensee~~
25 *licensee* or by personal service, at the option of the board.

26 SEC. 26. Section 125 of the Business and Professions Code is
27 amended to read:

28 125. Any person, licensed under Division 1 (commencing with
29 Section 100), Division 2 (commencing with Section 500), or
30 Division 3 (commencing with Section 5000) is guilty of a
31 misdemeanor and subject to the disciplinary provisions of this
32 code applicable to ~~him or her~~, *them*, who conspires with a person
33 not so licensed to violate any provision of this code, or who, with
34 intent to aid or assist that person in violating those provisions does
35 either of the following:

- 36 (a) Allows ~~his or her~~ *their* license to be used by that person.
37 (b) Acts as ~~his or her~~ *their* agent or partner.

38 SEC. 27. Section 125.3 of the Business and Professions Code
39 is amended to read:

1 125.3. (a) Except as otherwise provided by law, in any order
2 issued in resolution of a disciplinary proceeding before any board
3 within the department or before the Osteopathic Medical Board,
4 upon request of the entity bringing the proceeding, the
5 administrative law judge may direct a ~~licentiate~~ *licensee* found to
6 have committed a violation or violations of the licensing act to
7 pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 (b) In the case of a disciplined ~~licentiate~~ *licensee* that is a
10 corporation or a partnership, the order may be made against the
11 licensed corporate entity or licensed partnership.

12 (c) A certified copy of the actual costs, or a good faith estimate
13 of costs where actual costs are not available, signed by the entity
14 bringing the proceeding or its designated representative shall be
15 prima facie evidence of reasonable costs of investigation and
16 prosecution of the case. The costs shall include the amount of
17 investigative and enforcement costs up to the date of the hearing,
18 including, but not limited to, charges imposed by the Attorney
19 General.

20 (d) The administrative law judge shall make a proposed finding
21 of the amount of reasonable costs of investigation and prosecution
22 of the case when requested pursuant to subdivision (a). The finding
23 of the administrative law judge with regard to costs shall not be
24 reviewable by the board to increase the cost award. The board may
25 reduce or eliminate the cost award, or remand to the administrative
26 law judge if the proposed decision fails to make a finding on costs
27 requested pursuant to subdivision (a).

28 (e) If an order for recovery of costs is made and timely payment
29 is not made as directed in the board's decision, the board may
30 enforce the order for repayment in any appropriate court. This
31 right of enforcement shall be in addition to any other rights the
32 board may have as to any ~~licentiate~~ *licensee* to pay costs.

33 (f) In any action for recovery of costs, proof of the board's
34 decision shall be conclusive proof of the validity of the order of
35 payment and the terms for payment.

36 (g) (1) Except as provided in paragraph (2), the board shall not
37 renew or reinstate the license of any ~~licentiate~~ *licensee* who has
38 failed to pay all of the costs ordered under this section.

39 (2) Notwithstanding paragraph (1), the board may, in its
40 discretion, conditionally renew or reinstate for a maximum of one

1 year the license of any ~~licentiate~~ *licensee* who demonstrates
2 financial hardship and who enters into a formal agreement with
3 the board to reimburse the board within that one-year period for
4 the unpaid costs.

5 (h) All costs recovered under this section shall be considered a
6 reimbursement for costs incurred and shall be deposited in the
7 fund of the board recovering the costs to be available upon
8 appropriation by the Legislature.

9 (i) Nothing in this section shall preclude a board from including
10 the recovery of the costs of investigation and enforcement of a
11 case in any stipulated settlement.

12 (j) This section does not apply to any board if a specific statutory
13 provision in that board's licensing act provides for recovery of
14 costs in an administrative disciplinary proceeding.

15 (k) Notwithstanding the provisions of this section, the Medical
16 Board of California shall not request nor obtain from a physician
17 and surgeon, investigation and prosecution costs for a disciplinary
18 proceeding against the ~~licentiate~~ *licensee*. The board shall ensure
19 that this subdivision is revenue neutral with regard to it and that
20 any loss of revenue or increase in costs resulting from this
21 subdivision is offset by an increase in the amount of the initial
22 license fee and the biennial renewal fee, as provided in subdivision
23 (e) of Section 2435.

24 SEC. 28. Section 125.6 of the Business and Professions Code
25 is amended to read:

26 125.6. (a) (1) With regard to an applicant, every person who
27 holds a license under the provisions of this code is subject to
28 disciplinary action under the disciplinary provisions of this code
29 applicable to that person if, because of any characteristic listed or
30 defined in subdivision (b) or (e) of Section 51 of the Civil Code,
31 ~~he or she~~ *the person* refuses to perform the licensed activity or
32 aids or incites the refusal to perform that licensed activity by
33 another licensee, or if, because of any characteristic listed or
34 defined in subdivision (b) or (e) of Section 51 of the Civil Code,
35 ~~he or she~~ *the person* ~~make s~~ any discrimination, or restriction
36 in the performance of the licensed activity.

37 (2) Nothing in this section shall be interpreted to prevent a
38 physician or health care professional licensed pursuant to Division
39 2 (commencing with Section 500) from considering any of the
40 characteristics of a patient listed in subdivision (b) or (e) of Section

1 51 of the Civil Code if that consideration is medically necessary
2 and for the sole purpose of determining the appropriate diagnosis
3 or treatment of the patient.

4 (3) Nothing in this section shall be interpreted to apply to
5 discrimination by employers with regard to employees or
6 prospective employees, nor shall this section authorize action
7 against any club license issued pursuant to Article 4 (commencing
8 with Section 23425) of Chapter 3 of Division 9 because of
9 discriminatory membership policy.

10 (4) The presence of architectural barriers to an individual with
11 physical disabilities that conform to applicable state or local
12 building codes and regulations shall not constitute discrimination
13 under this section.

14 (b) (1) Nothing in this section requires a person licensed
15 pursuant to Division 2 (commencing with Section 500) to permit
16 an individual to participate in, or benefit from, the licensed activity
17 of the licensee where that individual poses a direct threat to the
18 health or safety of others. For this purpose, the term “direct threat”
19 means a significant risk to the health or safety of others that cannot
20 be eliminated by a modification of policies, practices, or procedures
21 or by the provision of auxiliary aids and services.

22 (2) Nothing in this section requires a person licensed pursuant
23 to Division 2 (commencing with Section 500) to perform a licensed
24 activity for which he or she is not qualified to perform.

25 (c) (1) “Applicant,” as used in this section, means a person
26 applying for licensed services provided by a person licensed under
27 this code.

28 (2) “License,” as used in this section, includes “certificate,”
29 “permit,” “authority,” and “registration” or any other indicia giving
30 authorization to engage in a business or profession regulated by
31 this code.

32 SEC. 29. Section 125.9 of the Business and Professions Code
33 is amended to read:

34 125.9. (a) Except with respect to persons regulated under
35 Chapter 11 (commencing with Section 7500), any board, bureau,
36 or commission within the department, the ~~board created by the~~
37 ~~Chiropractic Initiative Act, State Board of Chiropractic Examiners,~~
38 and the Osteopathic Medical Board of California, may establish,
39 by regulation, a system for the issuance to a licensee of a citation
40 which may contain an order of abatement or an order to pay an

1 administrative fine assessed by the board, bureau, or commission
2 where the licensee is in violation of the applicable licensing act or
3 any regulation adopted pursuant thereto.

4 (b) The system shall contain the following provisions:

5 (1) Citations shall be in writing and shall describe with
6 particularity the nature of the violation, including specific reference
7 to the provision of law determined to have been violated.

8 (2) Whenever appropriate, the citation shall contain an order of
9 abatement fixing a reasonable time for abatement of the violation.

10 (3) In no event shall the administrative fine assessed by the
11 board, bureau, or commission exceed five thousand dollars (\$5,000)
12 for each inspection or each investigation made with respect to the
13 violation, or five thousand dollars (\$5,000) for each violation or
14 count if the violation involves fraudulent billing submitted to an
15 insurance company, the Medi-Cal program, or Medicare. In
16 assessing a fine, the board, bureau, or commission shall give due
17 consideration to the appropriateness of the amount of the fine with
18 respect to factors such as the gravity of the violation, the good
19 faith of the licensee, and the history of previous violations.

20 (4) A citation or fine assessment issued pursuant to a citation
21 shall inform the licensee that if he or she desires a hearing to
22 contest the finding of a violation, that hearing shall be requested
23 by written notice to the board, bureau, or commission within 30
24 days of the date of issuance of the citation or assessment. If a
25 hearing is not requested pursuant to this section, payment of any
26 fine shall not constitute an admission of the violation charged.
27 Hearings shall be held pursuant to Chapter 5 (commencing with
28 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
29 Code.

30 (5) Failure of a licensee to pay a fine within 30 days of the date
31 of assessment, unless the citation is being appealed, may result in
32 disciplinary action being taken by the board, bureau, or
33 commission. Where a citation is not contested and a fine is not
34 paid, the full amount of the assessed fine shall be added to the fee
35 for renewal of the license. A license shall not be renewed without
36 payment of the renewal fee and fine.

37 (c) The system may contain the following provisions:

38 (1) A citation may be issued without the assessment of an
39 administrative fine.

1 (2) Assessment of administrative fines may be limited to only
2 particular violations of the applicable licensing act.

3 (d) Notwithstanding any other provision of law, if a fine is paid
4 to satisfy an assessment based on the finding of a violation,
5 payment of the fine shall be represented as satisfactory resolution
6 of the matter for purposes of public disclosure.

7 (e) Administrative fines collected pursuant to this section shall
8 be deposited in the special fund of the particular board, bureau, or
9 commission.

10 SEC. 30. Section 127 of the Business and Professions Code is
11 amended to read:

12 127. Notwithstanding any other provision of this code, the
13 director may require such reports from any board, commission,
14 examining committee, or other similarly constituted agency within
15 the department as ~~he~~ *the director* deems reasonably necessary on
16 any phase of their operations.

17 SEC. 31. Section 129 of the Business and Professions Code is
18 amended to read:

19 129. (a) As used in this section, “board” means every board,
20 bureau, commission, committee, and similarly constituted agency
21 in the department that issues licenses.

22 (b) Each board shall, upon receipt of any complaint respecting
23 an individual licensed by the board, notify the complainant of the
24 initial administrative action taken on ~~his or her~~ *the complainant’s*
25 complaint within 10 days of receipt. Each board shall notify the
26 complainant of the final action taken on ~~his or her~~ *the*
27 *complainant’s* complaint. There shall be a notification made in
28 every case in which the complainant is known. If the complaint is
29 not within the jurisdiction of the board or if the board is unable to
30 dispose satisfactorily of the complaint, the board shall transmit the
31 complaint together with any evidence or information it has
32 concerning the complaint to the agency, public or private, whose
33 authority in the opinion of the board will provide the most effective
34 means to secure the relief sought. The board shall notify the
35 complainant of this action and of any other means that may be
36 available to the complainant to secure relief.

37 (c) The board shall, when the board deems it appropriate, notify
38 the person against whom the complaint is made of the nature of
39 the complaint, may request appropriate relief for the complainant,
40 and may meet and confer with the complainant and the licensee

1 in order to mediate the complaint. Nothing in this subdivision shall
2 be construed as authorizing or requiring any board to set or to
3 modify any fee charged by a licensee.

4 (d) It shall be the continuing duty of the board to ascertain
5 patterns of complaints and to report on all actions taken with
6 respect to those patterns of complaints to the director and to the
7 Legislature at least once per year. The board shall evaluate those
8 complaints dismissed for lack of jurisdiction or no violation and
9 recommend to the director and to the Legislature at least once per
10 year the statutory changes it deems necessary to implement the
11 board's functions and responsibilities under this section.

12 (e) It shall be the continuing duty of the board to take whatever
13 action it deems necessary, with the approval of the director, to
14 inform the public of its functions under this section.

15 (f) Notwithstanding any other law, upon receipt of a child
16 custody evaluation report submitted to a court pursuant to Chapter
17 6 (commencing with Section 3110) of Part 2 of Division 8 of the
18 Family Code, the board shall notify the noncomplaining party in
19 the underlying custody dispute, who is a subject of that report, of
20 the pending investigation.

21 SEC. 32. Section 130 of the Business and Professions Code is
22 amended to read:

23 130. (a) Notwithstanding any other law, the term of office of
24 any member of an agency designated in subdivision (b) shall be
25 for a term of four years expiring on June 1.

26 (b) Subdivision (a) applies to the following boards or
27 committees:

28 (1) The Medical Board of California.

29 ~~(2) The California Board of Podiatric Medicine. Podiatric~~
30 ~~Medical Board of California.~~

31 (3) The Physical Therapy Board of California.

32 (4) The Board of Registered Nursing, except as provided in
33 subdivision (c) of Section 2703.

34 (5) The Board of Vocational Nursing and Psychiatric
35 Technicians.

36 (6) The State Board of Optometry.

37 (7) The California State Board of Pharmacy.

38 (8) The Veterinary Medical Board.

39 (9) The California Architects Board.

40 (10) The Landscape Architect Technical Committee.

- 1 (11) The Board for Professional Engineers and Land Surveyors.
- 2 (12) The Contractors' State License Board.
- 3 ~~(13) The State Board of Guide Dogs for the Blind.~~
- 4 ~~(14)~~
- 5 (13) The Board of Behavioral Sciences.
- 6 ~~(15)~~
- 7 (14) The Court Reporters Board of California.
- 8 ~~(16)~~
- 9 (15) The State Athletic Commission.
- 10 ~~(17)~~
- 11 (16) The Osteopathic Medical Board of California.
- 12 ~~(18)~~
- 13 (17) The Respiratory Care Board of California.
- 14 ~~(19)~~
- 15 (18) The Acupuncture Board.
- 16 ~~(20)~~
- 17 (19) The Board of Psychology.
- 18 ~~(21)~~
- 19 (20) The Structural Pest Control Board.

20 SEC. 33. Section 132 of the Business and Professions Code is
21 amended to read:

22 132. No board, commission, examining committee, or any
23 other agency within the department may institute or join any legal
24 action against any other agency within the state or federal
25 government without the permission of the director.

26 Prior to instituting or joining in a legal action against an agency
27 of the state or federal government, a board, commission, examining
28 committee, or any other agency within the department shall present
29 a written request to the director to do so.

30 Within 30 days of receipt of the request, the director shall
31 communicate ~~his or her~~ *the director's* approval or denial of the
32 request and ~~his or her~~ *the director's* reasons for approval or denial
33 to the requesting agency in writing. If the director does not act
34 within 30 days, the request shall be deemed approved.

35 A requesting agency within the department may override the
36 director's denial of its request to institute or join a legal action
37 against a state or federal agency by a two-thirds vote of the
38 members of the board, commission, examining committee, or other
39 agency, which vote shall include the vote of at least one public

1 member of that board, commission, examining committee, or other
2 agency.

3 SEC. 34. Section 136 of the Business and Professions Code is
4 amended to read:

5 136. (a) Each person holding a license, certificate, registration,
6 permit, or other authority to engage in a profession or occupation
7 issued by a board within the department shall notify the issuing
8 board at its principal office of any change in ~~his or her~~ *the person's*
9 mailing address within 30 days after the change, unless the board
10 has specified by regulations a shorter time period.

11 (b) Except as otherwise provided by law, failure of a ~~licentiate~~
12 *licensee* to comply with the requirement in subdivision (a)
13 constitutes grounds for the issuance of a citation and administrative
14 fine, if the board has the authority to issue citations and
15 administrative fines.

16 SEC. 35. Section 137 of the Business and Professions Code is
17 amended to read:

18 137. Any agency within the department may promulgate
19 regulations requiring licensees to include their license numbers in
20 any advertising, soliciting, or other presentments to the public.

21 However, nothing in this section shall be construed to authorize
22 regulation of any person not a licensee who engages in advertising,
23 solicitation, or who makes any other presentment to the public on
24 behalf of a licensee. Such a person shall incur no liability pursuant
25 to this section for communicating in any advertising, soliciting, or
26 other presentment to the public a licensee's license number exactly
27 as provided ~~to him~~ by the licensee or for failure to communicate
28 such number if none is provided ~~to him~~ by the licensee.

29 SEC. 36. Section 138 of the Business and Professions Code is
30 amended to read:

31 138. Every board in the department, as defined in Section 22,
32 shall initiate the process of adopting regulations on or before June
33 30, 1999, to require its ~~licentiates~~, *licensees*, as defined in Section
34 23.8, to provide notice to their clients or customers that the
35 practitioner is licensed by this state. A board shall be exempt from
36 the requirement to adopt regulations pursuant to this section if the
37 board has in place, in statute or regulation, a requirement that
38 provides for consumer notice of a practitioner's status as a licensee
39 of this state.

1 SEC. 37. Section 144 of the Business and Professions Code is
2 amended to read:

3 144. (a) Notwithstanding any other law, an agency designated
4 in subdivision (b) shall require an applicant to furnish to the agency
5 a full set of fingerprints for purposes of conducting criminal history
6 record checks. Any agency designated in subdivision (b) may
7 obtain and receive, at its discretion, criminal history information
8 from the Department of Justice and the United States Federal
9 Bureau of Investigation.

10 (b) Subdivision (a) applies to the following:

11 (1) California Board of Accountancy.

12 (2) State Athletic Commission.

13 (3) Board of Behavioral Sciences.

14 (4) Court Reporters Board of California.

15 ~~(5) State Board of Guide Dogs for the Blind.~~

16 ~~(6)~~

17 (5) California State Board of Pharmacy.

18 ~~(7)~~

19 (6) Board of Registered Nursing.

20 ~~(8)~~

21 (7) Veterinary Medical Board.

22 ~~(9)~~

23 (8) Board of Vocational Nursing and Psychiatric Technicians.

24 ~~(10)~~

25 (9) Respiratory Care Board of California.

26 ~~(11)~~

27 (10) Physical Therapy Board of California.

28 ~~(12)~~

29 ~~(11) Physician Assistant Committee of the Medical Board of~~

30 ~~California. Committee.~~

31 ~~(13)~~

32 (12) Speech-Language Pathology and Audiology and Hearing

33 Aid Dispensers Board.

34 ~~(14)~~

35 (13) Medical Board of California.

36 ~~(15)~~

37 (14) State Board of Optometry.

38 ~~(16)~~

39 (15) Acupuncture Board.

40 ~~(17)~~

- 1 (16) Cemetery and Funeral Bureau.
2 ~~(18)~~
3 (17) Bureau of Security and Investigative Services.
4 ~~(19)~~
5 (18) Division of Investigation.
6 ~~(20)~~
7 (19) Board of Psychology.
8 ~~(21)~~
9 (20) California Board of Occupational Therapy.
10 ~~(22)~~
11 (21) Structural Pest Control Board.
12 ~~(23)~~
13 (22) Contractors' State License Board.
14 ~~(24)~~
15 (23) Naturopathic Medicine Committee.
16 ~~(25)~~
17 (24) Professional Fiduciaries Bureau.
18 ~~(26)~~
19 (25) Board for Professional Engineers, Land Surveyors, and
20 Geologists.
21 ~~(27)~~
22 (26) Bureau of Cannabis Control.
23 ~~(28) California Board of Podiatric Medicine.~~
24 (27) *Podiatric Medical Board of California.*
25 ~~(29)~~
26 (28) Osteopathic Medical Board of California.
27 (c) For purposes of paragraph ~~(26)~~ (25) of subdivision (b), the
28 term "applicant" shall be limited to an initial applicant who has
29 never been registered or licensed by the board or to an applicant
30 for a new licensure or registration category.

Introduced by Senator Chang

January 28, 2019

An act to amend Section 104 of the Business and Professions Code, relating to the Department of Consumer Affairs.

LEGISLATIVE COUNSEL’S DIGEST

SB 181, as introduced, Chang. Healing arts boards.

Existing law creates various regulatory boards within the Department of Consumer Affairs. Existing law authorizes health-related boards to adopt regulations requiring licensees to display their licenses in the locality in which they are treating patients and to make specified disclosures to patients.

This bill would make nonsubstantive changes to that license display and disclosure provision.

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

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

1 SECTION 1. Section 104 of the Business and Professions Code
2 is amended to read:
3 104. All boards or other regulatory entities within the
4 department’s jurisdiction that the department determines to be
5 health-related may adopt regulations to require licensees to display
6 their licenses or registrations in the locality in which they are
7 treating patients, and to inform patients as to the identity of the
8 regulatory agency~~they~~ *the patients* may contact if they have any
9 questions or complaints regarding the licensee. In complying with
10 this requirement, those boards may take into consideration the

1 particular settings in which licensees practice, or other
2 circumstances ~~which~~ *that* may make the displaying or providing
3 of information to the consumer extremely difficult for the licensee
4 in their particular type of practice.

Introduced by Senator Hurtado
(Principal coauthor: Assembly Member Chiu)
(Coauthor: Assembly Member Reyes)

February 4, 2019

An act to add Sections 14132.08, 14132.085, and 14132.09 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 207, as introduced, Hurtado. Medi-Cal: asthma preventive services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive healthcare benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing federal law authorizes, at the option of the state, preventive services, as defined, to be provided by practitioners other than physicians or other licensed practitioners.

This bill would include asthma preventive services, as defined, as a covered benefit under the Medi-Cal program. The bill would require the department, in consultation with external stakeholders, to develop a coverage policy consistent with specified federal and clinically appropriate guidelines. The bill would require an entity or supervising licensed Medi-Cal provider and the Medi-Cal asthma services provider to satisfy specified requirements. The bill would authorize the department to implement, interpret, or make specific its provisions without taking regulatory action until regulations are adopted. The bill would require the department to adopt regulations by July 1, 2020, and to provide semiannual status reports to the Legislature until regulations have been adopted. The bill would require the department to seek any

federal waivers or other state plan amendments as necessary, and would require these provisions to be implemented if federal approvals are obtained, as specified.

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

3 (a) Asthma is a significant public health problem with notable
4 disparities by race, ethnicity, and income.

5 (b) Asthma is of particular concern for low-income Californians
6 enrolled in Medi-Cal. Low-income populations have higher asthma
7 severity, poorer asthma control, and higher rates of asthma
8 emergency department visits and hospitalizations. When
9 uncontrolled, patients with asthma may seek care in more expensive
10 settings.

11 (c) Patient asthma education and environmental asthma trigger
12 assessments may reduce more costly emergency department visits
13 and hospitalizations, improve asthma control, decrease the
14 frequency of symptoms, decrease work and school absenteeism,
15 and improve quality of life.

16 (d) Providing access to asthma education and environmental
17 asthma trigger assessments will help fulfill California's quadruple
18 aim goal of strengthening healthcare quality, improving health
19 outcomes, reducing healthcare costs, and advancing health equity.

20 SEC. 2. Section 14132.08 is added to the Welfare and
21 Institutions Code, to read:

22 14132.08. (a) It is the intent of the Legislature that the
23 department develop and implement asthma preventive services to
24 assist Medi-Cal beneficiaries in asthma management and
25 prevention.

26 (b) The following definitions apply for purposes of this section:

27 (1) "Asthma education" means providing information to a patient
28 about basic asthma facts, the use of medications, self-management
29 techniques and self-monitoring skills, and actions to mitigate or
30 control environmental exposures that exacerbate asthma symptoms,
31 consistent with the National Institutes of Health's 2007 Guidelines
32 for the Diagnosis and Management of Asthma (EPR-3), any future

1 updates of those guidelines, and other clinically appropriate
2 guidelines.

3 (2) “Asthma preventive services” means asthma education,
4 environmental asthma trigger assessments, and environmental
5 asthma trigger remediation, as defined in this subdivision.

6 (3) “Asthma preventive services provider” means an individual
7 who renders evidence-based asthma preventive services, including
8 asthma education and environmental asthma trigger assessments
9 for a Medi-Cal beneficiary with asthma, and who meets all of the
10 requirements described in subdivision (a) of Section 14132.09.

11 (4) “Environmental asthma trigger assessment” means the
12 identification of environmental asthma triggers commonly found
13 in and around the home, including allergens and irritants. This
14 assessment shall guide the self-management education about
15 actions to mitigate or control environmental exposures.

16 (5) “Minor to moderate environmental asthma trigger
17 remediation” means conducting specific actions to mitigate or
18 control environmental exposures.

19 (A) Minor remediation includes low-level interventions, such
20 as providing and putting on dust-proof mattress and pillow covers,
21 and providing low-cost products such as high-efficiency particulate
22 air vacuums and asthma-friendly cleaning products.

23 (B) Moderate remediation includes mid-level interventions,
24 such as providing dehumidifiers and small air filters, and utilizing
25 integrated pest management, including performing minor repairs
26 to the home’s structure, such as patching cracks and small holes
27 though which pests can enter.

28 (6) “Supervision,” “supervising,” or “supervise” means the
29 supervision of an asthma preventive services provider who is
30 providing asthma preventive services by any of the following
31 licensed, enrolled Medi-Cal providers acting within the scope of
32 their respective practices:

33 (A) A licensed physician.

34 (B) A licensed nurse practitioner.

35 (C) A licensed physician assistant.

36 (c) An asthma preventive services provider shall provide asthma
37 education, environmental trigger assessments, and minor to
38 moderate environmental asthma trigger remediation to Medi-Cal
39 beneficiaries in order to manage asthma and prevent asthma
40 exacerbations that may result in hospitalization or death.

1 (d) No later than July 1, 2020, asthma preventive services shall
2 be a covered benefit to Medi-Cal beneficiaries with poorly
3 controlled asthma for whom a licensed provider has recommended
4 the provision of these services.

5 SEC. 3. Section 14132.085 is added to the Welfare and
6 Institutions Code, to read:

7 14132.085. The department shall approve at least two
8 governmental or nongovernmental accrediting bodies with expertise
9 in asthma to review and approve training curricula for asthma
10 preventive services providers rendering services in the Medi-Cal
11 program. In approving the accrediting bodies, the department shall
12 consult with external stakeholders. The accrediting bodies shall
13 approve training curricula that align with the National Institutes
14 of Health's 2007 Guidelines for the Diagnosis and Management
15 of Asthma (EPR-3) and any future updates of the guidelines. The
16 curricula shall be, at a minimum, 16 hours, and shall include, but
17 not be limited to, all of the following:

18 (a) Basic facts about asthma, including contrasts between
19 airways of a person who has and a person who does not have
20 asthma, airflow obstruction, and the role of inflammation.

21 (b) Roles of medications, including the differences among
22 long-term control medication, quick-relief medications, any other
23 medications demonstrated to be effective in asthma management
24 or control, medication skills, and device usage.

25 (c) Environmental control measures, including how to identify,
26 avoid, and mitigate environmental exposures, such as allergens
27 and irritants, that worsen the patient's asthma.

28 (d) Asthma self-monitoring to assess level of asthma control,
29 monitor symptoms, and recognize the early signs and symptoms
30 of worsening asthma.

31 (e) Understanding the concepts of asthma severity and asthma
32 control.

33 (f) Educating patients on how to read an asthma action plan and
34 reinforce the messages of the plan to the patient.

35 (g) Effective communication strategies, including, at a minimum,
36 cultural and linguistic competency and motivational interviewing.

37 (h) The roles of various members of the care team and when
38 and how to make referrals to other care providers and services, as
39 appropriate.

1 SEC. 4. Section 14132.09 is added to the Welfare and
2 Institutions Code, to read:

3 14132.09. (a) An enrolled Medi-Cal provider shall supervise,
4 as defined in paragraph (6) of subdivision (b) of Section 14132.08,
5 an asthma preventive services provider, and the supervising
6 Medi-Cal provider shall ensure that an asthma preventive services
7 provider, at a minimum, complies with all of the following
8 requirements:

9 (1) Successfully complete a training program approved by an
10 accrediting body, as described in Section 14132.085.

11 (2) (A) Successfully complete, at a minimum, 16 hours of
12 face-to-face client interaction training focused on asthma
13 management and prevention within a six-month period. This
14 training shall be overseen and assessed by a licensed physician,
15 nurse practitioner, or physician assistant.

16 (B) An individual who has completed the minimum face-to-face
17 client contact after 2007, the year of the most recent update of the
18 National Institutes of Health's Guidelines for the Diagnosis and
19 Management of Asthma (EPR-3), shall be deemed to have satisfied
20 the face-to-face client contact requirement of subparagraph (A).

21 (3) Successfully complete four hours of continuing education
22 annually.

23 (4) Provide asthma preventive services under the supervision
24 of a licensed Medi-Cal provider.

25 (5) Be employed by or under contract with an entity or a
26 supervising licensed Medi-Cal provider that meets the requirements
27 described in paragraph (6) of subdivision (b) of Section 14132.08.

28 (6) Be 18 years of age or older and have a high school education
29 or the equivalent.

30 (b) An entity or supervising licensed Medi-Cal provider who
31 employs or contracts with an asthma preventive services provider
32 shall do all of the following:

33 (1) Maintain documentation that the asthma preventive services
34 provider has met all of the requirements described in subdivision
35 (a).

36 (2) Ensure that the asthma preventive services provider is
37 providing services consistent with subdivision (a).

38 (3) Maintain written documentation of services provided by the
39 asthma preventive services provider.

1 (4) Ensure that documentation of the provision of services is
2 provided to the supervising entity, as defined in paragraph (6) of
3 subdivision (b) of Section 14132.08, the referring licensed medical
4 provider, and, if different, the patient's licensed primary care
5 provider.

6 (c) The department shall pursue funding opportunities, including
7 general funds, to develop payment methodologies for minor to
8 moderate remediation when indicated necessary by the asthma
9 preventive services provider that conducted the environmental
10 asthma trigger assessment.

11 (d) The department shall seek any federal approvals necessary
12 to implement Sections 14132.08 and 14132.085 and this section,
13 including the approval of revisions to existing federal Medicaid
14 authorities that the department determines are necessary to
15 implement this section.

16 (e) Sections 14132.08 and 14132.085 and this section shall be
17 implemented only to the extent that federal financial participation
18 is available and not otherwise jeopardized, and any necessary
19 federal approvals have been obtained.

20 (f) (1) Notwithstanding Chapter 3.5 (commencing with Section
21 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
22 the department, without taking any further regulatory action, shall
23 implement, interpret, or make specific in Sections 14132.08 and
24 14132.085 and this section, policies and procedures pertaining to
25 the asthma preventive services, and applicable waivers and state
26 plan amendments, by means of all-county letters, plan letters, plan
27 or provider bulletins, or similar instructions until the time
28 regulations are adopted.

29 (2) Thereafter, the department, by July 1, 2020, shall adopt
30 regulations in accordance with the requirements of Chapter 3.5
31 (commencing with Section 11340) of Part 1 of Division 3 of Title
32 2 of the Government Code.

33 (3) Beginning six months after the effective date of Sections
34 14132.08 and 14132.085 and this section, and notwithstanding
35 Section 10231.5 of the Government Code, the department shall
36 provide a status report to the Legislature on a semiannual basis
37 until regulations have been adopted.

38 (g) This section neither alters the scope of practice for a
39 healthcare professional nor authorizes the delivery of healthcare

- 1 services in a setting or in a manner that is not authorized under the
- 2 Health and Safety Code or the Business and Professions Code.

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