

Physician Assistant Board

Board Meeting Materials

Monday, November 9, 2020
WebEx Meeting

Board Members

Jed Grant, PA-C, President, Licensee Member

Charles J. Alexander, Ph.D., Vice-President, Public Member

Juan Armenta, Public Member

Jennifer Carlquist, PA-C, Licensee Member

Sonya Earley, PA-C, Licensee Member

Randy Hawkins, M.D., Licensee Member

Diego Inzunza, PA-C, Licensee Member



PHYSICIAN ASSISTANT BOARD

2005 Evergreen Street, Suite 2250, Sacramento, CA 95815 P
(916) 561-8780 F (916) 263-2671 www.pab.ca.gov



HOW TO – Join – DCA WebEx Event



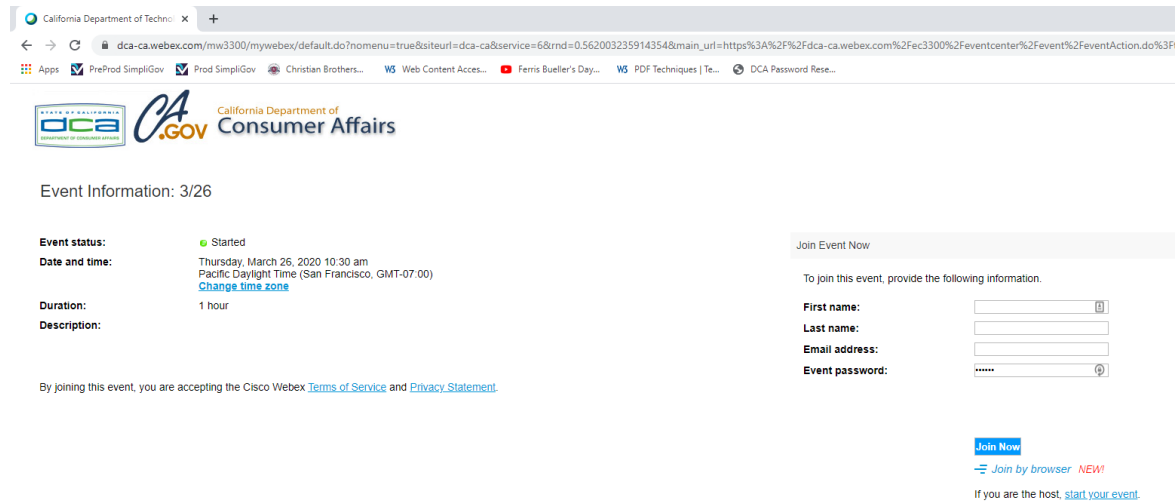
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

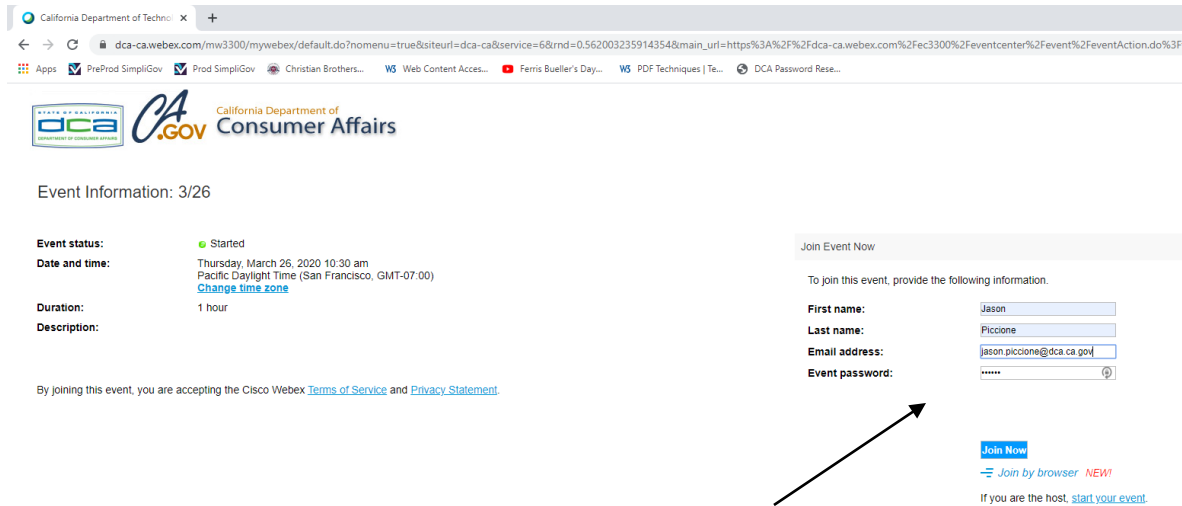
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

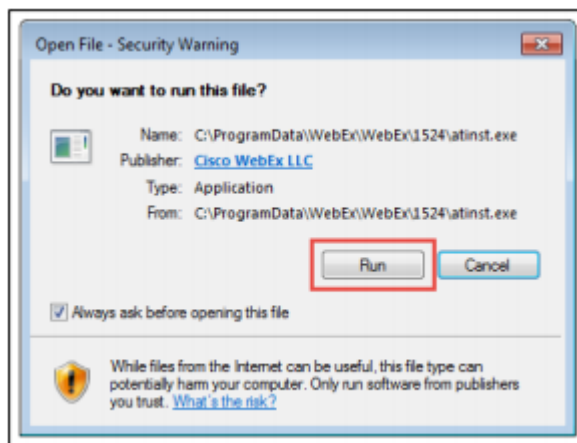
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

Starting Webex...



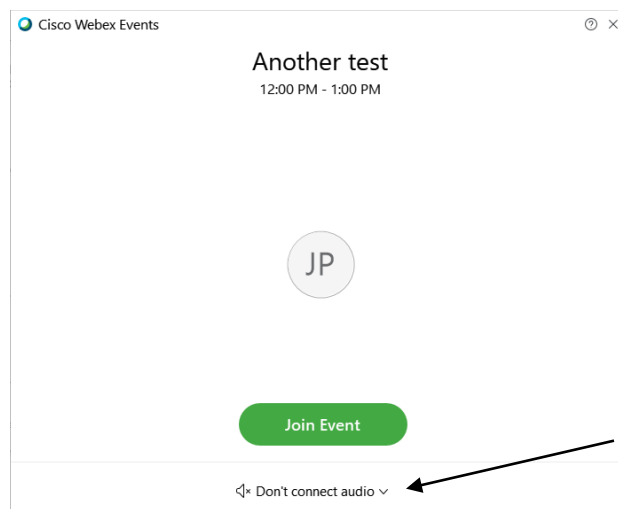
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



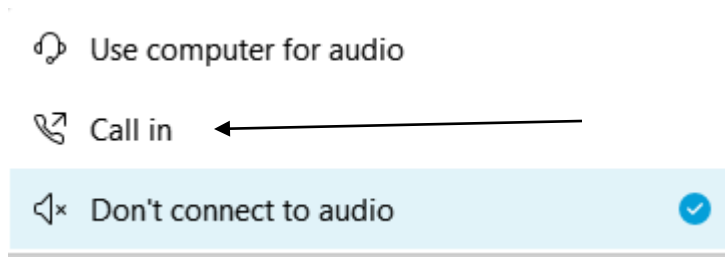
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

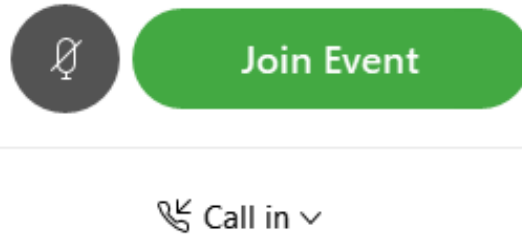


HOW TO – Join – DCA WebEx Event

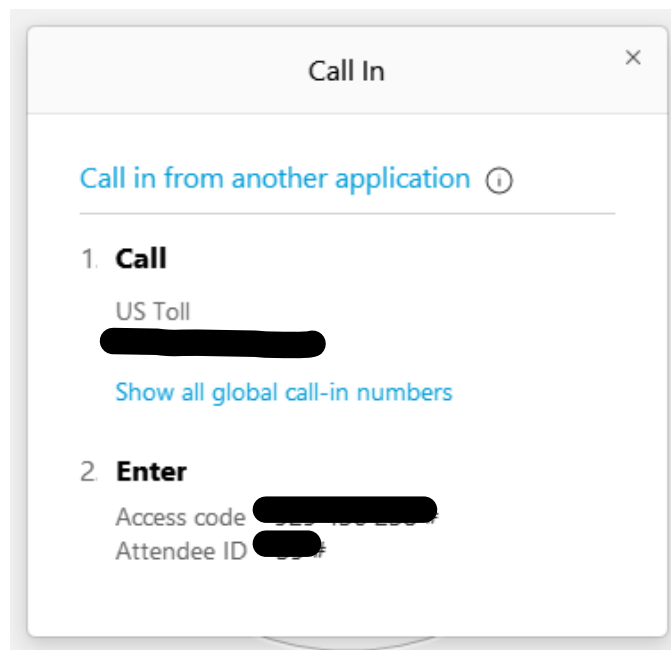
8. When the audio menu appears click 'Call in'.



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

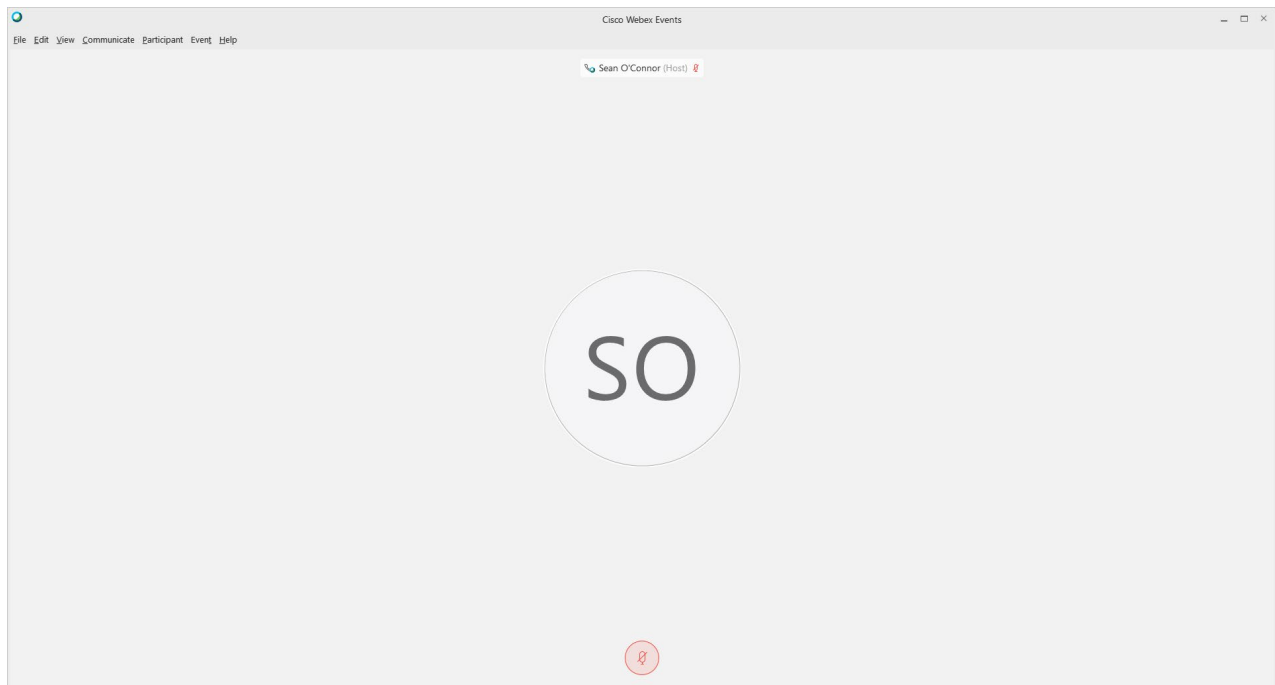


HOW TO – Join – DCA WebEx Event

NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

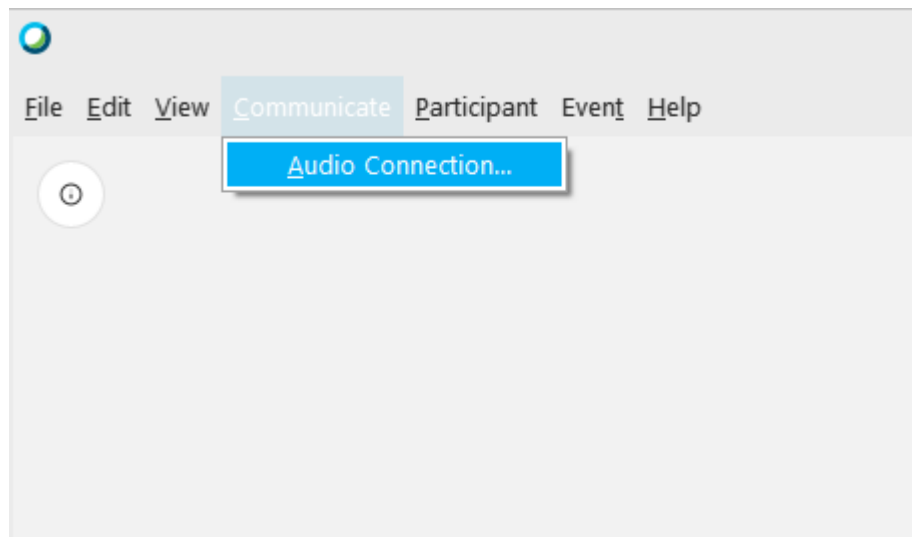


NOTE: Your audio line is muted and can only be unmuted by the event host.

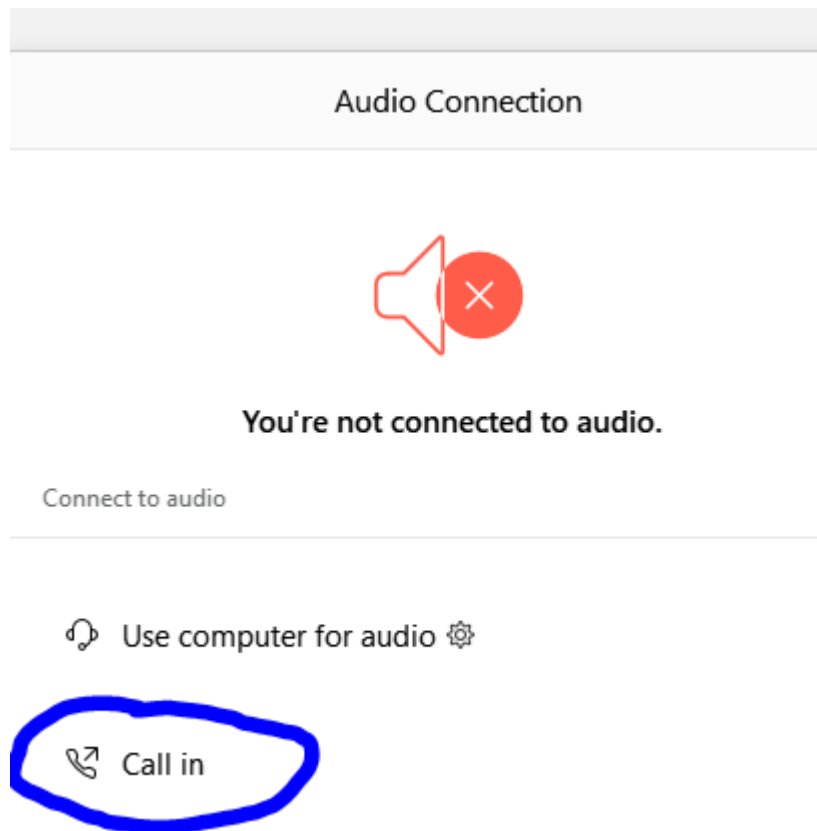
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



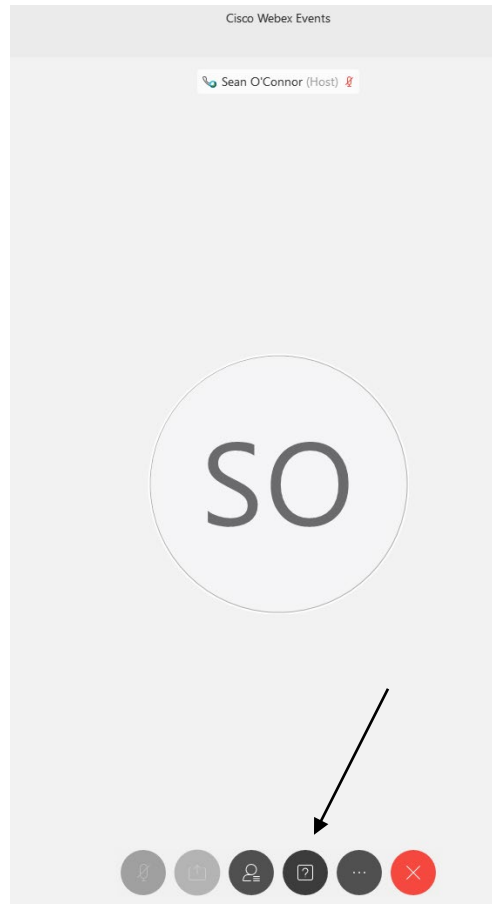
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

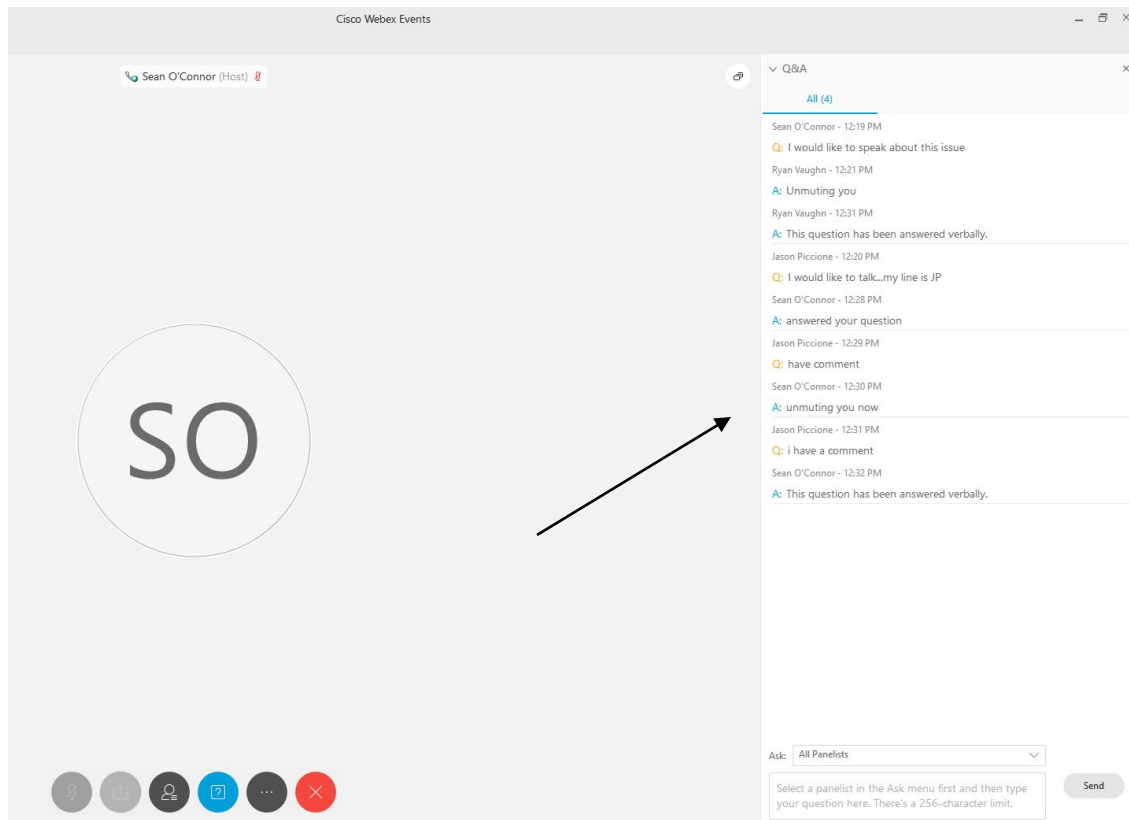
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



DEPARTMENT OF CONSUMER AFFAIRS • PHYSICIAN ASSISTANT BOARD

2005 Evergreen Street, Suite 2250, Sacramento, CA 95815
P (916) 561-8780 | Fax (916) 263-2671 | web: www.pab.ca.gov



**MEETING NOTICE
November 9, 2020
8:30 A.M. – 5:00 P.M.**

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e8a78860867fb61f2baa359dcc5b17773>

Meeting Number: 146 405 2967 **Password:** PAB110920

The Physician Assistant Board will hold a Board Meeting via WebEx

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location is provided. To participate in the WebEx meeting, please log on to the website above the day of the meeting.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment: participants who choose not to provide their email address may utilize a fictitious email address like in the following sample format: XXXXX@mailinator.com

Due to potential technical difficulties, please consider submitting written comments by October 30, 2020, to paboard@mbc.ca.gov

AGENDA

EXCEPT "TIME CERTAIN"* ITEMS, ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

1. Call to Order by President (Grant)
2. Roll Call (Caldwell)
3. Consider Approval of August 7, 2020 Board Meeting Minutes (Grant)

MISSION: To protect and serve consumers through licensing, education, and objective enforcement of the Physician Assistant laws and regulations.



4. Public Comment on items not on the Agenda (Grant)
(Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda for a future meeting. [Government Code Sections [11125](#), [11125.7\(a\)](#)].)
5. Introduction and Swearing in of New and Reappointed Board Members (Grant)
6. Nomination and Election of Physician Assistant Board Officers (Khan)
7. Reports
 - a. President's Report (Grant)
 - i. Board Member Recognition and Commendations
 - ii. DCA Approved Waivers Relating to the Practice of Physician Assistants
 - b. Interim Executive Officer's Report (Khan)
 - i. Pandemic Response
 - ii. Personnel
 - iii. Update on the Sunset Review Process
 - iv. Social Media
 - c. Board Activity Reports
 - i. Licensing (Caldwell)
 - ii. Enforcement (Melendez/Khan)
 - iii. Probation (Voong)
 - iv. Diversion (Voong)
8. Department of Consumer Affairs – Director's Update (DCA Staff) – May Include Updates Pertaining to the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory and Policy Matters
9. Budget Update (DCA Budget Analyst)
10. Approval of Passing Score for 2021 Physician Assistant (PA) Initial Licensing Examination and 2021 Dates and Locations for PA Initial Licensing Examination (Grant)
11. Discussion and Possible Action Setting Schedule for 2021 Board Meeting Dates and Locations (Grant)
12. Discussion and Possible Action Regarding Hearings Pursuant to [Business and Professions Code section 3530](#). Petition for Reinstatement of License or Modification of Penalty (Grant/Maguire)
13. Report on Medical Board of California Activities (Hawkins)
14. Regulations – Update, Discussion, and Possible Action (Halbo) Regarding:
 - a. Proposed Amendments to 16 CCR Sections 1399.525, 1399.526 and 1399.527 - Substantial Relationship Criteria, Rehabilitation Criteria for Denials and Reinstatements, Rehabilitation Criteria for Suspensions and Revocations (Update on combined AB 2138 regulation package, Memo to Board re: Text changes requested by OAL, vote on 15-day Modification of Text.)

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- b. Proposed Language to Amend 16 CCR Sections 1399.502, 1399.506, 1399.507, 1399.511, 1399.530, 1399.540, 1399.541, 1399.545, and 1399.546 Changes to Existing regulation sections to include SB 697 Requirements (Update with Changes to Previously Proposed Language)
- c. Board's Authority to Approve Controlled Substance Education Courses, Title 16, California Code of Regulations, Section 1399.610 (Update - Grant)
- d. Proposed Amendments to 16 CCR Section 1399.523.5 - Required Actions Against Registered Sex Offenders (Update)
- e. Proposed Amendments to 16 CCR Sections 1399.514 and 1399.615 - Renewal of License and Continuing Medical Education Required (Update)
- f. Proposed Amendments to 16 CCR Section 1399.616 – Approved Continuing Medical Education Programs – Implicit Bias (Update)

Lunch break will be taken at approximately 12:00 P.M. until 1:00 P.M.

15. *TIME CERTAIN 1:00 P.M.: CLOSED SESSION

- a. Pursuant to [Section 11126\(a\) of the Government Code](#), the Board will meet in closed session to conduct interviews and Possible Appointment of Executive Officer
- b. Pursuant to [Section 11126\(c\)\(3\) of the Government Code](#), the Board will move into closed session to deliberate and take action on disciplinary matters.

RETURN TO OPEN SESSION

- 16. Report and Actions Taken During Closed Session Regarding Executive Officer Appointment (Grant/Maguire)
- 17. Education/Workforce Development Advisory Committee: Update on Physician Assistant Education Programs and Applicants in California (Grant/Alexander)
- 18. Nomination and Possible Selection of Legislative Committee Member (Grant)
- 19. Report by the Legislative Committee; Discussion and Possible Action to Consider Positions Regarding the following Legislation: (Earley)
 - a. [AB 890](#) – Wood: Nurse Practitioners: Scope of Practice Without Standardized Procedures
 - b. [AB 1616](#) – Low and Garcia: Department of Consumer Affairs: Boards: Expunged Convictions
 - c. [AB 2113](#) – Low: Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process
 - d. [SB 53](#) – Wilk: Open Meetings
 - e. [SB 878](#) – Jones: Department of Consumer Affairs: License: Application: Processing Timeframes
 - f. [SB 1474](#) – Committee on Business, Professions and Economic Development. Business and Professions
 - g. [SB 1463](#) – Glazer: Physician Assistants: Written Examination

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20. Agenda Items for Next Meeting (Grant)

21. Adjournment (Grant)

Note: Agenda discussion and report items are subject to action being taken on them during the meeting by the Board at its discretion. Action may be taken on any item on the agenda. All times when stated are approximate and subject to change without prior notice at the discretion of the Board unless listed as “time certain”. The meeting may be canceled without notice. For meeting verification, call (916) 561-8780 or access the Board’s website at <http://www.pab.ca.gov>. Public comments will be taken on agenda items at the time the item is heard and prior to the Board taking any action on said items. Agenda items may be taken out of order and total time allocated for public comment on particular issues may be limited at the discretion of the President.

While the Board intends to webcast this meeting, it may not be possible to webcast the meeting due to technical difficulties or limitations on resources. The meeting will continue even if the webcast is unavailable. The webcast can be located at www.dca.ca.gov. If you would like to ensure participation, please plan to attend at the physical location.

Notice: The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Julie Caldwell at (916) 561-8781 or email Julie.Caldwell@mbc.ca.gov send a written request to the Physician Assistant Board, 2005 Evergreen Street, Suite 2250, Sacramento, California, 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the Request.

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Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 3

August 7, 2020 Board Meeting Minutes

1 **MEETING MINUTES**

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4 **August 7, 2020**
5 **9:00 A.M. – 5:00 P.M.**

6 **Physician Assistant Board Meeting Was Held Via WebEx**

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9 **1. Call to Order by President**

10 President Grant called the meeting to order at 9:00 a.m.

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13 **2. Roll Call**

14 Staff called the roll. A quorum was present.

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17 Board Members Present: Charles Alexander, PhD
18 Juan Armenta, Esq.
19 Jennifer Carlquist, PA-C
20 Sonya Earley, PA-C
21 Javier Esquivel-Acosta, PA-C
22 Jed Grant, PA-C

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24 Staff Present: Maureen L. Forsyth, Executive Officer
25 William Maguire, Attorney
26 Karen Halbo, Attorney III DCA Regulation Unit
27 Sarah Fletcher, Licensing Analyst
28 Rozana Khan, Enforcement Analyst
29 Kristy Voong, Probation Monitor

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32 **3. Approval of January 13, 2020 Board Meeting Minutes**

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34 M/ Juan Armenta S/ Charles Alexander to:

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36 Approve the January 13, 2020 Meeting Minutes.

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Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

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39 No public comment.

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41 **4. Approval of May 28, 2020 Teleconference Board Meeting Minutes**

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43 M/ Juan Armenta S/ Jennifer Carlquist to:

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Approve the May 28, 2020 Teleconference Meeting Minutes.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

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No public comment.

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5. Public Comment on Items not on the Agenda

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(Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda for a future meeting. [Government Code Sections 11125, 11125.7(a).])

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6. Reports

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a. President's Report

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Presentations – Keck School of Medicine of USC & Mid-Valley Chapter of CAMSS

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Mr. Grant reported that in February 2020, he was accompanied by Ms. Forsyth and former Board president Mr. Sachs when visiting Keck School of Medicine of USC to provide a presentation on SB 697 and the changes associated with SB 697, licensing, and Board processes. The presentation was well received and they enjoyed the opportunity to engage with the PA program. Mr. Grant advised that the Board does offer regular outreach to PA programs, but it has been limited during the pandemic.

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Mr. Grant reported that he was accompanied by Ms. Forsyth when visiting the Mid-Valley Chapter of CAMSS to provide a presentation on how SB 697 might affect credentialing and the implementation of the new practice agreement. This presentation was both live and on the web to professionals all across the state. The presentation was well received and they were able to assist by providing answers to many questions, including looking at the practice agreement changes from the delegations of services agreement.

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Sunset Review

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Mr. Grant reported that due to the pandemic, the legislature has postponed all meetings until next year and the Board's scheduled March 2020 presentation was cancelled. Upon invitation from the legislature, the Board will present the report. Mr. Grant expressed appreciation to staff for their hard work in preparing the report.

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DCA Approved Waivers Relating to the Practice of Physician Assistants

90 Mr. Grant reported that early in the pandemic he worked with Board staff and
91 DCA extensively to identify what emergency requirements might be needed to
92 allow PAs to practice unhindered in order to render aid to those in need
93 during the pandemic. The Board received approval of three waivers and the
94 waivers are posted on the home page of the Board's website.
95

96 Waiver one addresses supervision requirements and whether or not a
97 practice agreement is required. This waiver allows for PAs to practice without
98 a practice agreement under certain circumstances. Mr. Grant encourages
99 PAs who are traveling in from out-of-state, or practicing outside their normal
100 practice agreement as a result of the pandemic, to review this waiver. The
101 waiver is currently in effect until August 12, 2020, unless extended by DCA.
102

103 Waiver two addresses continuing medical education. This waiver temporarily
104 waives the continuing medical education requirement for individuals whose
105 incenses expire between July 1, 2020 and August 31, 2020. Licensees must
106 satisfy any waived renewal requirements within six months of this order,
107 unless further extended.
108

109 Waiver three addresses reactivating a license. This waiver removes the
110 continuing medical education and fee requirements for licensees who
111 currently have a license status of retired, inactive or canceled. This waiver is
112 valid for six months.
113

114 Mr. Grant recognized and thanked all involved including Board counsel, Ms.
115 Forsyth, Ms. Angus and Ms. Kirchmeyer, for their hard work and good
116 responses regarding this emergency in order to allow PAs to be reasonably
117 accommodated during this time of increased need.
118

119 Mr. Grant announced that Ms. Forsyth, who has been with the DCA for
120 twenty-six years, will be retiring August 31, 2020. Mr. Grant extended his
121 sincere appreciation for her long-standing service to the state of California
122 and to the Board.
123

124 In order to thank Ms. Forsyth and Ms. Fletcher appropriately for their years of
125 service to the Board, Mr. Grant extended an invitation to attend the next in-
126 person Board meeting.
127

128 Additional Board member comments are as follows:
129

130 Ms. Carlquist commented that Ms. Forsyth has been a great asset to the
131 Board, she will be missed and thanked her for all she has done.
132

133 Ms. Earley commented that Ms. Forsyth will be missed, she is excited for
134 having had the opportunity to work with her and wishes her well in her
135 retirement.
136

137 Mr. Alexander commented that he will miss Ms. Forsyth's loving care
138 extended to all of the Board members when they visit Sacramento to attend
139 Board meetings. He wished her well with her retirement and looks forward to
140 seeing her in person at the next live Board meeting.
141

142 Mr. Armenta commented that it is so rare that in public service you see
143 somebody that can manage and make board members jobs easier as Ms.
144 Forsyth has, and thinks one of our failings as board members is that we didn't
145 find a way to prevent her retirement. He thanked Ms. Forsyth for her guidance
146 and help.

147
148 Mr. Esquivel-Acosta thanked Ms. Forsyth for all the wonderful work and extra
149 support she has provided to the Board members. He recognized the passion
150 that Ms. Forsyth has for the PA Board and appreciates everything that she
151 does.

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153 b. Executive Officer's Report

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155 **Board Member Appointments**

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157 Ms. Forsyth expressed thanks to Carrie Holmes, DCA Deputy Director of
158 Board and Bureau Relations, for working with the Board in securing
159 appointments. Ms. Holmes will be providing the Board with an update later on
160 during the meeting.

161
162 **Staffing and New Office Space**

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164 Ms. Forsyth reported that in April of 2020 staff assumed the new office space
165 within the building located at 2005 Evergreen Street in Sacramento. The
166 office space is considerably larger than the previous office space and will
167 accommodate new staff members as needed. Ms. Morris, was hired in March
168 of 2020 and filled the Board's office technician vacancy. Ms. Fletcher, the
169 Board's current licensing analyst, has accepted a new position with California
170 Board of Accountancy. Ms. Caldwell, the Board's current administrative
171 analyst, will be assuming the licensing desk. As of August 10, 2020, the
172 Board will have a new complaint analyst, Armando Melendez, who currently
173 works for the Medical Board of California (MBC). The complaint analyst is a
174 new position for the Board and is the beginning of transitioning of all of the
175 shared services currently being completed by the MBC.

176
177 c. Licensing Program Activity Report

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179 Licensing Population by Type Report:

180
181 Ms. Fletcher reported that the total number of current licenses to be 13,927.
182 This report does include 7 licenses that were previously retired, inactive or
183 canceled and have been reinstated as a result of the DCA's order waiving
184 license reactivation or restoration requirements.

185
186 Summary of Licensing Activity Report:

187
188 Ms. Fletcher advised that this report is typically ran every quarter; however,
189 due to the cancellation of the April 2020 meeting, the current report covers
190 January 4, 2020 through July 16, 2020:

191
192 Applications received – 809
193 Licenses issued – 674

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Licenses renewed – 3,374

Pending Application Workload Report as of July 16, 2020:

- Pending Applications – 336
- Unassigned Applications* - 22
- Assigned Applications - 314

*Applications were submitted online without a payment or were received on a weekend or overnight and hadn't been assigned.

Ms. Fletcher stated she has noticed an increase in the amount of online applications submitted without payment and she does reach out to the applicant advising that the application will not be processed without payment.

Ms. Fletcher stated that the pie chart included in the report breaks down the age of pending application workload and is not indicative of the Board's processing times, but rather shows how long it can take to obtain a license if license requirements remain outstanding long after the application has been reviewed.

Licensing Performance Measures

- Complete applications* – 39 days
- Incomplete applications** - 65 days

*Complete applications refers to applications where all requirements for licensure were met at the time of the application review.

**Incomplete applications refers to applications where all requirements for licensure were not met at the time of the application review.

Ms. Fletcher stated that the target processing time for complete applications is listed as 20, but that number was established in 2013 and has not been reevaluated. Mr. Grant advised that the target is set internally and the executive officer has delegated the authority to set that target so it can be addressed internally.

Ms. Fletcher shared that she receives positive feedback from applicants in terms of the Board's process, processing times, and Board staff.

In response to Mr. Grant's question of whether the increase in licensing is just a steady gradual increase, or if it is due to a surge when students graduate from California PA programs, Ms. Fletcher stated when she started with the Board three years ago there were lulls throughout the year; however, she currently experiences no lulls, application submissions are steady, but the volume of applications do increase prior to and after graduation. Mr. Grant thanked Ms. Fletcher for her diligent work and recognizes the volume of work involved to ensure people are getting licensed in a timely manner.

244 Ms. Carlquist, Ms. Earley, Mr. Armenta, Mr. Alexander and Mr. Esquivel-
245 Acosta expressed thanks to Ms. Fletcher for all of her hard work.

246
247 Ms. Fletcher expressed her thanks for all of the positive comments and how
248 fantastic everyone has been to work with. She has truly enjoyed working with
249 the applicants and health care staffing firms, is thankful to Ms. Forsyth for
250 hiring her and the opportunities the position has presented, and the
251 opportunity to work with the current Board staff.

252
253 d. Diversion Program Activity Report

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255 Ms. Voong reported the following diversion activity as of January 1, 2020 to
256 June 30, 2020:

- 257
- 258 • Board referrals – 1
- 259 • Voluntary referrals – 0
- 260 • Active participants - 6
- 261 • Total intake into program as of June 30, 2020 - 157
- 262

263 e. Enforcement Program Activity Report

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265 Ms. Khan reported the following enforcement activity beginning January 1,
266 2020 through June 30, 2020:

- 267
- 268 • Complaints – Intake
 - 269 ○ Complaints received – 182
 - 270 ○ Assigned to desk analyst (**may include cases received in previous
 - 271 quarters) – 187
 - 272 ○ Pending at intake – 7
- 273 • Complaints and Investigations
 - 274 ○ Complaints referred for investigation – 42
 - 275 ○ Complaints and investigations closed** – 85
 - 276 ○ Complaints pending at desk analyst** – 100
 - 277 ○ Investigations pending at field** – 110
 - 278 ○ Average age of pending investigations** – 479
 - 279 ○ Investigation over 8 months old – 77
- 280 • Suspensions
 - 281 ○ Interim Suspension Orders - 1
- 282 • Office of Attorney General Cases
 - 283 ○ Cases initiated – 7
 - 284 ○ Cases pending** - 38
 - 285 ○ Average age of pending cases** - 498
- 286 • Formal Actions Filed/Withdrawn/Dismissed
 - 287 ○ Accusations filed – 4
- 288 • Administrative Outcomes/Final Order
 - 289 ○ Probation – 1
 - 290 ○ Public reproof – 3
 - 291 ○ Revocation – 1
 - 292 ○ Surrender – 6
 - 293 ○ Probationary license issued – 3
- 294 • Current Probationers

- 295 ○ Active – 63
- 296 ○ Tolling – 5
- 297 ● Citations and Fines (October 1, 2019 to December 31, 2019)
- 298 ○ Pending – 2
- 299 ○ Fines due - \$3,000
- 300 ● Citations and Fines (January 1, 2020 to June 30, 2020)
- 301 ○ Issued – 7
- 302 ○ Resolved - 3
- 303 ○ Pending – 4
- 304 ○ Fines issued - \$3,000
- 305 ○ Fines received - \$1,500
- 306 ○ Fines due from previous/current quarters - \$4,500

307 Complaints Received by Type and Source

308 Ms. Khan reported the following activity beginning January 1, 2020 through June
309 30, 2020:

- 310 ● Complaints received – 416

311
312
313
314
315 Mr. Grant commented that although the Board is just entering the third quarter,
316 the number of complaints almost equals the total number of complaints received
317 for last year. In response to Mr. Grant’s question of if Ms. Khan has noticed a
318 trend, or if anything stands out as the reason, Ms. Khan responded that chart
319 reflects the entire fiscal year, not each quarter, and that the total number of
320 complaints in FY 19/20 has decreased from FY 18/19. In response to Ms.
321 Earley’s question of if the pandemic could be one cause for the decrease, Ms.
322 Khan responded yes, it may be a contributing factor due to the cancellation of
323 many doctor appointments.

324
325 Mr. Alexander commented that there has been a sharp increase in the
326 unprofessional conduct category and asked for clarification of what type of
327 complaints fall under the non-jurisdiction category. Ms. Khan stated that non-
328 jurisdictional complaints are not under the authority of Board and are referred to
329 other agencies such as the Department of Health Care Services, Department of
330 Managed Health Care, etc. An example of this would be if a complaint is filed
331 related to bedside manner, it would not fall under the Board’s jurisdiction. Mr.
332 Grant offered the additional example of if a complaint is received regarding the
333 unsanitary conditions of the health care facility, it would not fall under the Board’s
334 authority and it would be referred.

335
336 No public comment.

337 **7. Department of Consumer Affairs (DCA) – Director’s Update**

338
339
340 Carrie Holmes, DCA Deputy Director of Board and Bureau Relations, thanked
341 the Board for the opportunity to provide her report.

342
343 Ms. Holmes stated that she was appointed by Governor Newsom on June 1,
344 2020, to serve as the Deputy Director of Board and Bureau Relations. Prior to
345 her appointment, she was Legislative Director for Senator Jim Bell and also
346 served as Assistant Deputy at the Secretary of State’s Office. Ms. Holmes has

347 always been passionate about consumer protection and is very happy to be
348 working at the DCA and with all of the boards and bureaus. The Board and
349 Bureau Relations is here to help with appointments, training, and her team will be
350 coordinating the onboarding with the new executive officer. The DCA appreciates
351 how hard the Board works to maintain a quorum and moves forward with work
352 despite the vacancies. Ms. Holmes stated that she is working closely with the
353 Governor's Office and legislature, and although she doesn't have any specific
354 updates today, she assured the Board that they are a priority and the DCA is
355 moving as quickly as possible. She is part of a new leadership team as in
356 January of 2020, Governor Newsom appointed Lourdes Castro Ramirez as the
357 new Secretary of the Business Consumer Services and Housing Agency
358 effective March 2, 2020; March 5, 2020, Governor Newsom appointed Jennifer
359 Simoes as DCA's Deputy Director of Legislation; April 16, 2020, Governor
360 Newsom appointed Christine Lally as DCA's Chief Deputy Director. Ms. Lally
361 recently served as Deputy Director of the Medical Board of California.

362
363 Ms. Kirchmeyer's January 2020 update laid out several of her priorities that
364 included improving the regulation process and timelines and is devoting more
365 time to this priority now that she has her team in place. The DCA Regulations
366 Unit was created by the DCA Legal Unit to directly assist boards and bureaus for
367 the regulations packages. The DCA also developed an online system to manage
368 and track regulations packages and streamline their review called Cherwell.
369 While Cherwell testing with a pilot cohort is now complete, there will be regular
370 check-ins with the pilot groups to solicit feedback and evaluate the feedback to
371 determine the next stages of the rollout.

372
373 Work is continuing even though COVID-19 has changed the way we do business
374 now and in the future. The DCA temporarily closed all offices to the public in
375 March of 2020 in response to state and local stay at home orders to help reduce
376 the spread of COVID-19. The DCA and the boards and bureaus have
377 implemented telework plans and have required physical distancing for those
378 employees who cannot telework. The DCA offices reopened to the public on
379 June 15, 2020, with preventative measures to safeguard the health and safety of
380 our employees and visitors and are truly grateful for your continued service and
381 for staff's flexibility.

382
383 During the state of emergency, the DCA has issued waivers needed to maintain
384 a licensed workforce during COVID-19. To date, the DCA has issued 43 waivers
385 that range from continuing education requirements, telehealth requirements and
386 licensure reinstatements. Ms. Holmes asks that the Board take a look at the
387 existing waivers and changes that have affected our board and licensees and
388 what might be helpful in the long run. The DCA is looking at identifying areas
389 where changes can be made on an ongoing basis and welcomes any feedback
390 or ideas.

391
392 Ms. Holmes stated she looks forward to getting to know our Board and our
393 programs better and is sorry not to have more time to work with Ms. Forsyth. The
394 consumers of California are truly lucky to have benefited from your many years of
395 service and the DCA is grateful to you.

396
397 Ms. Holmes stated that if the Board has any questions, or needs anything from
398 the DCA, please don't hesitate to reach out to her.

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Mr. Grant thanked Ms. Holmes for her presentation and is grateful that she is aware of the Board's current vacancies and need to fill the vacancies.

No public comment.

8. Discussion and Possible Action Regarding the Board's Authority to Approve Controlled Substance Education Courses, Title 16, California Code of Regulations, Section 1399.610

Mr. Grant stated that the reason he requested this item be place on the agenda is because the regulation currently reads is that if a person offering a controlled substance course self-identifies and they meet all of the requirements of the regulation, then they are deemed approved by the Board. While the language has worked for some time, some course providers are actually not meeting the regulation requirements. Other than requesting documents from the course provider, the Board doesn't currently have a process in place where we verify, with any great detail, that the course providers are meeting the regulation requirements. The providers are also listed on the Board's website, which is a de facto approval by the Board and because of this, various providers have been placed on and then taken off when the Board requests proof. Some providers have been very forthcoming, while others have been evasive and that leads to a problem now that the controlled substance course is required. The Board has to ensure that the documentation submitted by the licensee, as evidence of attending the controlled substance course, meets the requirements of section 1399.610.

Mr. Grant stated points of discussion for the Board members to entertain would include how the Board can implement auditing and enforcement for these regulations to ensure that what the licensees are receiving is in compliance of the law and regulations, and how to handle receiving certificates from licensee who took the course from a provider that was not approved, or that the course does not meet the regulation requirements. Mr. Grant would like to ensure that the Board doesn't have an underground regulation.

Ms. Halbo suggested adding a subdivision (e) to the existing regulation language that states "the Board reserves the right to audit and remove programs that do not comply with this regulation." Ms. Halbo suggested that she draft language during the existing Board meeting and that the Board circle back to this agenda item to discuss the modification, take comment and discuss.

Mr. Grant agreed to wait for Ms. Halbo' s proposed language, release this agenda item for the time being and return to it later in the meeting. The Board members had no objection

In response to Ms. Caldwell's question of if the changes to the regulatory language will clearly identify how the Board is deeming the course approved, Mr. Grant replied that the requirements are already included in the regulation, what is being discussed is how to conduct an audit and what to do when the course providers fail to meet the requirements.

Upon returning to agenda item 8, Ms. Halbo stated she has amended the regulation text 1399.610 to read:

451
452 (e) The board reserves the right to conduct periodic audits of the courses offered
453 by the course providers listed in subdivision (d) to ensure compliance with this
454 section. If the board determines a provider is not in compliance with the
455 requirements of this section, the board will notify the provider and will no longer
456 accept the provider's course to satisfy the controlled substance course
457 requirement.
458

459 Mr. Grant suggested to add additional language at the end of the last sentence "until
460 such time as the provider can demonstrate compliance." Mr. Grant expressed
461 concern that the wording leaves the impressions that they can never offer it again.
462

463 M/ Juan Armenta S/ Sonya Earley to:
464

465 Accept a modification to 1399.610 of the California Code of Regulations, Title 16, to
466 add sub paragraph (e) the board reserves the right to conduct periodic audits of the
467 courses offered by the course providers listed in subdivision (d) to ensure
468 compliance with this section. If the board determines a provider is not in compliance
469 with the requirements of this section, the board will notify the provider and will no
470 longer accept that provider's course to satisfy the controlled substance course
471 requirement until such time as the provider can demonstrate
472 compliance.
473

474 Based on additional discussion the original motion was amended as follows:
475

476 M/ Juan Armenta S/ Sonya Earley to:
477

478 Accept a modification to 1399.610 of the California Code of Regulations, Title 16, to
479 add sub paragraph (e) the board reserves the right to conduct periodic audits of the
480 courses offered by the course providers listed in subdivision (d) to ensure
481 compliance with this section. If the board determines a provider is not in compliance
482 with the requirements of this section, the board will notify the provider and will no
483 longer accept that provider's course to satisfy the controlled substance course
484 requirement until such time as the provider can demonstrate compliance and direct
485 staff to submit the text to the Director of the Department of Consumer Affairs and the
486 Business, Consumer Services, and Housing Agency for review and if no adverse
487 comments are receive, authorize the Executive Officer to take all steps necessary to
488 initiate the rulemaking process, make any non-substantive changes to the package
489 as needed.
490

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

491 No public comment.
492
493
494

495 **9. Executive Office Recruitment and Selection Process**

496
497 a. Presentation from the Department of Consumer Affairs' Office of Human
498 Resources Regarding the Selection Process of an Executive Officer
499

500 Ms. Thao, DCA Classification and Recruitment Manager within the Office of
501 Human Resources, stated that she will be providing an overview of the executive
502 officer recruitment and selection process and reviewing the duty statement and
503 recruitment announcement in order to obtain the Board's feedback and
504 suggestions. The executive officer recruitment selection process requires two
505 members who will have time and interest to participate in the selection process. A
506 search committee will be formally selected during today's meeting. The executive
507 officer recruitment announcement is typically advertised for 30-days on
508 Department of Human Resources (CalHR) platform, but may be advertised
509 externally, such as through the Capital Morning Report. If the Board chooses to
510 advertise outside of the CalHR platform, just inform her once they are getting ready
511 to release the executive officer advertisement. During the advertisement period
512 she will work directly with the search committee to determine application
513 screening, interview questions, and potential interview dates. Ms. Thao will serve
514 as the contact person on the advertisement and will provide the search committee
515 with applications received each Friday on a flow basis. The search committee will
516 review and screen the applications received based on the desirable qualifications
517 to determine candidates for initial or final interviews. Depending on the number of
518 applications received, if initial interviews are recommended based on large
519 candidate pool, they will be conducted with the search committee. Reference
520 checks will be conducted for the top candidates prior to final interviews with the
521 Board members. At a next scheduled Board meeting and in closed session, final
522 interviews will be conducted for the top candidates. This will require a vote by the
523 Board members to select a final candidate. Upon selecting the final list for the
524 executive officer position, a start date and salary can be determined. In
525 accordance with Business and Professions Code section 3512, appointment of this
526 executive officer, appointment will not require the DCA Director's approval. The
527 selection of the candidate must be kept confidential until the candidate notification
528 has been completed and accepted and the unsuccessful candidates have been
529 notified. The selected candidate will also require CORI clearance if they're
530 currently not with the Board, which will be facilitated by the Office of Human
531 Resources. Once the selected candidate has passed CORI, the Board can work
532 with Public Affairs to make the formal announcement and then on or prior to the
533 affective date of the appointment, the Oath of Office must be administered which
534 may be administered by any Board member, DCA Director, or their designee. The
535 Oath of Office must be administered in person.
536

537 Mr. Grant stated that an executive officer search committee was appointed during
538 the last Board meeting and consists of Mr. Armenta and Mr. Grant. Mr. Maguire
539 stated that the search committee item was placed on the current agenda as a
540 small point of order because the item wasn't on the last Board meeting agenda and
541 therefore it an informal appointment.
542

543 b. Discussion and Possible Appointment of an Executive Officer Search Committee
544

545 M/ Jennifer Carlquist S/ Sonya Earley to:
546

547
548
549

Nominate Mr. Grant and Mr. Armenta to serve on the executive officer search committee.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

550

No public comment.

551

552

c. Review and Possible Amendments to Executive Officer Duty Statement

553

554

Ms. Thao stated that minimal changes have been made to the general statement of the duty statement. Items highlighted in yellow are for review and asked if the Board had any comments or questions. The Board members had no comments.

555

556

557

558

Ms. Thao asked if the Board member had comments or questions regarding section A of the duty statement that outlines the specific activities that will be performed by the executive officer. The Board had no comments.

559

560

561

562

Ms. Thao asked if the Board had any comments or questions regarding sections (b-d) of the second page of the duty statement, to which Mr. Grant requested that the language in section (c) be changed from “directly supervises 7 board staff” to “directly supervise board staff.” Ms. Thao stated that she will make the change. No additional Board comments were made.

563

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568

Ms. Thao asked if the Board had any comments or questions regarding page 3 of the duty statement, to which Mr. Armenta requested that the language in section (f) be changed from “error in judgment” to “exercise in judgement could have significant impact.” Ms. Thao stated that she will make the change. Ms. Earley asked if there were any functional requirements that needed to be added due to the acquisition of the new office space. Mr. Grant states that the executive officer indicates no functional changes need to be added. No additional Board comments were made.

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577

Ms. Thao asked if the Board had any comments or questions regarding page 4 of the duty statement. The Board had no comments.

578

579

580

Ms. Thao stated that before the Board voted on the duty statement, she would like to the Board to review the recruitment announcement document. Ms. Thao stated that most of the information is straightforward, but she would like to review the qualifications and experience section as this section will be used to develop the interview questions and how the candidates will be scored. The Board had no comments. Ms. Thao next asked the Board how many pages they would like to allow the applicant when responding to the statement of qualifications. Mr. Armenta responded that he would like to provide the applicant more than four pages. Mr. Grant commented that four to six pages should be sufficient. Ms. Earley suggested

581

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589

590 not to exceed six pages. The Board agreed to use the verbiage “not to exceed six
591 pages.”

592
593 M/ Sonya Earley S/ Charles Alexander to:

594
595 To approve the changes requested by the members of the Board to the duty position
596 statement as well as job announcement.

597

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

598
599 No public comment.

600

601 **10. Report on Medical Board of California Activities**

602

603 On behalf of William Prasifka, Executive Director for the Medical Board of California
604 (MBC), Mr. Grant read the following report:

605

606 The MBC has had a significant change it is senior executive team in 2020. The new
607 appointees include William Prasifka, Executive Director; Reji Varghese, Deputy
608 Director; Aaron Bone, Chief of Legislative and Public Affairs.

609

610 The MBC introduced the post-graduate training license on January 1, 2020 and has
611 resulted in a significant increase in the number of license applications received at
612 more than 70% and additional resources have been devoting to developing
613 processing efficiencies to deal with the surge in applications. The processing
614 efficiencies include accepting electronically notarized documents, electronic
615 submission through the MBC direct online certification system portal and the
616 acceptance of electronic transcripts to approve services such as Credential
617 Solutions, Script Safe, Parchment and The National Student Clearing House, as well
618 as the acceptance of e-diplomas from CE Credential Trust and Parchment. The
619 MBC Consumer Information Unit has experienced a steady increase in the number
620 of calls during 2020.

621

622 The MBC funding conditions continues to deteriorate. The reserve is projected by
623 the end of the fiscal year to be less than one month. Complaint volumes remain at
624 historically high levels.

625

626 As a result of COVID-19, a significant number of staff are teleworking and the MBC
627 has increased its remote working capability and will continue to invest in this area.
628 Productivity has been maintained despite disruption to working conditions.

629

630 The MBC has recently been informed that is previously scheduled sunset review will
631 be in next calendar year with a sunset review questionnaire expected to be received
632 shortly. At the top of the agenda for the MBC is the sunset review is to develop
633 strategies to address its funding deficit and look for greater efficiencies in managing

634 its enforcement activities. The MBC has been concerned about rising costs and
635 enforcement going back a number of years.

636
637 No public comment.

638
639 **11. Discussion and Possible Action regarding Seeking Legislative Amendment**
640 **to Increase License Application Fee**

641
642 Ms. Fletcher stated that board staff has conduct this desk study a few times over the
643 last couple of years for the purpose of determining whether or not an increase in the
644 application processing fee was warranted, considering the substantial amount of
645 staff time and resources dedicated to all of the tasks associated with the review and
646 processing of an application from start to finish, staff believed the processing fee
647 needed to be reevaluated. For the current desk study, it was decided that six months
648 was a sufficient amount of time to gather the necessary data to accurately determine
649 how much it will actually cost the board to process an application and would also
650 allow for greater accuracy due to the ebb and flow nature of the workload.

651
652 The desk study was conducted beginning September 1, 2019 through February 29,
653 2020. During that period of time, the Board receive 668 applications of which one-
654 third were randomly selected to be evaluated for the desk study. The method used
655 to select the 33% was simply to select every third application received. A task sheet
656 was attached to each application selected to track the amount of time spent
657 performing each task, and the classification of each staff member completing the
658 task. As soon as the license was issued, tracking stopped and the data was entered
659 into a spreadsheet. In total, 218 applications were evaluated, of which 24, or
660 approximately 11%, had either criminal history, malpractice history or disciplinary
661 history. Ms. Fletcher used a formula outlined in the State Administrative Manuel in
662 order to determine each staff member's hourly billing rate. On average, the total
663 application review processing time for a standard application is 50 minutes, total
664 application review processing time for an application with criminal history is 2.94
665 hours, resulting in an overall average application processing time of approximately
666 64 minutes per application and an approximate cost of \$59.38 per application.

667
668 Ms. Fletcher stated that the Accreditation Review Commission for PAs (ARC-PA)
669 reports that there are currently 254 PA programs nationally and projects that there
670 will be 306 PA programs nationally by April 1, 2023. The Board has experienced an
671 average of 9.87% increase in growth of applications received from the previous four
672 years. FY 19/20 the Board received an average of 123 applications per month,
673 assessed an application processing fee of \$25 per application, resulting in an
674 average monthly revenue of \$3,075. If the Board increases the amount of
675 applications received by the projected average growth increase of 9.87% and
676 increases the application processing fee to \$60, the application processing fee
677 monthly revenue would be \$8,100 giving the Board a \$5,025 monthly revenue
678 increase and a \$60,300 yearly revenue increase.

679
680 Mr. Maguire stated that he worked with Ms. Fletcher on the proposed language for
681 Business and Professions Code, section 3521.1 in order to create a range of sixty
682 dollars (\$60) and a cap of \$500 and then will subsequently fix that amount in
683 regulation. He stated that currently the statute and the regulation are both set at \$25.
684 This recommendation is subject to change if the Board feels that the ceiling amount
685 of \$500 is too high, but it is his understanding that staff wanted to give the maximum

686 flexibility for future growth and as costs increase. Mr. Maguire stated that most
 687 boards utilize either an upper range, a number not to exceed, or a range with a floor
 688 and a ceiling. One thing to consider is that the Board does have an application fee
 689 and an initial licensing fee when discussing what the right amount would be. If the
 690 proposed language is acceptable to the Board, a suggested motion has been drafted
 691 and the Board can direct staff to work on the subsequent regulations.

692 M/ Jennifer Carlquist S/ Sonya Earley to:

693 Direct staff to work with the legislative committee to seek legislative assistance with
 694 submitting a bill to increase the initial application fee to a floor of sixty dollars (\$60)
 695 and a cap of \$500.

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

699 No public comment.

700
 701
 702 **12. Discussion and Possible Action to Accept Electronic Verifications Submitted**
 703 **to the Board from Other Agencies**

704
 705 Ms. Fletcher stated that question 13 on the Board’s initial application for licensure
 706 asks, “Are you, or have you ever been, licensed, certified, or otherwise registered in
 707 any manner in any state, country, or with any federal agency in any health care
 708 occupation?” One of the requirements for licensure is to obtain verification for each of
 709 those licenses, certifications, or registrations held by an applicant. Currently the Board
 710 requires that verifications of licensure, certification, or registration be mailed directly to
 711 the Board by the licensing or verifying agency, but in the event that a licensing or
 712 verifying agency provides a statement to the Board informing the Board that they no
 713 longer provide mailed verifications, but rather only provide electronic verifications, the
 714 Board has no choice but to make an exception and allow electronic verifications to be
 715 received by those agencies. At the moment and because of those exceptions, the
 716 Board is accepting electronic verifications from 31 different agencies in 27 different
 717 states. However, for agencies that are still willing to mail paper verifications, the Board
 718 requires them to be sent by mail and will not allow those verifications to be accepted
 719 electronically even if that agency offers electronic verifications.

720
 721 Ms. Fletcher has had many conversations with applicants about this topic and it gets a
 722 little confusing and stressful for both parties when I have to tell them that their
 723 verification from one state can be accepted electronically, but the other verification has
 724 to be mailed. It gets even more complicated when one licensing agency in a particular
 725 state only provides electronic verifications, but another licensing agency in the same
 726 state, for a different license type, still mails their verifications and we will only accept
 727 one of the verifications electronically but not the other. Ms. Fletcher states that there
 728 are many applicants who have multiple licenses and when they speak with Ms.
 729 Fletcher she has to pull up a list of the states that we accept electronic verifications

730 from and go over each state and license type with that applicant to determine what
731 agency issued the license to be able to tell the applicant what method needs to be
732 used.

733
734 Ms. Fletcher states that at this point, it would be beneficial to accept electronic
735 verifications directly from every state to reduce stress, efficiency and expedite the
736 application processing time. She states that it is more likely that a verification filled out
737 by an individual is more likely to have an error, than a verification sent electronically.
738 Due to the pandemic, concessions have been made during this time and electronic
739 verifications have been accepted from any agency able to provide them and not only
740 has she had fewer issued with the verifications, the application process for many of
741 her applicants has been expedited.

742
743 Ms. Fletcher stated that considering how many states have already implemented
744 electronic systems for verification of licensure, and many more states are following
745 suit, she believes now is the perfect time to reassess this requirement for mailed
746 verifications, and if this change is implemented, very minor changes to the PA7 form
747 would be required.

748
749 In response to Mr. Grant question as if the reason that staff is requiring the paper
750 verification is due to the Board's regulation, Ms. Fletcher responded that she isn't sure
751 the method is addressed in the regulation and will defer to Board counsel.

752
753 Mr. Maguire stated that the process is not described in the Board's legislation,
754 Practice Act or regulations, it is more in the nature of an internal policy. Some of these
755 items should be put in regulation and he has an item that addresses this later on in the
756 agenda depending upon the outcome of this specific agenda item and whether it's the
757 Board's suggestion that we go forward and accept electronic verifications from other
758 agencies. As of now, to answer the specific question, no, there is no requirement
759 regarding the method to obtaining these verifications.

760
761 In response to Ms. Earley's question on how we got to this point, that it is mandatory
762 that the verifications be mailed, Ms. Forsyth responded that it has always been in-
763 house policy based on prior counsel's requirement.

764
765 M/ Jennifer Carlquist S/ Sonya Early to:

766
767 Direct staff to make appropriate changes to the application and to regulation
768 1399.506 to accept electronic verification of documents from official bodies, not from
769 the applicant.

770

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

771
772 No public comment.

773

774 **13. Discussion and Possible Action to Accept Electronic Signatures on PA**
775 **Board Application**
776

777 Mr. Grant stated that the current policy is that the Board will only accept hard
778 signatures, ink on paper, and the current pandemic has made it somewhat more
779 difficult to submit paper applications. Mr. Grant understands that there are multiple
780 regulations that surround the use of electronic signatures; however, the DCA IT
781 department reports that Adobe Sign meets the requirements set forth in the law in
782 order to have a compliant electronic signature and a team is in place working on the
783 transition.
784

785 Mr. Maguire stated that there are requirements for electronic signatures in the
786 Secretary of State's regulations and government code which summarized states that
787 the electronic signature needs to be unique to the person using it, capable of
788 verification, under the sole control of the person using it, linked to the data in such a
789 manner that if the data are changed the digital signature is invalidated and conforms
790 to other regulations adopted by the Secretary of State that involve asymmetric crypto
791 system. Mr. Maguire has received assurance from the DCA's Chief Technology Officer
792 that the Adobe Sign program meets those requirements and will be available for
793 boards and bureaus to start using if they so choose. Mr. Maguire stated that obviously
794 a wet signature is obviously easier to sort of prove the veracity of when we're asking
795 someone to sign something under the penalty of perjury. Most courts and other
796 reviewing bodies don't really get into examining whether the ink that they put on the
797 page really is their signature and whether it was unique or verified. Under the laws,
798 electronic signatures have a lot more hoops to jump through, but in general that is the
799 way that most boards are going to be moving in the next year according to IT.
800

801 Ms. Earley commented that she thinks it is a must that the Board move toward
802 electronic signatures and doesn't believe we can do business without it.
803

804 M/ Sonya Earley S/ Juan Armenta to:

805
806 Direct staff to work with the DCA's IT department in transitioning to an appropriate
807 method of adopting electronic signatures.
808

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

809
810 No public comment.

811 **CLOSED SESSION**
812
813

- 814 A. Pursuant to Section 11126(c)(3) of the Government Code, the Board moved into
815 closed session to deliberate and take action on disciplinary matters.
816 B. Pursuant to Section 11126(a) of the Government Code, the Board met in closed
817 session to discuss the Executive Officer Recruitment and Selection Process, and
818 the Possible Appointment of an Acting Executive Officer or Interim Executive
819 Officer.

820
821 **RETURN TO OPEN SESSION**

822
823 **14. Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16,**
824 **California Code of Regulations Sections 1399.502, 1399.506, 1399.507,**
825 **1399.511, 1399.530, 1399.540, 1399.541, 1399.545, and 1399.546 to include**
826 **SB 697 Requirements**

827
828 On behalf of Ms. Winslow, Ms. Halbo present the proposed regulatory changes to
829 the Board. Ms. Halbo stated that the memorandum included in the board meeting
830 materials itemizes regulations affected by SB 697 and presented the proposed
831 changes follows:

832
833 **Regulation 1399.502 Definitions.**

834 Proposed changes:

835
836 (c) "Physician assistant" or "PA" means a person who is licensed by the Board as a
837 physician assistant.

838 (e) "Approved program" means a program for the education and training of physician
839 assistants which has been approved by the Board.

840 (f) "Supervising physician" ~~and "physician supervisor"~~ or "supervising physician and
841 surgeon" means a physician and surgeon licensed by the Medical Board of
842 California or ~~a physician licensed~~ by the Osteopathic Medical Board of California and
843 who supervises one or more physician assistants, who possesses a current valid
844 license to practice medicine, and who is not currently on disciplinary probation
845 prohibiting the employment or supervision of a physician assistant.

846 (g) (1) "Supervision" means that a licensed physician and surgeon oversees the
847 activities of, and accepts responsibility for, the medical services rendered by a
848 physician assistant. Supervision, as defined in this subdivision, shall not be
849 construed to require the physical presence of the physician and surgeon, but does
850 require:

851 (A) Adherence to adequate supervision as agreed to in the practice agreement.

852 (B) The physician and surgeon being available by telephone or other electronic
853 communication method at the time the PA examines the patient.

854 (2) Nothing in this subdivision shall be construed as prohibiting the Board from
855 requiring the physical presence of a physician and surgeon as a term or condition of
856 a PA's reinstatement, probation, or imposition of discipline.

857 (gh) "Approved controlled substance education course" means an educational
858 course approved by the Board pursuant to section 1399.610.

859 (i) "Practice agreement" means the writing, developed through collaboration among
860 one or more physicians and surgeons and one or more physician assistants, that
861 defines the medical services the physician assistant is authorized to perform
862 pursuant to Section 3502 and that grants approval for physicians and surgeons on
863 the staff of an organized health care system to supervise one or more physician
864 assistants in the organized health care system. Any reference to a delegation of

865 services agreement relating to physician assistants in any other law shall have the
866 same meaning as a practice agreement.

867 **Regulation 1399.506. Filing of Applications**

868 Proposed changes:

869 **1399.506. Filing of Applications for Licensure.**

870
871 (a) ~~Applications for~~ As a condition of initial licensure as a physician assistant ~~shall be~~
872 ~~filed on a form provided by the board~~ an applicant must submit all required fees, two
873 (2) classifiable sets of fingerprint cards or a Live Scan inquiry to establish the identity
874 of the applicant and to permit the Board to conduct a criminal history record check,
875 and a completed application for licensure to the Board at its Sacramento office ~~and~~
876 ~~accompanied by the fee required in section 1399.550~~ that contains all of the
877 following:

878
879
880 (1) personal Information including:

881 (A) the legal name of the applicant and any associated aliases.

882 (B) the gender of the applicant.

883 (C) the applicant's social security number or identifying tax information number.

884 (D) the applicant's address of record or mailing address.

885 (E) the applicant's date of birth.

886 (F) the applicant's telephone numbers for home and cell.

887 (G) the applicant's email address.

888 (2) all disclosures required by this Section, and

889 (3) a declaration under penalty of perjury, signed and dated by the applicant, that the
890 information submitted on the application is true and correct.

891
892 For the purposes of this subdivision "required fees" includes the license application
893 processing fee and the initial license fee as set forth in section 1399.550. The
894 applicant shall pay any costs for furnishing fingerprints and conducting the criminal
895 history record check.

896 (b) While disclosure of military service is voluntary, an applicant who has served as
897 an active duty member of the Armed Forces of the United States, was honorably
898 discharged, and who provides evidence of such honorable discharge shall have their
899 application review expedited pursuant to section 115.4 of the Code. ~~Applications for~~
900 ~~approval of programs for the education and training of physician assistants shall be~~
901 ~~filed on a form provided by the board at its Sacramento office and accompanied by~~
902 ~~the fee required in section 1399.556.~~

903 (c) If the applicant is married to, or in a domestic partnership or other legal union
904 with, an active-duty member of the armed forces of the United States who is
905 assigned to a duty station in California under official active-duty military orders, or if
906 the applicant holds a current physician assistant license in another state, and
907 provides evidence of either condition, their application review will be expedited
908 pursuant to section 115.6 of the Code.

909 (d) As a condition of licensure, an applicant shall disclose whether they have any
910 other licenses, registrations, or certificates in any healthcare occupation and list the
911 status, number, and issuing state of those licenses, registrations, or certificates.

912 (e) As a condition of licensure, an applicant shall disclose whether they have any
913 malpractice history and submit a written statement of any incident.

914 (f) As a condition of licensure, an applicant shall disclose whether they have any
915 disciplinary history from their school program or against any other licenses,

916 [registrations, or certifications issued by any state and submit a written statement of](#)
917 [any incident.](#)

918
919 Ms. Halbo stated that based on conversations with Mr. Maguire, staff, and decisions
920 made by the Board during this meeting regarding electronic verifications and
921 signatures she doesn't feel that this section is ready for the Board to approve and
922 would like to place this section on a subsequent meeting after additional proposed
923 language is drafted.

924
925 **Regulations 1399.507 Examination Required.**

926 Proposed changes:

927
928 The written examination for licensure as a physician assistant is that administered by
929 the National Commission on Certification of Physician Assistants. Successful
930 completion requires that the applicant have achieved the passing score ~~established~~
931 ~~by the board~~ for that examination. It is the responsibility of the applicant to ensure
932 that certification of ~~his or her~~ [their](#) examination score is received by the Board.

933
934 Ms. Halbo suggested that the Board accept the proposed changes with the
935 modification of the verb "have" to read "has" achieved the passing score.

936
937 **Regulation 1399.511 Notice of Change of Address**

938 Proposed changes:

939
940 **1399.511. ~~Notice of Change of Address~~ [of Record.](#)**

941 [\(a\) Each person submitting an application for licensure to the Board must include a](#)
942 [valid mailing address which will be released by the Board to the public and posted](#)
943 [on the Board's website. The mailing address is used for services of all official](#)
944 [correspondence, notices, and orders from the Board.](#)

945 ~~(ab)~~ Each person ~~or approved program~~ holding a license or approval and ~~each~~
946 ~~person or program~~ who has an application on file with the Board shall notify the
947 Board at its office of any and all changes of mailing address within thirty (30)
948 calendar days after each change, giving both the old and new address.

949 ~~(bc)~~ If an address reported to the Board is a post office box, the licensee shall also
950 provide the Board with a street address, but ~~he or she~~ [they](#) may request that the
951 second address not be disclosed to the public.

952 [\(d\) Each applicant and licensee who has an electronic mail address shall report to](#)
953 [the Board that electronic mail address no later than July 1, 2022. The electronic mail](#)
954 [address shall be considered confidential and not subject to public disclosure.](#)

955
956 In response to Mr. Grant's question on if this regulation pertains to licensees only or
957 does is it also pertain to other bodies doing business with the Board, Ms. Halbo
958 stated that this a general provisions and would apply to other bodies doing business
959 with the Board.

960
961 **Regulation 1399.530 General Requirements for an Approved Program**

962 Proposed changes:

963
964 (a) A program for instruction of physician assistants shall meet the following
965 requirements for approval:

966 (1) The educational program shall be established in educational institutions
967 accredited by an accrediting agency recognized by Council for Higher Education

968 Accreditation (“CHEA”) or its successor organization, or the U.S. Department of
969 Education, Division of Accreditation, which are affiliated with clinical facilities that
970 have been evaluated by the educational program.

971 (2) The educational program shall develop an evaluation mechanism to determine
972 the effectiveness of its theoretical and clinical program.

973 (3) Course work shall carry academic credit; however, an educational program may
974 enroll students who elect to complete such course work without academic credit.

975 (4) The medical director of the educational program shall be a physician and
976 surgeon who holds a current license to practice medicine from any state or territory
977 of the United States or, if the program is located in California, holds a current
978 California license to practice medicine.

979 (5) The educational program shall require a three-month preceptorship for each
980 student in the outpatient practice of a physician and surgeon or equivalent
981 experience which may be integrated throughout the program or may occur as the
982 final part of the educational program in accordance with Sections 1399.535 and
983 1399.536.

984 ~~(6) Each program shall submit an annual report regarding its compliance with this~~
985 ~~section on a form provided by the board.~~

986 (b) Those educational programs accredited by the Accreditation Review
987 Commission on Education for the Physician Assistant (“ARC-PA”) shall be deemed
988 approved by the Board. Nothing in this section shall be construed to prohibit the
989 Board from disapproving an educational program which does not comply with the
990 requirements of this article. Approval under this section terminates automatically
991 upon termination of an educational program’s accreditation of ARC-PA.

992 **Regulation 1399.540 Limitation on Medical Services**

993 Proposed changes:

994
995
996 (a) A physician assistant may only provide those medical services which ~~he or she is~~
997 they are competent to perform and which are consistent with the physician
998 assistant's education, training, and experience, and which are delegated in writing by
999 a supervising physician who is responsible for the patients cared for by that
1000 physician assistant.

1001 (b) The writing which delegates the medical services shall be known as a ~~delegation~~
1002 ~~of services practice~~ agreement. A delegation of services practice agreement shall be
1003 signed and dated by the physician assistant and one or more physicians and
1004 surgeons or a physician and surgeon who is authorized to approve the practice
1005 agreement on behalf of the physicians and surgeons on the staff of an organized
1006 health care system. ~~Each supervising physician. A delegation of services agreement~~
1007 ~~may be signed by more than one supervising physician only if the same medical~~
1008 ~~services have been delegated by each supervising physician. A physician assistant~~
1009 ~~may provide medical services pursuant to more than one delegation of services~~
1010 ~~agreement.~~

1011 (c) The Board or Medical Board of California or their representative may require
1012 proof or demonstration of competence from any physician assistant for any tasks,
1013 procedures or management ~~he or she is~~ they are performing.

1014 (d) A physician assistant shall consult with a physician and surgeon regarding any
1015 task, procedure or diagnostic problem which the physician assistant determines
1016 exceeds ~~his or her~~ their level of competence or shall refer such cases to a physician
1017 and surgeon.

1018

1019 Mr. Grant commented that way he understands the law is that the authorization for
1020 PAs to practice is no longer delegated, it is authorized. He would prefer that
1021 subdivision (b) read “the writing which authorizes the medical services to be
1022 performed shall be known as a practice agreement.”
1023

1024 **Regulation 1399.541 Medical Services Performable**

1025 Proposed changes:
1026

1027 Because physician assistant practice is directed by a supervising physician, and a
1028 physician assistant acts as an agent for that physician and surgeon, the orders given
1029 and tasks performed by a physician assistant shall be considered the same as if
1030 they had been given and performed by the supervising physician. Unless otherwise
1031 specified in these regulations or in the ~~delegation~~ practice agreement or protocols,
1032 these orders may be initiated without the prior patient specific order of the
1033 supervising physician.

1034 In any setting, including for example, any licensed health facility, out-patient setting,
1035 patients’ residence, residential facility, and hospice, as applicable, a physician
1036 assistant may, pursuant to a ~~delegation~~ practice agreement and where present,
1037 protocols:

1038 (a) Take a patient history; perform a physical examination and make an assessment
1039 and diagnosis therefrom; initiate, review, and revise treatment and therapy plans
1040 including plans for those services described in Section 1399.541(b) through Section
1041 1399.541(i) inclusive; and record and present pertinent data in a manner meaningful
1042 to the physician and surgeon.

1043 (b) Order or transmit an order for x-ray, other studies, therapeutic diets, physical
1044 therapy, occupational therapy, respiratory therapy, and nursing services.

1045 (c) Order, transmit an order for, perform, or assist in the performance of laboratory
1046 procedures, screening procedures, and therapeutic procedures.

1047 (d) Recognize and evaluate situations which call for immediate attention of a
1048 physician and surgeon and institute, when necessary, treatment procedures
1049 essential for the life of the patient.

1050 (e) Instruct and counsel patients regarding matters pertaining to their physical and
1051 mental health. Counseling may include topics such as medications, diets, social
1052 habits, family planning, normal growth and development, aging, and understanding
1053 of and long-term management of their diseases.

1054 (f) Initiate arrangements for admissions, complete forms and charts pertinent to the
1055 patient’s medical record, and provide services to patients requiring continuing care,
1056 including patients at home.

1057 (g) Initiate and facilitate the referral of patients to the appropriate health facilities,
1058 agencies, and resources of the community.

1059 (h) Administer or provide medication to a patient, or issue or transmit drug orders
1060 orally or in writing in accordance with the provisions of subdivisions (a)-(g), inclusive,
1061 of Section 3502.1 of the Code.

1062 (i) (1) Perform surgical procedures without the personal presence of the supervising
1063 physician which are customarily performed under local anesthesia. Prior to
1064 delegating any such surgical procedures, the supervising physician shall review
1065 documentation which indicates that the physician assistant is trained to perform the
1066 surgical procedures. All other surgical procedures requiring other forms of
1067 anesthesia may be performed by a physician assistant only in the personal presence
1068 of a supervising physician.

1069 (2) A physician assistant may also act as first or second assistant in surgery under
1070 the supervision of a supervising physician. The physician assistant may so act
1071 without the personal presence of the supervising physician if the supervising
1072 physician is immediately available to the physician assistant. "Immediately available"
1073 means the physician and surgeon is physically accessible and able to return to the
1074 patient, without any delay, upon the request of the physician assistant to address
1075 any situation requiring the supervising physician's services.

1076 (j) A physician assistant may perform informed consent about recommended
1077 treatments. In seeking a patient's authorization or agreement to undergo a specific
1078 medical treatment the physician assistant shall:

1079 (1) Assess the patient's ability to understand relevant medical information and the
1080 implications of treatment alternatives and to make an independent, voluntary
1081 decision.

1082 (2) Present relevant information accurately and sensitively, in keeping with the
1083 patient's preferences for receiving medical information. The information should
1084 include:

1085 (A) the diagnosis;

1086 (B) the nature and purpose of recommended interventions; and,

1087 (C) the burdens, risks, and expected benefits of all options, including foregoing
1088 treatment.

1089 (3) Document the informed consent conversation and the patient's decision in the
1090 medical record.

1091

1092 **Regulation 1399.545 Supervision Required**

1093 Proposed changes:

1094

1095 (a) A supervising physician shall be available in person or by electronic
1096 communication at all times when the physician assistant is caring for patients. If the
1097 supervising physician is unable to provide this supervision, they may designate an
1098 alternate physician and surgeon with whom the physician assistant may consult.
1099 Should the alternate physician and surgeon be needed to supervise and consult with
1100 the physician assistant for a period exceeding three days (72 hours), the alternate
1101 supervising physician should have a practice agreement in place with the physician
1102 assistant.

1103 (b) A supervising physician shall delegate to a physician assistant only those tasks
1104 and procedures consistent with the supervising physician's specialty or usual and
1105 customary practice and with the patient's health and condition.

1106 (c) A supervising physician shall observe or review evidence of the physician
1107 assistant's performance of all tasks and procedures to be delegated to the physician
1108 assistant until assured of competency.

1109 (d) The physician assistant and the supervising physician shall establish in writing
1110 transport and back-up procedures for the immediate care of patients who are in
1111 need of emergency care beyond the physician assistant's scope of practice for such
1112 times when a supervising physician is not on the premises.

1113 (e) A physician assistant and ~~his or her~~ their supervising physician and surgeon shall
1114 establish in writing guidelines for the ~~adequate~~ evaluation of the competency and
1115 qualifications ~~supervision~~ of the physician assistant which shall include: ~~one or more~~
1116 ~~of the following~~

1117 ~~(1) Examination of the patient by a supervising physician the same day as care is~~
1118 ~~given by the physician assistant.~~ Within a new practice arrangement the supervising
1119 physician and the physician assistant shall meet monthly for the first six months to
1120 discuss practice-relevant clinical issues and quality improvement measures;

1121 ~~(2) Countersignature and dating of all medical records written by the physician~~
1122 ~~assistant within thirty (30) days that the care was given by the physician assistant~~
1123 Within an existing practice arrangement the supervising physician and physician
1124 assistant shall meet at least once every six months to discuss practice-relevant
1125 clinical issues and quality improvement measures;

1126 ~~(3) The supervising physician may adopt protocols to govern the performance of a~~
1127 ~~physician assistant for some or all tasks. The minimum content for a protocol~~
1128 ~~governing diagnosis and management as referred to in this section shall include the~~
1129 ~~presence or absence of symptoms, signs, and other data necessary to establish a~~
1130 ~~diagnosis or assessment, any appropriate tests or studies to order, drugs to~~
1131 ~~recommend to the patient, and education to be given the patient. For protocols~~
1132 ~~governing procedures, the protocol shall state the information to be given the~~
1133 ~~patient, the nature of the consent to be obtained from the patient, the preparation~~
1134 ~~and technique of the procedure, and the follow-up care. Protocols shall be~~
1135 ~~developed by the physician, adopted from, or referenced to, texts or other sources.~~
1136 ~~Protocols shall be signed and dated by the supervising physician and the physician~~
1137 ~~assistant. The supervising physician shall review, countersign, and date a minimum~~
1138 ~~of 5% sample of medical records of patients treated by the physician assistant~~
1139 ~~functioning under these protocols within thirty (30) days. The physician shall select~~
1140 ~~for review those cases which by diagnosis, problem, treatment or procedure~~
1141 ~~represent, in his or her judgment, the most significant risk to the patient~~
1142 A written
1143 record of these meetings shall be signed and dated by both the supervising
1144 physician and the physician assistant and shall be available upon request by the
1145 Board. The written record shall include a description of the relevant clinical issues
1146 discussed and the quality improvement measures taken;

1147 ~~(4) Other mechanisms approved in advance by the board~~ The supervising physician
1148 shall develop and enact a quality assurance program to maintain the standard of
1149 care that the physician assistant provides. An onsite inspection shall be conducted
1150 at least once every quarter (3 months) to monitor the quality of care being provided
1151 by the physician assistant.

1152 (f) The supervising physician has continuing responsibility to follow the progress of
1153 the patient and to make sure that the physician assistant does not function
1154 autonomously. The supervising physician shall be responsible for all medical
1155 services provided by a physician assistant under ~~his or her~~ their supervision.

1156 Mr. Grant commented that the last sentence in subdivision (a) "Should the alternate
1157 physician and surgeon be needed to supervise and consult with the physician
1158 assistant for a period exceeding three days (72 hours), the alternate supervising
1159 physician should have a practice agreement in place with the physician assistant" is
1160 not consistent with SB 697 and should be struck. Individuals often go on vacation
1161 and to have to make a new practice agreement during that time when someone else
1162 is clearly filling in on a temporary basis is sort of onerous. The intent of the
1163 legislation was that the physician and the PA would determine at their level how that
1164 was going to work and should be left to them as the Board meets the public
1165 protection requirement by requiring that if the supervising physician is not available,
1166 they need to designate someone else. Ms. Carlquist commented that she is in
1167 agreement with Mr. Grant.

1168
1169 Mr. Grant commented that subdivision (1) is also not in alignment with SB 697 as the
1170 intent of the bill to allow the physician and surgeon and the PA to determine how
1171 often they should meet, he is not opposed to suggesting language directing that they
1172 meet at least once in the first year, but the legislation was trying to remove the Board

1173 from this process and let it be determined at the practice level. He would like to pull
1174 1399.545 from the proposed regulatory changes to allow time for the language to be
1175 reworked.

1177 **Regulation 1399.546 Reporting of Physician Assistant Supervision**

1178 Proposed changes:

1179
1180 (a) Each time a physician assistant provides care for a patient and enters ~~his or her~~
1181 their name, signature, initials, or computer code on a patient's record, chart, or
1182 written order, the physician assistant shall also record in the medical record for that
1183 episode of care the supervising physician who is responsible for the patient. When a
1184 physician assistant transmits an oral order, ~~he or she~~ they shall also state the name
1185 of the supervising physician responsible for the patient.

1186 b) If the electronic medical record software used by the physician assistant is
1187 designed to, and actually does, enter the name of the supervising physician for each
1188 episode of care into the patient's medical record, such automatic entry shall be
1189 sufficient for compliance with this recordkeeping requirement.

1190 Mr. Grant commented that his understanding of SB 697 and the changes to 3502
1191 was that a PA is no longer required to enter their information into the system unless
1192 they are working in an acute care facility. This proposed language is incorrect and
1193 would need to be modified to be consistent with SB 697. Mr. Maguire stated that
1194 subdivision (f) of 3502 states "notwithstanding any other law, a PA rendering
1195 services in a general acute care hospital as defined in Section 1250 of the Health
1196 and Safety Code shall be supervised by a physician and surgeon with privileges to
1197 practice in that hospital. Within a general acute care hospital, the practice agreement
1198 shall establish policies and procedures to identify a physician and surgeon who is
1199 supervising the PA. Ms. Halbo stated that since this regulation contradicts the law, it
1200 should be repealed as to remove confusion.

1201
1202 M/ Jed Grant S/ Sonya Earley to:

1203
1204 To approve the proposed regulatory text for 1399.502, 1399.507 with changing of
1205 the word from "have" to has, 1399.511, 1399.530, 1399.540 with changing of the
1206 word from "delegation" to "written authorization of medical services to be performed,"
1207 1399.541, removing 1399.506 and 1399.545, repeal 1399.546, to change any
1208 reference of "supervising physician" to "physician and surgeon" and direct staff to
1209 submit the text to the Director of the Department of Consumer Affairs and the
1210 Business, Consumer Services, and Housing Agency for review and if no adverse
1211 comments are receive, authorize the Executive Officer to take all steps necessary to
1212 initiate the rulemaking process, make any non-substantive changes to the package
1213 as needed.

1214

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

1216 No public comment.

1217

1218 **15. Regulations**

1219

1220 Ms. Halbo provided the following updates:

1221

- 1222 a. Proposed Amendments to Title 16, California Code of Regulations Sections
1223 1399.514 and 1399.615 - Renewal of License and Continuing Medical Education
1224 Required

1225

1226 This regulatory package is ready to go out for the first 45-day comment period so
1227 that the public can review and comment.

1228

- 1229 b. Proposed Amendments to Title 16, California Code of Regulations, Section
1230 1399.523.5 Required Actions Against Registered Sex Offenders

1231

1232 This regulatory package was delayed in Budget, but Ms. Halbo has spoken with
1233 Budget and the package is ready to move forward.

1234

- 1235 c. Proposed Amendments to Title 16, California Code of Regulations, Section
1236 1399.525 Substantial Relationship Criteria

- 1237 d. Proposed Amendments to Title 16, California Code of Regulations, Section
1238 1399.526 Rehabilitation Criteria for Denials and Reinstatements

- 1239 e. Proposed Amendments to Title 16, California Code of Regulations, Section
1240 1399.527 Rehabilitation Criteria for Suspensions and Revocations

1241

1242 Items c, d and e are together in an AB 2138 regulation package. Agency approved
1243 the package on July 28, 2020 making a few revisions, revisions were submitted back
1244 to Agency and we are waiting on their final approval. Once final approval is given,
1245 Ms. Winslow will be able to file the documents with the OAL. Ms. Halbo stated she is
1246 working with Ms. Winslow to prepare a memorandum requesting an expedited
1247 review and that the package become effective upon filing with the Secretary of State.
1248 Packages normally become effective every quarter and because the law became
1249 effective July 1, 2020, it would be good to have the regulations effective as soon as
1250 possible.

1251

1252 Ms. Halbo stated that normally two individuals are listed as points of contact on the
1253 45-day notice. The two individuals currently listed are Ms. Winslow and Ms. Forsyth.
1254 Given that Ms. Winslow will be on a special assignment and Ms. Forsyth is retiring at
1255 the end of August, Ms. Halbo will need Ms. Forsyth to provide her with two names to
1256 list on the 45-day notice. Mr. Grant asked that Ms. Khan and Ms. Voong be placed
1257 on the notice as the Board's contacts.

1258

1259 Ms. Halbo stated that both item a and b will both be moving forward and past the
1260 comment period by the next board meeting.

1261

1262 No public comment.

1263

1264 **16. Education/Workforce Development Advisory Committee**

1265

1266 Mr. Grant reported that the data included in the Board packet is current as of July
1267 16, 2020, and was pulled from the ARC-PA's website.

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- Total number of accredited programs in the United States - 260
 - Total number of PA programs in development – 52
- Current accredited PA programs in California - 17
 - located in the Los Angeles/San Diego area - 9
 - located in the bay area - 4
 - located in the central valley - 2
 - located on the central coast - 2
- New programs currently under development in CA – 7
- Estimated annual capacity for all 21 programs – 1064

Mr. Grant reported that there is currently one program in California on probation. Schools with a provisional status are within the first of five years of operation.

The study included on the bottom of the report indicates that there was a misdistribution of PA programs throughout the country, especially in California, and they predicted that there would be a large growth of PA programs in California which we are certainly seeing.

No public comment.

17. Budget Update

Due to technical difficulties, Marie Reyes, DCA Budget Analyst, was unable to join the WebEx and asked that her report be read by the Board president.

Mr. Grant commented that upon reviewing the Board's budget and fund condition, the Board is in the red for \$32,000 due to travel. Based on the fact that the Board has not really traveled during 2020, he would like an explanation as to the apparent inaccuracy with the accounting for travel.

Mr. Grant read the following budget report:

To date, the information we can provide is up to preliminary 11 which is as of May 31, 2020. FY 19/20 has not closed and anticipate that it will be finalized in September of 2020. The Board is very conservative in its spending and is projected to have a reversion of about \$107,000. All projected expenditures have been included. Beginning October 2020, there will be a new way of extracting expenditure and revenue reports through QBIRT and this will afford us with the flexibility to accommodate requests from programs.

Ms. Reyes expressed true pleasure having worked with Ms. Forsyth, will truly miss her and wishes her the best with her retirement.

No public comment.

18. Legislative Committee

Ms. Earley reported the following:

AB 193 – Patterson: Professions and Vocations

1319 Status: The bill is dead as of January 31, 2020.
1320
1321 AB 289 – Fong: California Public Records Act Ombudspersons
1322 Status: The bill is dead as of January 31, 2020.
1323
1324 AB 312 – Cooley: State Government: Administrative Regulations Review
1325 Status: The bill is dead as of January 31, 2020.
1326
1327 AB 358 – Low: Sexual Assault Forensic Examination Kits: Databases
1328 Status: The bill is dead as of January 31, 2020.
1329
1330 AB 544 – Brough: Professions and Vocations: Inactive License Fees and Accrued
1331 and Unpaid Renewal Fees
1332 Status: The bill is dead as of January 31, 2020.
1333
1334 AB 613 – Low: Professions and Vocations: Regulatory Fees
1335 Previous Board Action: Support if amended to include the ability to increase fees
1336 due to operational needs via the Administrative Procedure Act.
1337 Status: Currently in Committee process, last amended June 29, 2020.
1338
1339 AB 890 – Wood: Nurse Practitioners
1340 Previous Board Action: None.
1341 Status: Currently in Committee process, last amended August 6, 2020.
1342
1343 AB 1616 – Low and Garcia: Expunged Convictions
1344 Previous Board Action: None.
1345 Status: Currently in Committee process.
1346
1347 SB 53 – Wilk: Open Meetings
1348 Previous Board Action: Opposed as the Board utilizes a two-person committee that
1349 has no decision-making ability and is required to report back to the Board.
1350 Status: Currently past the Committee process.
1351
1352 SB 615 – Hueso: Public Records: Disclosure
1353 Status: This bill is dead.
1354
1355 In response to Mr. Grant’s request as to which bill the Board took a position of
1356 support if amended, Ms. Earley responded that in the January 2020 the Board
1357 agreed to support AB 613 if amended to include the ability to increase fees due to
1358 operational needs via the Administrative Procedure Act.
1359
1360 In response to Mr. Grant’s inquiry of whether an explanation for the Board’s position
1361 of opposition was given, Ms. Earley responded no, that there have been some
1362 changes.
1363
1364 Mr. Grant stated that since letters were not sent to any of the authors on the Board
1365 position and asked that the Board discuss sending letters to the authors to let them
1366 know the Board’s position on the bills. Ms. Earley supports sending letters.
1367
1368 Mr. Grant thanked Ms. Earley for her hard work.
1369

1370 In response to Mr. Grant's question of if the Board could appoint an additional
 1371 member to the Legislative Committee as part of this agenda item, Mr. Maguire
 1372 responded that it would have to be placed on a future agenda to be formalized, but
 1373 the Board could informally have a discussion so that a member could be selected in
 1374 order to assist Ms. Earley until the next Board meeting. Ms. Carlquist volunteered to
 1375 assist Ms. Earley.

1376
 1377 M/ Sonya Earley S/ Jennifer Carlquist to:

1378
 1379 Direct staff to send letters to the authors of those bills where the Board has taken a
 1380 position to advise the author on of the Board's position.

1381

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Javier Esquivel-Acosta	X				
Jed Grant	X				

1382
 1383 No public comment.

1384

1385 **19. Agenda Items for the Meeting**

1386

- 1387 1) Department of Consumer Affairs update
- 1388 2) Medical Board of California update
- 1389 3) Executive Committee
- 1390 4) Regulations update
- 1391 5) Staff reports
- 1392 6) Legislative update
- 1393 7) Budget update
- 1394 8) Education/Workforce Development Advisory Committee
- 1395 9) Discussion regarding proposed regulatory text regarding 1399.506 and
- 1396 1399.545.
- 1397 10) Executive Officer recruitment and selection
- 1398 11) Electronic verification
- 1399 12) License fee
- 1400 13) Electronic signature
- 1401 14) Identification of new legislative committee member

1402
 1403 No public comment.

1404

1405 **20. Adjournment**

1406

1407 Due to technological limitations, adjournment will not be broadcast. Adjournment will
 1408 immediately follow closed session, and there will be no other items of business
 1409 discussed.

1410

1411 Minutes do not reflect the order in which agenda items were presented at the Board
 1412 meeting.

1413

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 7a

President's Report



Order Extending Physician Assistant, Nurse Practitioner, and Nurse-Midwife Supervision By 60 Days

On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory professional licensing requirement pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code.

On April 14, 2020, the Director issued the following three orders: (1) Order Waiving Physician Assistant Supervision Requirements; (2) Order Waiving Nurse Practitioner Supervision Requirements; and, (3) Order Waiving Nurse-Midwife Supervision Requirements. Each order was scheduled to expire on June 13, 2020, but on June 11, 2020, the Director extended each order to August 12, 2020. On August 11, 2020, the Director further extended each order to October 11, 2020.

The Director hereby further extends each order to December 10, 2020, unless further extended.

This order is effective immediately but may be amended as circumstances require.

Dated: October 2, 2020.

Signature on File

Kimberly Kirchmeyer
Director

Executive Office

1625 North Market Blvd., Suite S-308, Sacramento, CA 95834
P (800) 952-5210 | www.dca.ca.gov



Order Waiving License Renewal Requirements

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory renewal requirements pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code (the Code).

Accordingly, for individuals whose active licenses expire between March 31, 2020, and December 31, 2020, the Director temporarily waives:

1. any statutory or regulatory requirement that individuals renewing a license pursuant to Division 2 of the Code take and pass an examination in order to renew a license; and,
2. any statutory or regulatory requirement that an individual renewing a license pursuant to Division 2 of the Code complete, or demonstrate compliance with, any continuing education requirements in order to renew a license.

These temporary waivers do not apply to any continuing education, training, or examination required pursuant to a disciplinary order against a license.

Licensees must satisfy any waived renewal requirements within six months of this order, unless further extended.

These temporary waivers do not relieve such individuals from timely complying with any other renewal requirements, including completing and submitting the required renewal forms to the governing licensing agency.

As a result of these waivers, the Department of Consumer Affairs' constituent licensing agencies may renew licenses despite noncompliance with the statutory or regulatory renewal requirements identified above.

Order Waiving License Renewal Requirements
Page 2

On March 31, 2020, July 1, 2020, and August 27, 2020, the Director issued Orders Waiving License Renewal Requirements. The March 31, 2020, July 1, 2020, and August 27, 2020, orders are hereby withdrawn and rescinded.

These waivers are effective immediately but may be amended as circumstances require.

Dated: October 22, 2020

Signature on File

Kimberly Kirchmeyer
Director

Executive Office

1625 North Market Blvd., Suite S-308, Sacramento, CA 95834
P (800) 952-5210 | www.dca.ca.gov



Order Waiving License Reactivation or Restoration Requirements

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory requirements with respect to a professional license issued pursuant to Division 2 of the Business and Professions Code (the Code), including the requirements to reactivate or restore a license to active status.

Accordingly, the Director temporarily waives any statutory or regulatory requirement that an individual seeking to reactivate or restore a license originally issued pursuant to Division 2 of the Code:

- Complete, or demonstrate compliance with, any continuing education requirements in order to reactivate or restore a retired, inactive, or canceled license; and
- Pay any fees in order to reactivate or restore a retired, inactive, or canceled license (including renewal, delinquency, penalty, or late fees, or any other statutory or regulatory fees).

These waivers apply only to an individual's license that: (1) is in a retired, inactive, or canceled status, and (2) has been in such status no longer than five years.

These waivers do not apply to any license that was surrendered or revoked pursuant to disciplinary proceedings or any individual who entered a retired, inactive, or canceled status following initiation of a disciplinary proceeding.

A license reactivated or restored pursuant to these waivers is valid until January 1, 2021, or when the State of Emergency ceases to exist, whichever is sooner.

These temporary waivers do not relieve such individuals from complying with any other reactivation or restoration requirements, including completing and submitting any required forms or written notices to the governing licensing agency to reactivate or restore the license.

As a result of these waivers, the Department of Consumer Affairs' constituent licensing agencies may reactivate or restore a retired, inactive, or canceled license despite noncompliance with the statutory or regulatory requirements identified above.

On March 31, 2020, the Director of the Department of Consumer Affairs issued an Order Waiving License Reactivation or Restoration Requirements. The March 31, 2020, Order is hereby withdrawn and superseded by this Order.

This order is effective immediately and may be amended as circumstances require.

Dated: September 17, 2020

Signature on File

Kimberly Kirchmeyer
Director

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 7b

Interim Executive Officer's Report



MEMORANDUM

DATE	November 9, 2020
TO	Physician Assistant Board
FROM	Rozana Khan, Interim Executive Officer
SUBJECT	Agenda Item 7b. Interim Executive Officer's Report

Pandemic Response

The Board's office is operational and open to the public during the COVID-19 pandemic. Board staff continues to be on a rotational telework schedule and are able to provide essential services to applicants, licensees, and consumers.

Personnel

The Board's licensing program is currently understaffed due to the departure of the licensing analyst and the lead licensing analyst effective August 24, 2020. To maintain coverage of these essential positions, Julie Caldwell, Administrative Analyst was redirected to the licensing analyst position. Ms. Kristy Voong, Probation Monitor has also stepped up to temporarily assist with the licensing workload. The Board is in the process of recruiting for the administrative analyst position and lead licensing analyst position. In addition, the Board is also in the process of recruiting for a discipline analyst position. As you may recall this position was approved through the budget change proposal in an effort to bring the enforcement workload in-house from Medical Board.

Update on the Sunset Review Process

Board Staff was recently advised that sunset review oversight hearings will resume in the near future. However, potential hearing dates and logistics are still being finalized. The committee will continue to utilize the sunset reports submitted last year and requested that the Board provide any relevant updates or revisions. In addition, the committee is requesting responses to supplemental questions related to COVID-19 (see attachment 1 below). Any sunset report updates or revisions, along with the responses to the supplemental questions is due to the committee electronically on or before December 1, 2020.

Social Media

The Board's 2019-2023 Strategic Plan Object 4.1 is to utilize social media to maximize outreach and communication. We are pleased to announce that the Board now has Facebook <https://www.facebook.com/PABofCalifornia> and Twitter <https://twitter.com/PABofCA> presence. Just as its website, the Board is now utilizing these social media platforms to disseminate all Board related information and/or updates.

ATTACHMENT 1

Board Actions and Responses to COVID 19.

1. In response to COVID-19, has the board implemented teleworking policies for employees and staff?
 - a. How have those measures impacted board operations? If so, how?
2. In response to COVID-19, has the board utilized any existing state of emergency statutes?
 - a. If so, which ones, and why?
3. Pursuant to the Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?
 - a. Of the above requests, how many were approved?
 - b. How many are pending?
 - c. How many were denied?
 - d. What was the reason for the outcome of each request?
4. In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers?
5. Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 7c(i)

Licensing Report

Licensing Population by Type

Board Code: 950

Data as of October 19, 2020

Licensing Population by Status

			License Status														
			20	21	22	31	45	48	50	51	54	63	65	85	98	99	Total
			C	CI	CTFM	FSS	D	S	CD	RT	CC	SD	R	DC	E	DL	
License Type	License Type Long Name	Rank Short															
9501	Physician Assistant	PA	14,155	30	1		2,037	1	3,840	73	9	104	83	76	2	5	20,416
	9501 Total		14,155	30	1		2,037	1	3,840	73	9	104	83	76	2	5	20,416

Current	14,155
Inactive	30
Temp Fam Supp	1
Total Current Licenses	<u>14,186</u>

- C - Current
- CI - Current Inactive
- CTFM - Current Temporary Family Support
- FSS - Family Support Suspension
- D - Delinquent
- S - Suspension
- CD - Cancelled
- RT - Retired
- CC - Current (COVID)
- SD - Surrendered
- R - Revoked
- DC - Deceased
- E - Error
- DL - Deleted

Summary of Licensing Activity

Date Range: Between Jul 1, 2020 12:00 AM and Sep 30, 2020 11:59 PM

Run Date: Oct 19, 2020

License Type	License Type Long Name	Transaction Code	Transaction Description	Apps Received	Apps Approved INFORMATION ONLY (SEE BELOW FOR LICENSES ISSUED)	Renewed
9501	Physician Assistant	1020	Initial Application	464	305	
9501	Physician Assistant	2020	Renewal Application			1,643

License Type	License Type Long Name	Rank Short	Licenses Issued
9501	Physician Assistant	PA	305

Pending Application Workload

Physician Assistant Board
 Application Deficiency: Show All
 Paid Applications Only: No
 Include External Staff: All

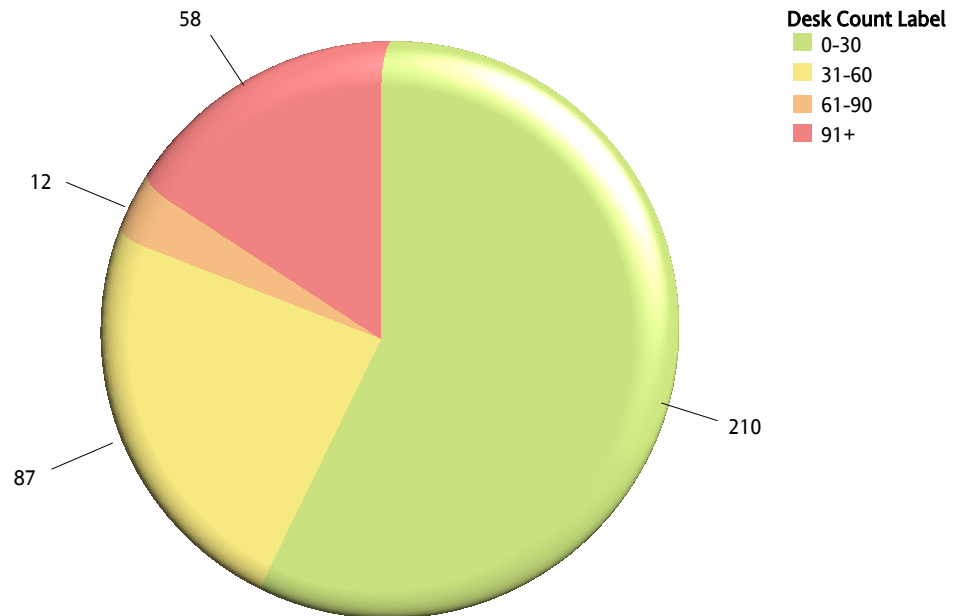


[Click here for complete raw data extract](#)

9501 - 1020 (PHYASSIST Initial Application)			
Staff Assigned	Application Count	iAverage Desk Age	iAverage Application Age
UNASSIGNED	29	63	63
CALDWELL, JULIE	149	18	37
FLETCHER, SARAH	51	187	195
VOONG, KRISTY	138	28	65
9501 - 1020 Average		74	90
9501 - 1020 Total	367		
Overall - Total	367		

Desk Age (Days)						
License Type	Transaction Code	0-30	31-60	61-90	91+	Total
9501	1020	210	87	12	58	367
Overall - Total		210	87	12	58	367

Note: Desk Age volume includes only applications with assignment history



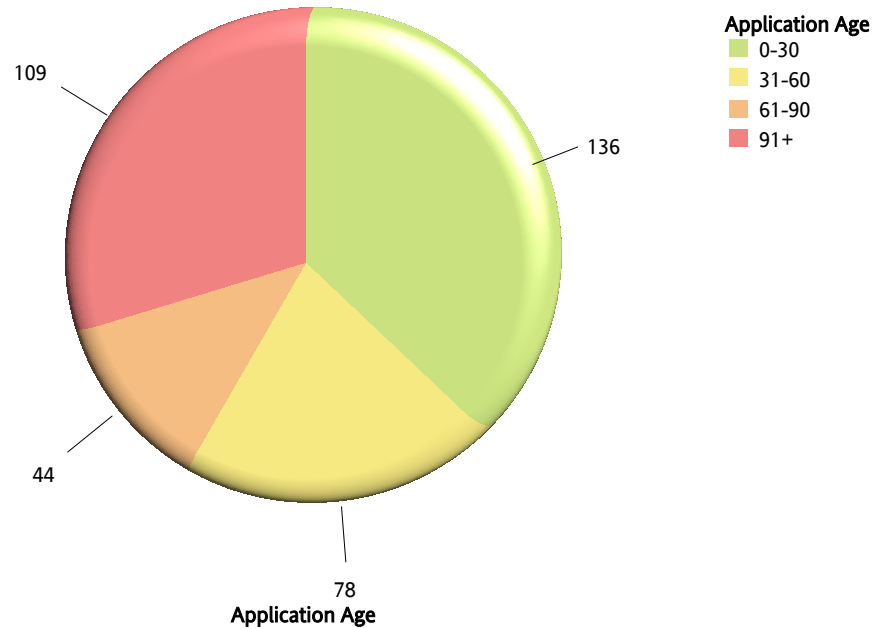
Pending Application Workload

Physician Assistant Board
 Application Deficiency: Show All
 Paid Applications Only: No
 Include External Staff: All



[Click here for complete raw data extract](#)

Application Age (Days)						
License Type	Transaction Code	0-30	31-60	61-90	91+	Total
9501	1020	136	78	44	109	367
Overall - Total		136	78	44	109	367



Licensing Performance Measures

Applications Approved Between Jul 1, 2020 12:00 AM and Sep 30, 2020 11:59 PM

Board Code: 950

Board Long Name: Physician Assistant Board

License Type	License Type Long Name	Transaction Code	Transaction Description	Target	COMPLETE APPLICATIONS		INCOMPLETE APPLICATIONS	
					Count	Processing Time	Count	Processing Time
9501	Physician Assistant	1020	Initial Application	20	86	43	219	79

Exceeds target

Exceeds target by 50-99%

Exceeds target by 100% (or more)

[REPORT DETAIL - ALL](#)

Report Comments:

none

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 7c(ii)

Enforcement Report

**PHYSICIAN ASSISTANT BOARD
ENFORCEMENT ACTIVITY REPORT
JULY 1, 2020 TO SEPTEMBER 30, 2020**

COMPLAINTS INTAKE	
97	RECEIVED
97	ASSIGNED TO DESK ANALYST* *
8	PENDING AT INTAKE

COMPLAINTS AND INVESTIGATIONS	
15	COMPLAINTS REFERRED FOR INVESTIGATION
67	COMPLAINTS AND INVESTIGATIONS CLOSED* *
127	COMPLAINTS PENDING AT DESK ANALYST* *
85	INVESTIGATIONS PENDING AT FIELD* *
292	AVERAGE AGE OF PENDING INVESTIGATIONS* *
52	INVESTIGATION OVER 8 MONTHS OLD

SUSPENSIONS	
0	AUTOMATIC SUSPENSION ORDER
0	CEASE PRACTICE ORDER
0	INTERIM SUSPENSION ORDER/PC23

OFFICE OF ATTORNEY GENERAL CASES	
5	CASES INITIATED
32	CASES PENDING* *
390	AVERAGE AGE OF PENDING CASES* *

FORMAL ACTIONS FILED/WITHDRAWN/DISMISSED	
6	ACCUSATION FILED
0	ACCUSATIONS WITHDRAWN/DISMISSED
0	STATEMENT OF ISSUES FILED
0	STATEMENT OF ISSUES WITHDRAWN/DISMISSED
1	ACCUSATION AND/OR PETITION TO REVOKE PROB. FILED
0	PETITION TO COMPEL PHYSICAL/PSYCHIATRIC EXAM

ADMINISTRATIVE OUTCOMES/FINAL ORDER	
0	LICENSE APPLICATION DENIED
4	PROBATION
0	PUBLIC REPROVAL
0	REVOICATION
3	SURRENDER
0	PROBATIONARY LICENSE ISSUED
0	PETITION FOR REINSTATEMENT DENIED
0	PETITION FOR REINSTATEMENT GRANTED
0	PETITION FOR TERMINATION OF PROB. DENIED
0	PETITION FOR TERMINATION OF PROB. GRANTED
0	OTHER

CITATIONS AND FINES	
PREVIOUS QTR. (APRIL 1, 2020 TO JUNE 30, 2020)	
2	PENDING
\$750	FINES DUE
CURRENT QTR. (JULY 1, 2020 TO SEPTEMBER 30, 2020)	
0	ISSUED
0	WITHDRAWN
0	RESOLVED/CLOSED
0	SENT TO AG/NONCOMPLIANCE
0	PENDING
\$0	FINES ISSUED
\$0	FINES WITHDRAWN
\$0	FINES RECEIVED
\$750	FINES DUE FROM PREVIOUS & CURRENT QTR.

* *MAY INCLUDE CASES RECEIVED IN PREVIOUS QUARTERS

**Physician Assistant Board
Complaints Received by Type and Source**

Fiscal Year 2020-2021*									
	Fraud	Health & Safety ¹	Non-Jurisdictional ²	Gross Negligence/Incompetence ³	Other Category	Personal Conduct ⁴	Unprofessional Conduct ⁵	Unlicensed/Unregistered	Total
Public	0	1	5	37	0	0	23	1	67
B&P Code ⁶	0	0	0	2	0	0	0	0	2
Licensee/Prof. Group ⁷	0	0	1	0	0	1	0	0	2
Government Agency ⁸	0	0	0	4	0	0	4	1	9
Misc./Anonymous	0	2	1	7	0	0	7	0	17
Totals	0	3	7	50	0	1	34	2	97

Fiscal Year 2019-2020									
	Fraud	Health & Safety ¹	Non-Jurisdictional ²	Gross Negligence/Incompetence ³	Other Category	Personal Conduct ⁴	Unprofessional Conduct ⁵	Unlicensed/Unregistered	Total
Public	0	8	56	150	2	3	50	1	270
B&P Code ⁶	0	0	0	8	0	0	6	0	14
Licensee/Prof. Group ⁷	0	1	4	3	1	1	3	2	15
Government Agency ⁸	1	5	0	9	0	0	26	2	43
Misc./Anonymous	4	7	12	20	7	6	14	4	74
Totals	5	21	72	190	10	10	99	9	416

1. Health and Safety complaints, e.g., excessive prescribing, sale of dangerous drugs, etc.
2. Non-jurisdictional complaints are not under the authority of the Board and are referred to other agencies such as the Department of Health Care Services, Department of Managed Health Care, etc.
3. Gross Negligence/Incompetence complaints are related to the quality of care provided by licensees.
4. Personal Conduct complaints, e.g., licensee self-abuse of drugs/alcohol, conviction of a crime, etc.
5. Unprofessional Conduct complaints include sexual misconduct with patients, discipline by another state, failure to release medical records, etc.
6. Reference is to B&P Code §800 and §2240(a) and includes complaints initiated based upon reports submitted to the Board by hospitals, insurance companies and others, as required by law, regarding instances of health facility discipline, malpractice judgments/settlements, or other reportable activities.
7. Licensee/Professional Group includes the following complaint sources: other Licensee, Society/Trade Organization, and Industry.
8. Governmental Agency includes the following complaint sources: Internal, Law Enforcement Agency, other California State Agency, other State, other Unit of Consumer Affairs, and Federal or other Governmental Agency.

*July 1, 2020 through September 30, 2020

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 7c(iii)

Probation Report

PHYSICIAN ASSISTANT BOARD

Probation Activity Report

For the quarter ending on September 30, 2020, there are currently **62** probationers. **53** are active probationers and **9** are tolling probationers.

Probation	Quarter Ending September 30, 2020
Entered Probation	4
Completed Probation	5
Probation Terminated	0
Voluntary Surrender	1
Tolled	9
Total Probationers	62

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 7c(iv)

Diversion Report

PHYSICIAN ASSISTANT BOARD

Diversion Program Activity Report

For the quarter ending on September 30, 2020, there are **4** active participants.

Maximus	July	August	September
Entered Maximus – Board Referral	0	0	0
Entered Maximus – Self Referral	0	0	0
Completed Maximus	0	0	2
Applicant Not Accepted	0	0	0
Applicant Public Risk	0	0	0
Applicant Withdrawn	0	0	0
Clinically Inappropriate	0	0	0
No Longer Eligible	0	0	0
Participant Non-Compliant	0	0	0
Terminated	0	0	0
Withdrawn	0	0	0
Total Active Participants	6	6	4

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 9

Budget Update

0280 - Physician Assistant Fund

Analysis of Fund Condition

Prepared 10.5.2020

(Dollars in Thousands)

2020-21 Budget Act w/ 19-20 FM Actuals

		BUDGET ACT CY 2020-21	BY 2021-22	BY+1 2022-23
	2019-20			
BEGINNING BALANCE	\$ 3,068	\$ 4,881	\$ 4,268	\$ 3,609
Prior Year Adjustment	\$ (59)	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,009	\$ 4,881	\$ 4,268	\$ 3,609
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 4	\$ 4	\$ 4	\$ 4
4127400 Renewal fees	\$ 1,805	\$ 2,015	\$ 2,015	\$ 2,015
4129200 Other regulatory fees	\$ 22	\$ 19	\$ 19	\$ 19
4129400 Other regulatory licenses and permits	\$ 360	\$ 308	\$ 308	\$ 308
4150500 Interest Income - Interfund Loans (1505.214)	\$ 45	\$ -	\$ -	\$ -
4163000 Income from surplus money investments	\$ 92	\$ 66	\$ 53	\$ 42
4171400 Escheat of unclaimed checks and warrants	\$ 2	\$ -	\$ -	\$ -
4172500 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -
4173000 Penalty Assessments	\$ -	\$ -	\$ -	\$ -
Total Revenues	\$ 2,330	\$ 2,412	\$ 2,399	\$ 2,388
Transfers from Other Funds				
Proposed GF Loan Repay	\$ 1,500		\$ -	
Total Revenues, Transfers, and Other Adjustments	\$ 3,830	\$ 2,412	\$ 2,399	\$ 2,388
Total Resources	\$ 6,839	\$ 7,293	\$ 6,667	\$ 5,997
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 1,835	\$ 2,911	\$ 2,877	\$ 2,963
8880 Financial Information System for California (State Operations)	\$ -	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 17	\$ 17	\$ 17	\$ 17
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 106	\$ 97	\$ 164	\$ 164
Total Expenditures and Expenditure Adjustments	\$ 1,958	\$ 3,025	\$ 3,058	\$ 3,144
FUND BALANCE				
Reserve for economic uncertainties	\$ 4,881	\$ 4,268	\$ 3,609	\$ 2,853
Months in Reserve	19.4	16.7	13.8	10.6

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 1.5%.

Department of Consumer Affairs

Revenue Report

Physician Assistant Board

Reporting Structure(s): 11111900 Support

Fiscal Month: 13

Fiscal Year: 2019 - 2020

Run Date: 10/16/2020

Revenue

Fiscal Code	Line Item	Budget	YTD	Balance
Delinquent Fees		\$4,000	\$3,925	\$75
4121200000	Delinquent Fees	\$4,000	\$25	\$3,975
4121200144	0280 Delinq Ren Phys Asst	\$0	\$3,900	-\$3,900
Other Regulatory Fees		\$18,000	\$23,296	-\$5,296
4129200000	Other Regulatory Fees	\$18,000	\$936	\$17,064
4129200177	0280 Duplicate Cert	\$0	\$2,140	-\$2,140
4129200178	0280 Record Cert	\$0	\$12,220	-\$12,220
4129200179	0280 Cite And Fine	\$0	\$8,000	-\$8,000
Other Regulatory License and Permits		\$294,000	\$360,623	-\$66,623
4129400000	Other Regulatory License and Permits	\$294,000	\$3,150	\$290,850
4129400391	0280 Initial App Lic Phys Asst	\$0	\$314,352	-\$314,352
4129400522	Refunded Reimbursements	\$0	-\$343	\$343
4129400524	Suspended Revenue	\$0	\$56,891	-\$56,891
4129400525	Prior Year Revenue Adjustment	\$0	-\$13,427	\$13,427

Fiscal Code	Line Item	Budget	YTD	Balance
Other Revenue		\$42,000	\$138,151	-\$96,151
4150500000	Interest Income - Interfund Loans	\$0	\$44,610	-\$44,610
4163000000	Investment Income - Surplus Money Investments	\$42,000	\$91,579	-\$49,579
4171400000	Escheat Unclaimed Checks, Warrants, Bonds, and Coupons	\$0	\$325	-\$325
4171400001	Canceled Warrants Revenue	\$0	\$1,510	-\$1,510
4172500016	Misc Revenue	\$0	\$27	-\$27
4172500017	Dishonored Check Fee	\$0	\$100	-\$100
Renewal Fees		\$1,865,000	\$1,804,972	\$60,028
4127400000	Renewal Fees	\$1,865,000	\$900	\$1,864,100
4127400221	0280 Renewal Phys Asst	\$0	\$1,804,064	-\$1,804,064
4127400281	Over/Short Fees Renewals	\$0	\$8	-\$8
Revenue		\$2,223,000	\$2,330,967	-\$107,967

Reimbursements

Fiscal Code	Line Item	Budget	YTD	Balance
Scheduled Reimbursements		\$0	\$28,126	-\$28,126
4840000001	Fingerprint Reports	\$0	\$28,126	-\$28,126
Unscheduled Reimbursements		\$0	\$124,464	-\$124,464
4850000009	Us Cost Recovery	\$0	\$91,063	-\$91,063
4850000013	US DOI Probation Monitor	\$0	\$33,401	-\$33,401
Reimbursements		\$0	\$152,590	-\$152,590

Department of Consumer Affairs

Expenditure Report

Physician Assistant Board

Reporting Structure(s): 11111900 Support

Fiscal Month: 13

Fiscal Year: 2019 - 2020

Run Date: 10/16/2020

PERSONAL SERVICES

Fiscal Code	Line Item	Budget	YTD	Encumbrance	YTD + Encumbrance	Balance
5100 PERMANENT POSITIONS		\$453,000	\$401,669	\$0	\$401,669	\$51,331
5100000000	Earnings - Perm Civil Svc Empl	\$377,000	\$310,565	\$0	\$310,565	\$66,435
5105000000	Earnings-Exempt/Statutory Empl	\$76,000	\$91,104	\$0	\$91,104	-\$15,104
5100 TEMPORARY POSITIONS		\$30,000	\$16,742	\$0	\$16,742	\$13,258
5100150000	Earnings - Temp Civil Svc Empl	\$0	\$506	\$0	\$506	-\$506
5100150004	Temp Help (907)	\$30,000	\$16,236	\$0	\$16,236	\$13,764
5105-5108 PER DIEM, OVERTIME, & LUMP SUM		\$2,000	\$11,799	\$0	\$11,799	-\$9,799
5105100000	Board Members	\$0	\$300	\$0	\$300	-\$300
5105100001	Bd/Commission Mbrs (901, 920)	\$2,000	\$0	\$0	\$0	\$2,000
5105100002	Committee Mbrs 904,911,931,961	\$0	\$11,400	\$0	\$11,400	-\$11,400
5108000000	OT Earn Oth than to Temp Help	\$0	\$99	\$0	\$99	-\$99
5150 STAFF BENEFITS		\$276,000	\$229,084	\$0	\$229,084	\$46,916
PERSONAL SERVICES		\$761,000	\$659,294	\$0	\$659,294	\$101,706

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	Budget	YTD	Encumbrance	YTD + Encumbrance	Balance
5301 GENERAL EXPENSE		\$32,000	\$29,969	\$5,168	\$35,137	-\$3,137
5302 PRINTING		\$6,000	\$20,489	\$5,283	\$25,773	-\$19,773
5304 COMMUNICATIONS		\$9,000	\$2,932	\$47	\$2,979	\$6,021
5306 POSTAGE		\$9,000	\$3,609	\$1,269	\$4,878	\$4,122
5308 INSURANCE		\$0	\$15	\$0	\$15	-\$15
53202-204 IN STATE TRAVEL		\$21,000	\$42,773	\$0	\$42,773	-\$21,773
5322 TRAINING		\$2,000	\$0	\$0	\$0	\$2,000
5324 FACILITIES		\$56,000	\$63,831	\$3,243	\$67,073	-\$11,073
53402-53403 C/P SERVICES (INTERNAL)		\$665,000	\$503,573	\$0	\$503,573	\$161,427
53404-53405 C/P SERVICES (EXTERNAL)		\$60,000	\$70,199	\$81,801	\$152,000	-\$92,000
5342 DEPARTMENT PRORATA		\$476,000	\$344,298	\$8,135	\$352,433	\$123,567
5342 DEPARTMENTAL SERVICES		\$171,000	\$126,346	\$0	\$126,346	\$44,654
5344 CONSOLIDATED DATA CENTERS		\$6,000	\$0	\$0	\$0	\$6,000
5346 INFORMATION TECHNOLOGY		\$3,000	\$1,008	\$40	\$1,048	\$1,952
5362-5368 EQUIPMENT		\$24,000	\$4,035	\$6,211	\$10,247	\$13,753
5390 OTHER ITEMS OF EXPENSE		\$0	\$0	\$1,500	\$1,500	-\$1,500
54 SPECIAL ITEMS OF EXPENSE		\$0	\$108,643	\$0	\$108,643	-\$108,643
OPERATING EXPENSES & EQUIPMENT		\$1,540,000	\$1,321,721	\$112,697	\$1,434,418	\$105,582

OVERALL TOTALS		\$2,301,000	\$1,981,015	\$112,697	\$2,093,712	\$207,288
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Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 10

**Approval of Passing Score for 2021 PA Initial
Licensing Examination, Dates and Locations**

LICENSING INITIAL LICENSING EXAMINATION

PASSING SCORE

Business and Professions Code section 3517 provides in pertinent part:

“The board shall, however, establish a passing score for each examination.”

Motion to approve the passing score for the physician assistant initial licensing examination for year 2021 as established by the National Commission on Certification of Physician Assistants.

DATES AND LOCATIONS

Business and Professions Code section 3517 provides in pertinent part:

“The time and place of examination shall be fixed by the board.”

Motion to approve the dates and locations for the physician assistant initial licensing examination for year 2021.

Dates: The examination is given on a year-round basis. There will be no testing December 19-31, 2021.

Locations: Pearson VUE Professional Centers.

NCCPA Exam Development and Scoring

NCCPA's exam questions are developed by committees comprising PAs and physicians selected based on both their item writing skills, experience and demographic characteristics (i.e., practice specialty, geographic region, practice setting, etc.). The test committee members each independently write a certain number of test questions or items, and then, each item then goes through an intense review by content experts and medical editors from which only some items emerge for pre-testing. Every NCCPA exam includes both scored and pre-test items, and examinees have no way of distinguishing between the two. This allows NCCPA to collect important statistics about how the pre-test items perform on the exam, which informs the final decision about whether a particular question meets the standards for inclusion as a scored item on future PANCE or PANRE exams.

When NCCPA exams are scored, candidates are initially awarded 1 point for every correct answer and 0 points for incorrect answers to produce a raw score. After examinees' raw scores have been computed by two independent computer systems to ensure accuracy, the scored response records for PANCE and PANRE examinees are entered into a maximum likelihood estimation procedure, a sophisticated, mathematically-based procedure that uses the difficulties of all the scored items in the form taken by an individual examinee as well as the number of correct responses to calculate that examinee's proficiency measure. This calculation is based on the *Rasch model* and equates the scores, compensating for minor differences in difficulty across different versions of the exam. Thus, in the end, all proficiency measures are calculated as if everyone took the same exam.

Finally, the proficiency measure is converted to a scaled score so that results can be compared over time and among different groups of examinees. The scale is based on the performance of a reference group (some particular group of examinees who took the exam in the past) whose scores were scaled so that the average proficiency measure was assigned a scaled score of 500 and the standard deviation was established at 100. The minimum reported score is 200, and the maximum reported score is 800.

We do not publish the percent correct level necessary to pass our examinations any more. Given that we have multiple test forms this information would not be accurate since some test forms, while built to be exactly the same, are slightly different in their difficulty. Therefore, we convert the percent correct to a scaled score and report scores and the passing standard on that scale.

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 11

Schedule for 2021 Board Meeting

Dates and Locations

2021

Holidays & Observances

January

Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April

Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May

Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June

Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July

Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September

Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October

Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December

Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Jan 01	New Year's Day
Jan 18	Martin Luther King Day
Feb 12	Chinese New Year
Feb 12	Lincoln's Birthday
Feb 14	Valentine's Day
Feb 15	President's Day
Feb 17	Ash Wednesday
Mar 14	Daylight Saving (begin)
Mar 17	St. Patrick's Day
Mar 20	Vernal equinox
Mar 28	Passover
Apr 01	April Fool's Day
Apr 04	Easter
Apr 13	Ramadan begins
Apr 21	Admin Assistants Day
May 09	Mother's Day
May 23	Pentecost
May 31	Memorial Day
Jun 14	Flag Day
Jun 20	Father's Day
Jun 21	June Solstice
Jul 04	Independence Day
Sep 06	Labor Day
Sep 07	Rosh Hashanah
Sep 22	Autumnal equinox
Oct 11	Columbus Day
Oct 31	Halloween
Nov 07	Daylight Saving (end)
Nov 11	Veterans Day
Nov 25	Thanksgiving
Nov 28	Hanukkah begins
Dec 21	December Solstice
Dec 25	Christmas Day
Dec 26	Kwanzaa begins
Dec 31	New Year's Eve

Physician Assistant Board 2021 Proposed Meeting Dates

Monday, February 8, 2021 (91 days from November 9, 2020)

Monday, May 10, 2021 (91 days from February 8, 2021)

Monday, August 9, 2021 (91 days from May 10, 2021)

Monday, November 8, 2021 (91 days from August 9, 2021)

Medical Board of California 2021 Meeting Dates

Dates are not posted.

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 14

Regulations Update

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 17

Education/Workforce Development

Advisory Committee: Update on Physician

Assistant Education Programs and

Applicants in California

Education and Workforce Sub-Committee Report Total Number of PA Programs accredited PA Programs: 260 Total Number of PA programs in development: 47 CA Current Accredited PA Programs: 16 CA Developing Programs: 7 LA/SD area: 9 Bay area: 4 Sacramento/Central Valley: 2 Central Coast: 1 School	# of students per cohort
A.T. Still University, Central Coast (developing)	100
California Baptist University (provisional)	30
CSU Monterey Bay (provisional)	33
Chapman University (provisional)	50
Charles R. Drew University (provisional)	26
Dominican University (provisional)	30
Keck Graduate Institute (developing)	?*
Loma Linda University	36
Marshall B. Ketchum University	40
Point Loma Nazarene University (developing)	30
Samuel Merritt University (probation)	44
Southern California University of Health Sciences (provisional)	50
Stanford University	29
Touro University – California	48
Touro University – Worldwide (online, developing)	?*
University of California-Davis	65
University of LaVerne (provisional)	30
University of St. Augustine for Health Sciences (developing)	40
University of Southern California	60
University of the Pacific (provisional)	45
West Coast University (developing)	?*
West Coast University – Orange (developing)	?*
Western University of Health Sciences	98
16 Programs: Current Annual Capacity	884
Average Number of Students Per Program	52
21 Programs: Estimated Annual Capacity	1064*

CA has the highest number of applicants to PA programs in the US, however the lowest ratio of numbers of applicants to available seats. We are likely to see continued growth of PA programs in CA.¹ The number of PA programs in CA has doubled in the last 5 years, and currently has 50% growth projected based the number of developing programs.

Sources: <http://www.arc-pa.org/accreditation/accredited-programs/>, accessed 10/26/2020
<http://www.arc-pa.org/applicant-programs/>, accessed 10/26/2020
<http://directory.paeaonline.org/>, accessed 10/26/2020
Program websites, accessed 10/26/2020

1. Forister JG, Stilp C. A Spatial Analysis of Physician Assistant Programs. *Journal of Physician Assistant Education*. June 2017. Vol 28. Iss 2. P 64-71.

*The national average of 45 students per cohort is used to calculate numbers where planned cohort size is not available from developing programs.

Accreditation Status:

Developing: Not accepting students and are in the active development of a PA program but meet basic accreditation requirements and have been approved by the accrediting body to apply for accreditation.

Provisional: Are planning to enroll students within a year, or have currently enrolled at least the first cohort of students. Provisional accreditation extends throughout enrollment of the first cohort and may last up to 5 years with multiple site visits by the accrediting body.

Continuing: ongoing accreditation for programs that have progressed from provisional status.

Probation: program is not meeting accreditation standards. This status may last for up to two years.

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 19

Report by the Legislative Committee



MEMORANDUM

DATE	November 9, 2020
TO	Physician Assistant Board
FROM	Sonya Earley, PA-C
SUBJECT	Agenda Item 19. Report by the Legislative Committee

- a. [AB 890](#) – Wood: Nurse Practitioners: Scope of Practice Without Standardized Procedures

Status: Signed by the Governor. Chaptered by the Secretary of State – Chapter 265, Statutes of 2020.

This bill creates the Nurse Practitioner Advisory Committee within the Board of Registered Nursing for purposes of advising and making recommendations to the Board on all matters relating to nurse practitioners. This bill also requires the Board to establish minimum requirements for nurse practitioners to transition to practice independently, among other provisions.

Board Action taken during August meeting: Board took no position.

- b. [AB 1616](#) – Low and Garcia: Department of Consumer Affairs: Boards: Expunged Convictions

Status: This bill failed passage and is dead

This bill would require programs under the Department of Consumer Affairs that post information on its website about a revoked license due to a criminal conviction to update or remove information about the revoked license within six months of the board receiving an expungement order related to the conviction. The person seeking the change must pay to the board a fee, determined by the Department, designed to cover the administrative costs of these requirements.

Board Action taken during August meeting: Board took no position.

MISSION: To protect and serve consumers through licensing, education, and objective enforcement of the Physician Assistant laws and regulations.

- c. [AB 2113](#) – Low: Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process

Status: Signed by the Governor. Chaptered by Secretary of State - Chapter 186, Statutes of 2020.

This bill requires programs within the Department of Consumer Affairs to assist and expedite the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. This bill specifies that it will not change existing licensure requirements and that a person applying for expedited licensure will be required to meet all applicable statutory and regulatory licensure requirements. This bill also authorizes the Department's programs to adopt regulations necessary to administer these provisions.

- d. [SB 53](#) – Wilk: Open Meetings

Status: Held in committee and under submission.

This bill modifies the Bagley-Keene Open Meeting Act (Bagley-Keene) to require two-member advisory committees of a "state body" to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body, and the advisory committee is supported, in whole or in part, by state funds.

Board Action taken during August meeting: Opposed as the Board utilizes a two-person committee that has no decision-making ability and is required to report to the Board.

- e. [SB 878](#) – Jones: Department of Consumer Affairs: License: Application: Processing Timeframes

Status: Signed by the Governor. Chaptered by Secretary of State - Chapter 131, Statutes of 2020.

Beginning July 1, 2021, this bill will require each board and bureau within the Department of Consumer Affairs, that issues licenses, to prominently display on their websites, and update on a quarterly basis, either (1) the current average timeframe for processing initial and renewal license applications on its website, or (2) the combined current average timeframe for processing both initial and renewal license applications. This bill will also require each board or bureau to post on their websites, and update on a quarterly basis, either (1) the current average processing timeframe for each licensing type administered by the program, or (2) the combined current average timeframe for processing all licensing types administered by the program.

- f. [SB 1474](#) – Committee on Business, Professions and Economic Development. Business and Professions

MISSION: To protect and serve consumers through licensing, education, and objective enforcement of the Physician Assistant laws and regulations.

Status: Signed by the Governor. Chaptered by the Secretary of State – Chapter 312, Statutes of 2020.

This bill 1) provides a one-year sunset extension for the following Department programs that were undergoing the sunset review process prior to COVID-19: Board of Barbering and Cosmetology, Board of Behavioral Sciences, Board of Psychology, Board of Vocational Nursing and Psychiatric Technicians, Bureau for Private Postsecondary Education, Bureau of Real Estate Appraisers, California State Board of Pharmacy, Physician Assistant Board, Podiatric Medical Board of California, and the Veterinary Medical Board; 2) extends the operations for the following Department programs until January 1, 2023: Board of Chiropractic Examiners, Naturopathic Medicine Committee, Board of Occupational Therapy, Respiratory Care Board, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board; 3) clarifies that registered dental hygienists may perform any procedure or service within the scope of practice if the appropriate education and training has been completed; 4) requires the Dental Hygiene Board to grant initial licensure to any applicant who within the preceding three years has satisfactorily completed the appropriate examinations, instead of the preceding two years in existing law; 5) clarifies the education a registered dental hygienist in alternative practice must possess to be issued a license; 6) prohibits the Contractors' State License Board from releasing any deposit to anyone for any purpose except as determined by a court and requires that deposits be distributed to all claimants in proportion to the amount of their claims if the deposit is insufficient to pay in full all claims; 7) requires the Contractors' State License Board to retroactively grant license renewal if a licensee submits an application within 90 days of the license expiration and pays all required fees; 8) prohibits contracts from limiting a consumer's ability to make complaints to a licensing board or from participating in an investigation of a licensee; and 9) makes several other nonsubstantive or technical changes.

g. [SB 1463](#) – Glazer: Physician Assistants: Written Examination

Status: Dead. Held in Assembly Business and Professions Committee.

This bill would remove the requirement that the board establish a passing score and time and place for each examination. This was a spot bill that was originally scheduled to be the board's sunset bill.

MISSION: To protect and serve consumers through licensing, education, and objective enforcement of the Physician Assistant laws and regulations.

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 19

Report by the Legislative Committee

Attachment A - AB 890

Assembly Bill No. 890

CHAPTER 265

An act to amend Sections 650.01, 805, and 805.5 of, and to add Article 8.5 (commencing with Section 2837.100) to Chapter 6 of Division 2 of, the Business and Professions Code, relating to healing arts.

[Approved by Governor September 29, 2020. Filed with
Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 890, Wood. Nurse practitioners: scope of practice: practice without standardized procedures.

Existing law, the Nursing Practice Act, provides for the certification and regulation of nurse practitioners by the Board of Registered Nursing. Existing law authorizes the implementation of standardized procedures that authorize a nurse practitioner to perform certain acts that are in addition to other authorized practices, including certifying disability after performing a physical examination and collaboration with a physician and surgeon. A violation of the act is a misdemeanor.

This bill would establish the Nurse Practitioner Advisory Committee to advise and give recommendations to the board on matters relating to nurse practitioners. The bill would require the committee to provide recommendations or guidance to the board when the board is considering disciplinary action against a nurse practitioner. The bill would require the board, by regulation, to define minimum standards for a nurse practitioner to transition to practice independently. The bill would authorize a nurse practitioner who meets certain education, experience, and certification requirements to perform, in certain settings or organizations, specified functions without standardized procedures, including ordering, performing, and interpreting diagnostic procedures, certifying disability, and prescribing, administering, dispensing, and furnishing controlled substances. The bill, beginning January 1, 2023, would also authorize a nurse practitioner to perform those functions without standardized procedures outside of specified settings or organizations in accordance with specified conditions and requirements if the nurse practitioner holds an active certification issued by the board. The bill would require the board to issue that certification to a nurse practitioner who meets additional specified education and experience requirements, and would authorize the board to charge a fee for the cost of issuing the certificate.

The bill would also require the board to request the department's Office of Professional Examination Services, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing certain functions. The bill would require the occupational analysis to be completed

by January 1, 2023. The bill would require the board to take specified measures to identify and assess competencies. The bill would require the board to identify and develop a supplemental examination for licensees if needed based on the assessment, as provided.

Existing law makes it unlawful for specified healing arts practitioners, including physicians and surgeons, psychologists, and acupuncturists, to refer a person for certain services, including laboratory, diagnostic nuclear medicine, and physical therapy, if the physician and surgeon or their immediate family has a financial interest with the person or in the entity that receives the referral. A violation of those provisions is a misdemeanor and subject to specified civil penalties and disciplinary action.

This bill would make those provisions applicable to a nurse practitioner practicing pursuant to the bill's provisions.

Existing law requires certain peer review organizations responsible for reviewing the medical care provided by specified healing arts licentiates to file with the relevant agency an "805 report," which is a report of certain adverse actions taken against a licentiate for a medical disciplinary cause or reason.

Existing law exempts a peer review body from the requirement to file an 805 report for an action taken as a result of a revocation or suspension, without stay, of a physician and surgeon's license by the Medical Board of California or a licensing agency of another state. Existing law requires the licensing agency to disclose, among other things, a copy of any 805 report of a licensee upon a request made by specified institutions prior to granting or renewing staff privileges for the licentiate. Existing law specifies certain penalties for failing to file an 805 report, and requires the action or proceeding to be brought by the Medical Board of California if the person who failed to file an 805 report is a licensed physician and surgeon. Existing law defines "licentiate" for those purposes.

This bill would include as a licentiate a nurse practitioner practicing pursuant to the bill's provisions, and make conforming changes. The bill would exempt a peer review body from the requirement to file an 805 report for an action taken as a result of a revocation or suspension, without stay, of a nurse practitioner's license by the Board of Registered Nursing or a licensing agency of another state. The bill would require the action or proceeding to be brought by the Board of Registered Nursing if the person who failed to file an 805 report is a licensed nurse practitioner.

Because the bill would expand the scope of crimes, the bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 650.01 of the Business and Professions Code proposed by SB 1237 to be operative only if this bill and SB 1237 are enacted and this bill is enacted last.

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

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

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

SECTION 1. Section 650.01 of the Business and Professions Code is amended to read:

650.01. (a) Notwithstanding Section 650, or any other provision of law, it is unlawful for a licensee to refer a person for laboratory, diagnostic nuclear medicine, radiation oncology, physical therapy, physical rehabilitation, psychometric testing, home infusion therapy, or diagnostic imaging goods or services if the licensee or their immediate family has a financial interest with the person or in the entity that receives the referral.

(b) For purposes of this section and Section 650.02, the following shall apply:

(1) “Diagnostic imaging” includes, but is not limited to, all X-ray, computed axial tomography, magnetic resonance imaging nuclear medicine, positron emission tomography, mammography, and ultrasound goods and services.

(2) A “financial interest” includes, but is not limited to, any type of ownership interest, debt, loan, lease, compensation, remuneration, discount, rebate, refund, dividend, distribution, subsidy, or other form of direct or indirect payment, whether in money or otherwise, between a licensee and a person or entity to whom the licensee refers a person for a good or service specified in subdivision (a). A financial interest also exists if there is an indirect financial relationship between a licensee and the referral recipient including, but not limited to, an arrangement whereby a licensee has an ownership interest in an entity that leases property to the referral recipient. Any financial interest transferred by a licensee to any person or entity or otherwise established in any person or entity for the purpose of avoiding the prohibition of this section shall be deemed a financial interest of the licensee. For purposes of this paragraph, “direct or indirect payment” shall not include a royalty or consulting fee received by a physician and surgeon who has completed a recognized residency training program in orthopedics from a manufacturer or distributor as a result of their research and development of medical devices and techniques for that manufacturer or distributor. For purposes of this paragraph, “consulting fees” means those fees paid by the manufacturer or distributor to a physician and surgeon who has completed a recognized residency training program in orthopedics only for their ongoing services in making refinements to their medical devices or techniques marketed or distributed by the manufacturer or distributor, if the manufacturer or distributor does not own or control the facility to which the physician is referring the patient. A “financial interest” shall not include the receipt of capitation payments or other fixed amounts that are prepaid in exchange for a promise of a licensee to provide specified health care services to specified beneficiaries. A “financial interest” shall not include the receipt of remuneration by a medical director of a hospice, as defined in Section 1746 of the Health and Safety Code, for specified services if the arrangement is set out in writing, and specifies all services to be provided by the medical director, the term of the arrangement is for at least one year,

and the compensation to be paid over the term of the arrangement is set in advance, does not exceed fair market value, and is not determined in a manner that takes into account the volume or value of any referrals or other business generated between parties.

(3) For the purposes of this section, “immediate family” includes the spouse and children of the licensee, the parents of the licensee, and the spouses of the children of the licensee.

(4) “Licensee” means a physician, as defined in Section 3209.3 of the Labor Code, or a nurse practitioner practicing pursuant to Section 2837.103 or 2837.104.

(5) “Licensee’s office” means either of the following:

(A) An office of a licensee in solo practice.

(B) An office in which services or goods are personally provided by the licensee or by employees in that office, or personally by independent contractors in that office, in accordance with other provisions of law. Employees and independent contractors shall be licensed or certified when licensure or certification is required by law.

(6) “Office of a group practice” means an office or offices in which two or more licensees are legally organized as a partnership, professional corporation, or not-for-profit corporation, licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code, for which all of the following apply:

(A) Each licensee who is a member of the group provides substantially the full range of services that the licensee routinely provides, including medical care, consultation, diagnosis, or treatment through the joint use of shared office space, facilities, equipment, and personnel.

(B) Substantially all of the services of the licensees who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group, except in the case of a multispecialty clinic, as defined in subdivision (l) of Section 1206 of the Health and Safety Code, physician services are billed in the name of the multispecialty clinic and amounts so received are treated as receipts of the multispecialty clinic.

(C) The overhead expenses of, and the income from, the practice are distributed in accordance with methods previously determined by members of the group.

(c) It is unlawful for a licensee to enter into an arrangement or scheme, such as a cross-referral arrangement, that the licensee knows, or should know, has a principal purpose of ensuring referrals by the licensee to a particular entity that, if the licensee directly made referrals to that entity, would be in violation of this section.

(d) No claim for payment shall be presented by an entity to any individual, third party payer, or other entity for a good or service furnished pursuant to a referral prohibited under this section.

(e) No insurer, self-insurer, or other payer shall pay a charge or lien for any good or service resulting from a referral in violation of this section.

(f) A licensee who refers a person to, or seeks consultation from, an organization in which the licensee has a financial interest, other than as prohibited by subdivision (a), shall disclose the financial interest to the patient, or the parent or legal guardian of the patient, in writing, at the time of the referral or request for consultation.

(1) If a referral, billing, or other solicitation is between one or more licensees who contract with a multispecialty clinic pursuant to subdivision (l) of Section 1206 of the Health and Safety Code or who conduct their practice as members of the same professional corporation or partnership, and the services are rendered on the same physical premises, or under the same professional corporation or partnership name, the requirements of this subdivision may be met by posting a conspicuous disclosure statement at the registration area or by providing a patient with a written disclosure statement.

(2) If a licensee is under contract with the Department of Corrections or the California Youth Authority, and the patient is an inmate or parolee of either respective department, the requirements of this subdivision shall be satisfied by disclosing financial interests to either the Department of Corrections or the California Youth Authority.

(g) A violation of subdivision (a) shall be a misdemeanor. The Medical Board of California shall review the facts and circumstances of any conviction pursuant to subdivision (a) and take appropriate disciplinary action if the licensee has committed unprofessional conduct. Violations of this section may also be subject to civil penalties of up to five thousand dollars (\$5,000) for each offense, which may be enforced by the Insurance Commissioner, Attorney General, or a district attorney. A violation of subdivision (c), (d), or (e) is a public offense and is punishable upon conviction by a fine not exceeding fifteen thousand dollars (\$15,000) for each violation and appropriate disciplinary action, including revocation of professional licensure, by the Medical Board of California or other appropriate governmental agency.

(h) This section shall not apply to referrals for services that are described in and covered by Sections 139.3 and 139.31 of the Labor Code.

(i) This section shall become operative on January 1, 1995.

SEC. 1.5. Section 650.01 of the Business and Professions Code is amended to read:

650.01. (a) Notwithstanding Section 650, or any other provision of law, it is unlawful for a licensee to refer a person for laboratory, diagnostic nuclear medicine, radiation oncology, physical therapy, physical rehabilitation, psychometric testing, home infusion therapy, or diagnostic imaging goods or services if the licensee or their immediate family has a financial interest with the person or in the entity that receives the referral.

(b) For purposes of this section and Section 650.02, the following shall apply:

(1) "Diagnostic imaging" includes, but is not limited to, all X-ray, computed axial tomography, magnetic resonance imaging nuclear medicine,

positron emission tomography, mammography, and ultrasound goods and services.

(2) A “financial interest” includes, but is not limited to, any type of ownership interest, debt, loan, lease, compensation, remuneration, discount, rebate, refund, dividend, distribution, subsidy, or other form of direct or indirect payment, whether in money or otherwise, between a licensee and a person or entity to whom the licensee refers a person for a good or service specified in subdivision (a). A financial interest also exists if there is an indirect financial relationship between a licensee and the referral recipient including, but not limited to, an arrangement whereby a licensee has an ownership interest in an entity that leases property to the referral recipient. Any financial interest transferred by a licensee to any person or entity or otherwise established in any person or entity for the purpose of avoiding the prohibition of this section shall be deemed a financial interest of the licensee. For purposes of this paragraph, “direct or indirect payment” shall not include a royalty or consulting fee received by a physician and surgeon who has completed a recognized residency training program in orthopedics from a manufacturer or distributor as a result of their research and development of medical devices and techniques for that manufacturer or distributor. For purposes of this paragraph, “consulting fees” means those fees paid by the manufacturer or distributor to a physician and surgeon who has completed a recognized residency training program in orthopedics only for their ongoing services in making refinements to their medical devices or techniques marketed or distributed by the manufacturer or distributor, if the manufacturer or distributor does not own or control the facility to which the physician is referring the patient. A “financial interest” shall not include the receipt of capitation payments or other fixed amounts that are prepaid in exchange for a promise of a licensee to provide specified health care services to specified beneficiaries. A “financial interest” shall not include the receipt of remuneration by a medical director of a hospice, as defined in Section 1746 of the Health and Safety Code, for specified services if the arrangement is set out in writing, and specifies all services to be provided by the medical director, the term of the arrangement is for at least one year, and the compensation to be paid over the term of the arrangement is set in advance, does not exceed fair market value, and is not determined in a manner that takes into account the volume or value of any referrals or other business generated between parties.

(3) For the purposes of this section, “immediate family” includes the spouse and children of the licensee, the parents of the licensee, and the spouses of the children of the licensee.

(4) “Licensee” means all of the following:

(A) A physician as defined in Section 3209.3 of the Labor Code.

(B) A nurse practitioner practicing pursuant to Section 2837.103 or 2837.104.

(C) A certified nurse-midwife as described in Article 2.5 (commencing with Section 2746) of Chapter 6, acting within their scope of practice.

(5) “Licensee’s office” means either of the following:

(A) An office of a licensee in solo practice.

(B) An office in which services or goods are personally provided by the licensee or by employees in that office, or personally by independent contractors in that office, in accordance with other provisions of law. Employees and independent contractors shall be licensed or certified when licensure or certification is required by law.

(6) “Office of a group practice” means an office or offices in which two or more licensees are legally organized as a partnership, professional corporation, or not-for-profit corporation, licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code, for which all of the following apply:

(A) Each licensee who is a member of the group provides substantially the full range of services that the licensee routinely provides, including medical care, consultation, diagnosis, or treatment through the joint use of shared office space, facilities, equipment, and personnel.

(B) Substantially all of the services of the licensees who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group, except in the case of a multispecialty clinic, as defined in subdivision (l) of Section 1206 of the Health and Safety Code, physician services are billed in the name of the multispecialty clinic and amounts so received are treated as receipts of the multispecialty clinic.

(C) The overhead expenses of, and the income from, the practice are distributed in accordance with methods previously determined by members of the group.

(c) It is unlawful for a licensee to enter into an arrangement or scheme, such as a cross-referral arrangement, that the licensee knows, or should know, has a principal purpose of ensuring referrals by the licensee to a particular entity that, if the licensee directly made referrals to that entity, would be in violation of this section.

(d) No claim for payment shall be presented by an entity to any individual, third party payer, or other entity for a good or service furnished pursuant to a referral prohibited under this section.

(e) No insurer, self-insurer, or other payer shall pay a charge or lien for any good or service resulting from a referral in violation of this section.

(f) A licensee who refers a person to, or seeks consultation from, an organization in which the licensee has a financial interest, other than as prohibited by subdivision (a), shall disclose the financial interest to the patient, or the parent or legal guardian of the patient, in writing, at the time of the referral or request for consultation.

(1) If a referral, billing, or other solicitation is between one or more licensees who contract with a multispecialty clinic pursuant to subdivision (l) of Section 1206 of the Health and Safety Code or who conduct their practice as members of the same professional corporation or partnership, and the services are rendered on the same physical premises, or under the same professional corporation or partnership name, the requirements of this subdivision may be met by posting a conspicuous disclosure statement at

the registration area or by providing a patient with a written disclosure statement.

(2) If a licensee is under contract with the Department of Corrections or the California Youth Authority, and the patient is an inmate or parolee of either respective department, the requirements of this subdivision shall be satisfied by disclosing financial interests to either the Department of Corrections or the California Youth Authority.

(g) A violation of subdivision (a) shall be a misdemeanor. In the case of a licensee who is a physician and surgeon, the Medical Board of California shall review the facts and circumstances of any conviction pursuant to subdivision (a) and take appropriate disciplinary action if the licensee has committed unprofessional conduct. In the case of a licensee who is a certified nurse-midwife, the Board of Registered Nursing shall review the facts and circumstances of any conviction pursuant to subdivision (a) and take appropriate disciplinary action if the licensee has committed unprofessional conduct. Violations of this section may also be subject to civil penalties of up to five thousand dollars (\$5,000) for each offense, which may be enforced by the Insurance Commissioner, Attorney General, or a district attorney. A violation of subdivision (c), (d), or (e) is a public offense and is punishable upon conviction by a fine not exceeding fifteen thousand dollars (\$15,000) for each violation and appropriate disciplinary action, including revocation of professional licensure, by the Medical Board of California, the Board of Registered Nursing, or other appropriate governmental agency.

(h) This section shall not apply to referrals for services that are described in and covered by Sections 139.3 and 139.31 of the Labor Code.

(i) This section shall become operative on January 1, 1995.

SEC. 2. Section 805 of the Business and Professions Code is amended to read:

805. (a) As used in this section, the following terms have the following definitions:

(1) (A) "Peer review" means both of the following:

(i) A process in which a peer review body reviews the basic qualifications, staff privileges, employment, medical outcomes, or professional conduct of licentiates to make recommendations for quality improvement and education, if necessary, in order to do either or both of the following:

(I) Determine whether a licentiate may practice or continue to practice in a health care facility, clinic, or other setting providing medical services, and, if so, to determine the parameters of that practice.

(II) Assess and improve the quality of care rendered in a health care facility, clinic, or other setting providing medical services.

(ii) Any other activities of a peer review body as specified in subparagraph (B).

(B) "Peer review body" includes:

(i) A medical or professional staff of any health care facility or clinic licensed under Division 2 (commencing with Section 1200) of the Health and Safety Code or of a facility certified to participate in the federal Medicare program as an ambulatory surgical center.

(ii) A health care service plan licensed under Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code or a disability insurer that contracts with licentiates to provide services at alternative rates of payment pursuant to Section 10133 of the Insurance Code.

(iii) Any medical, psychological, marriage and family therapy, social work, professional clinical counselor, dental, midwifery, or podiatric professional society having as members at least 25 percent of the eligible licentiates in the area in which it functions (which must include at least one county), which is not organized for profit and which has been determined to be exempt from taxes pursuant to Section 23701 of the Revenue and Taxation Code.

(iv) A committee organized by any entity consisting of or employing more than 25 licentiates of the same class that functions for the purpose of reviewing the quality of professional care provided by members or employees of that entity.

(2) “Licentiate” means a physician and surgeon, doctor of podiatric medicine, clinical psychologist, marriage and family therapist, clinical social worker, professional clinical counselor, dentist, licensed midwife, physician assistant, or nurse practitioner practicing pursuant to Section 2837.103 or 2837.104. “Licentiate” also includes a person authorized to practice medicine pursuant to Section 2113 or 2168.

(3) “Agency” means the relevant state licensing agency having regulatory jurisdiction over the licentiates listed in paragraph (2).

(4) “Staff privileges” means any arrangement under which a licentiate is allowed to practice in or provide care for patients in a health facility. Those arrangements shall include, but are not limited to, full staff privileges, active staff privileges, limited staff privileges, auxiliary staff privileges, provisional staff privileges, temporary staff privileges, courtesy staff privileges, locum tenens arrangements, and contractual arrangements to provide professional services, including, but not limited to, arrangements to provide outpatient services.

(5) “Denial or termination of staff privileges, membership, or employment” includes failure or refusal to renew a contract or to renew, extend, or reestablish any staff privileges, if the action is based on medical disciplinary cause or reason.

(6) “Medical disciplinary cause or reason” means that aspect of a licentiate’s competence or professional conduct that is reasonably likely to be detrimental to patient safety or to the delivery of patient care.

(7) “805 report” means the written report required under subdivision (b).

(b) The chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic shall file an 805 report with the relevant agency within 15 days after the effective date on which any of the following occur as a result of an action of a peer review body:

(1) A licentiate's application for staff privileges or membership is denied or rejected for a medical disciplinary cause or reason.

(2) A licentiate's membership, staff privileges, or employment is terminated or revoked for a medical disciplinary cause or reason.

(3) Restrictions are imposed, or voluntarily accepted, on staff privileges, membership, or employment for a cumulative total of 30 days or more for any 12-month period, for a medical disciplinary cause or reason.

(c) If a licentiate takes any action listed in paragraph (1), (2), or (3) after receiving notice of a pending investigation initiated for a medical disciplinary cause or reason or after receiving notice that their application for membership or staff privileges is denied or will be denied for a medical disciplinary cause or reason, the chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic where the licentiate is employed or has staff privileges or membership or where the licentiate applied for staff privileges or membership, or sought the renewal thereof, shall file an 805 report with the relevant agency within 15 days after the licentiate takes the action.

(1) Resigns or takes a leave of absence from membership, staff privileges, or employment.

(2) Withdraws or abandons their application for staff privileges or membership.

(3) Withdraws or abandons their request for renewal of staff privileges or membership.

(d) For purposes of filing an 805 report, the signature of at least one of the individuals indicated in subdivision (b) or (c) on the completed form shall constitute compliance with the requirement to file the report.

(e) An 805 report shall also be filed within 15 days following the imposition of summary suspension of staff privileges, membership, or employment, if the summary suspension remains in effect for a period in excess of 14 days.

(f) (1) A copy of the 805 report, and a notice advising the licentiate of their right to submit additional statements or other information, electronically or otherwise, pursuant to Section 800, shall be sent by the peer review body to the licentiate named in the report. The notice shall also advise the licentiate that information submitted electronically will be publicly disclosed to those who request the information.

(2) The information to be reported in an 805 report shall include the name and license number of the licentiate involved, a description of the facts and circumstances of the medical disciplinary cause or reason, and any other relevant information deemed appropriate by the reporter.

(3) A supplemental report shall also be made within 30 days following the date the licentiate is deemed to have satisfied any terms, conditions, or sanctions imposed as disciplinary action by the reporting peer review body. In performing its dissemination functions required by Section 805.5, the agency shall include a copy of a supplemental report, if any, whenever it furnishes a copy of the original 805 report.

(4) If another peer review body is required to file an 805 report, a health care service plan is not required to file a separate report with respect to action attributable to the same medical disciplinary cause or reason. If the Medical Board of California or a licensing agency of another state revokes or suspends, without a stay, the license of a physician and surgeon, a peer review body is not required to file an 805 report when it takes an action as a result of the revocation or suspension. If the California Board of Podiatric Medicine or a licensing agency of another state revokes or suspends, without a stay, the license of a doctor of podiatric medicine, a peer review body is not required to file an 805 report when it takes an action as a result of the revocation or suspension. If the Board of Registered Nursing or a licensing agency of another state revokes or suspends, without a stay, the license of a nurse practitioner, a peer review body is not required to file an 805 report when it takes an action as a result of the revocation or suspension.

(g) The reporting required by this section shall not act as a waiver of confidentiality of medical records and committee reports. The information reported or disclosed shall be kept confidential except as provided in subdivision (c) of Section 800 and Sections 803.1 and 2027, provided that a copy of the report containing the information required by this section may be disclosed as required by Section 805.5 with respect to reports received on or after January 1, 1976.

(h) The Medical Board of California, the California Board of Podiatric Medicine, the Osteopathic Medical Board of California, the Dental Board of California, and the Board of Registered Nursing shall disclose reports as required by Section 805.5.

(i) An 805 report shall be maintained electronically by an agency for dissemination purposes for a period of three years after receipt.

(j) No person shall incur any civil or criminal liability as the result of making any report required by this section.

(k) A willful failure to file an 805 report by any person who is designated or otherwise required by law to file an 805 report is punishable by a fine not to exceed one hundred thousand dollars (\$100,000) per violation. The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file an 805 report is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. If the person who is designated or otherwise required to file an 805 report is a licensed doctor of podiatric medicine, the action or proceeding shall be brought by the California Board of Podiatric Medicine. If the person who is designated or otherwise required to file an 805 report is a licensed nurse practitioner, the action or proceeding shall be brought by the Board of Registered Nursing. The fine shall be paid to that agency but not expended until appropriated by the Legislature. A violation of this subdivision may constitute unprofessional conduct by the licensee. A person who is alleged to have violated this subdivision may

assert any defense available at law. As used in this subdivision, “willful” means a voluntary and intentional violation of a known legal duty.

(l) Except as otherwise provided in subdivision (k), any failure by the administrator of any peer review body, the chief executive officer or administrator of any health care facility, or any person who is designated or otherwise required by law to file an 805 report, shall be punishable by a fine that under no circumstances shall exceed fifty thousand dollars (\$50,000) per violation. The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file an 805 report is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. If the person who is designated or otherwise required to file an 805 report is a licensed doctor of podiatric medicine, the action or proceeding shall be brought by the California Board of Podiatric Medicine. If the person who is designated or otherwise required to file an 805 report is a licensed nurse practitioner, the action or proceeding shall be brought by the Board of Registered Nursing. The fine shall be paid to that agency but not expended until appropriated by the Legislature. The amount of the fine imposed, not exceeding fifty thousand dollars (\$50,000) per violation, shall be proportional to the severity of the failure to report and shall differ based upon written findings, including whether the failure to file caused harm to a patient or created a risk to patient safety; whether the administrator of any peer review body, the chief executive officer or administrator of any health care facility, or any person who is designated or otherwise required by law to file an 805 report exercised due diligence despite the failure to file or whether they knew or should have known that an 805 report would not be filed; and whether there has been a prior failure to file an 805 report. The amount of the fine imposed may also differ based on whether a health care facility is a small or rural hospital as defined in Section 124840 of the Health and Safety Code.

(m) A health care service plan licensed under Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code or a disability insurer that negotiates and enters into a contract with licentiates to provide services at alternative rates of payment pursuant to Section 10133 of the Insurance Code, when determining participation with the plan or insurer, shall evaluate, on a case-by-case basis, licentiates who are the subject of an 805 report, and not automatically exclude or deselect these licentiates.

SEC. 3. Section 805.5 of the Business and Professions Code is amended to read:

805.5. (a) Prior to granting or renewing staff privileges for any physician and surgeon, psychologist, podiatrist, dentist, or nurse practitioner, any health facility licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code, any health care service plan or medical care foundation, the medical staff of the institution, a facility certified to participate in the federal Medicare Program as an ambulatory surgical center, or an outpatient setting accredited pursuant to Section 1248.1 of the Health

and Safety Code shall request a report from the Medical Board of California, the Board of Psychology, the California Board of Podiatric Medicine, the Osteopathic Medical Board of California, the Dental Board of California, or the Board of Registered Nursing to determine if any report has been made pursuant to Section 805 indicating that the applying physician and surgeon, psychologist, podiatrist, dentist, or nurse practitioner, has been denied staff privileges, been removed from a medical staff, or had their staff privileges restricted as provided in Section 805. The request shall include the name and California license number of the physician and surgeon, psychologist, podiatrist, dentist, or nurse practitioner. Furnishing of a copy of the 805 report shall not cause the 805 report to be a public record.

(b) Upon a request made by, or on behalf of, an institution described in subdivision (a) or its medical staff, the board shall furnish a copy of any report made pursuant to Section 805 as well as any additional exculpatory or explanatory information submitted electronically to the board by the licensee pursuant to subdivision (f) of that section. However, the board shall not send a copy of a report (1) if the denial, removal, or restriction was imposed solely because of the failure to complete medical records, (2) if the board has found the information reported is without merit, (3) if a court finds, in a final judgment, that the peer review, as defined in Section 805, resulting in the report was conducted in bad faith and the licensee who is the subject of the report notifies the board of that finding, or (4) if a period of three years has elapsed since the report was submitted. This three-year period shall be tolled during any period the licensee has obtained a judicial order precluding disclosure of the report, unless the board is finally and permanently precluded by judicial order from disclosing the report. If a request is received by the board while the board is subject to a judicial order limiting or precluding disclosure, the board shall provide a disclosure to any qualified requesting party as soon as practicable after the judicial order is no longer in force.

If the board fails to advise the institution within 30 working days following its request for a report required by this section, the institution may grant or renew staff privileges for the physician and surgeon, psychologist, podiatrist, dentist, or nurse practitioner.

(c) Any institution described in subdivision (a) or its medical staff that violates subdivision (a) is guilty of a misdemeanor and shall be punished by a fine of not less than two hundred dollars (\$200) nor more than one thousand two hundred dollars (\$1,200).

SEC. 4. Article 8.5 (commencing with Section 2837.100) is added to Chapter 6 of Division 2 of the Business and Professions Code, to read:

Article 8.5. Advanced Practice Registered Nurses

2837.100. It is the intent of the Legislature that the requirements under this article shall not be an undue or unnecessary burden to licensure or practice. The requirements are intended to ensure the new category of

licensed nurse practitioners has the least restrictive amount of education, training, and testing necessary to ensure competent practice.

2837.101. For purposes of this article, the following terms have the following meanings:

(a) “Committee” means the Nurse Practitioner Advisory Committee.

(b) “Standardized procedures” has the same meaning as that term is defined in Section 2725.

(c) “Transition to practice” means additional clinical experience and mentorship provided to prepare a nurse practitioner to practice independently. “Transition to practice” includes, but is not limited to, managing a panel of patients, working in a complex health care setting, interpersonal communication, interpersonal collaboration and team-based care, professionalism, and business management of a practice. The board shall, by regulation, define minimum standards for transition to practice. Clinical experience may include experience obtained before January 1, 2021, if the experience meets the requirements established by the board.

2837.102. (a) The board shall establish a Nurse Practitioner Advisory Committee to advise and make recommendations to the board on all matters relating to nurse practitioners, including, but not limited to, education, appropriate standard of care, and other matters specified by the board. The committee shall provide recommendations or guidance to the board when the board is considering disciplinary action against a nurse practitioner.

(b) The committee shall consist of four qualified nurse practitioners, two physicians and surgeons with demonstrated experience working with nurse practitioners, and one public member.

2837.103. (a) (1) Notwithstanding any other law, a nurse practitioner may perform the functions specified in subdivision (c) pursuant to that subdivision, in a setting or organization specified in paragraph (2) pursuant to that paragraph, if the nurse practitioner has successfully satisfied the following requirements:

(A) Passed a national nurse practitioner board certification examination and, if applicable, any supplemental examination developed pursuant to paragraph (3) of subdivision (a) of Section 2837.105.

(B) Holds a certification as a nurse practitioner from a national certifying body accredited by the National Commission for Certifying Agencies or the American Board of Nursing Specialties and recognized by the board.

(C) Provides documentation that educational training was consistent with standards established by the board pursuant to Section 2836 and any applicable regulations as they specifically relate to requirements for clinical practice hours. Online educational programs that do not include mandatory clinical hours shall not meet this requirement.

(D) Has completed a transition to practice in California of a minimum of three full-time equivalent years of practice or 4600 hours.

(2) A nurse practitioner who meets all of the requirements of paragraph (1) may practice, including, but not limited to, performing the functions authorized pursuant to subdivision (c), in one of the following settings or

organizations in which one or more physicians and surgeons practice with the nurse practitioner without standardized procedures:

(A) A clinic, as defined in Section 1200 of the Health and Safety Code.

(B) A health facility, as defined in Section 1250 of the Health and Safety Code, except for the following:

(i) A correctional treatment center, as defined in paragraph (1) of subdivision (j) of Section 1250 of the Health and Safety Code.

(ii) A state hospital, as defined in Section 4100 of the Welfare and Institutions Code.

(C) A facility described in Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code.

(D) A medical group practice, including a professional medical corporation, as defined in Section 2406, another form of corporation controlled by physicians and surgeons, a medical partnership, a medical foundation exempt from licensure, or another lawfully organized group of physicians and surgeons that provides health care services.

(E) A home health agency, as defined in Section 1727 of the Health and Safety Code.

(F) A hospice facility licensed pursuant to Chapter 8.5 (commencing with Section 1745) of Division 2 of the Health and Safety Code.

(3) In health care agencies that have governing bodies, as defined in Division 5 of Title 22 of the California Code of Regulations, including, but not limited to, Sections 70701 and 70703 of Title 22 of the California Code of Regulations, the following apply:

(A) A nurse practitioner shall adhere to all applicable bylaws.

(B) A nurse practitioner shall be eligible to serve on medical staff and hospital committees.

(C) A nurse practitioner shall be eligible to attend meetings of the department to which the nurse practitioner is assigned. A nurse practitioner shall not vote at department, division, or other meetings unless the vote is regarding the determination of nurse practitioner privileges with the organization, peer review of nurse practitioner clinical practice, whether a licensee's employment is in the best interest of the communities served by a hospital pursuant to Section 2401, or the vote is otherwise allowed by the applicable bylaws.

(b) An entity described in subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) shall not interfere with, control, or otherwise direct the professional judgment of a nurse practitioner functioning pursuant to this section in a manner prohibited by Section 2400 or any other law.

(c) In addition to any other practices authorized by law, a nurse practitioner who meets the requirements of paragraph (1) of subdivision (a) may perform the following functions without standardized procedures in accordance with their education and training:

(1) Conduct an advanced assessment.

(2) (A) Order, perform, and interpret diagnostic procedures.

(B) For radiologic procedures, a nurse practitioner can order diagnostic procedures and utilize the findings or results in treating the patient. A nurse

practitioner may perform or interpret clinical laboratory procedures that they are permitted to perform under Section 1206 and under the federal Clinical Laboratory Improvement Act (CLIA).

(3) Establish primary and differential diagnoses.

(4) Prescribe, order, administer, dispense, procure, and furnish therapeutic measures, including, but not limited to, the following:

(A) Diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources.

(B) Prescribe, administer, dispense, and furnish pharmacological agents, including over-the-counter, legend, and controlled substances.

(C) Plan and initiate a therapeutic regimen that includes ordering and prescribing nonpharmacological interventions, including, but not limited to, durable medical equipment, medical devices, nutrition, blood and blood products, and diagnostic and supportive services, including, but not limited to, home health care, hospice, and physical and occupational therapy.

(5) After performing a physical examination, certify disability pursuant to Section 2708 of the Unemployment Insurance Code.

(6) Delegate tasks to a medical assistant pursuant to Sections 1206.5, 2069, 2070, and 2071, and Article 2 (commencing with Section 1366) of Chapter 3 of Division 13 of Title 16 of the California Code of Regulations.

(d) A nurse practitioner shall verbally inform all new patients in a language understandable to the patient that a nurse practitioner is not a physician and surgeon. For purposes of Spanish language speakers, the nurse practitioner shall use the standardized phrase “enfermera especializada.”

(e) A nurse practitioner shall post a notice in a conspicuous location accessible to public view that the nurse practitioner is regulated by the Board of Registered Nursing. The notice shall include the board’s telephone number and the internet website where the nurse practitioner’s license may be checked and complaints against the nurse practitioner may be made.

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

(g) A nurse practitioner practicing under this section shall have professional liability insurance appropriate for the practice setting.

(h) Any health care setting operated by the Department of Corrections and Rehabilitation is exempt from this section.

2837.104. (a) Beginning January 1, 2023, notwithstanding any other law, the following apply to a nurse practitioner who holds an active certification issued by the board pursuant to subdivision (b):

(1) The nurse practitioner may perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision outside of the settings or organizations specified under subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 2837.103.

(2) Subject to subdivision (f) and any applicable conflict of interest policies of the bylaws, the nurse practitioner shall be eligible for membership of an organized medical staff.

(3) Subject to subdivision (f) and any applicable conflict of interest policies of the bylaws, a nurse practitioner member may vote at meetings of the department to which nurse practitioners are assigned.

(b) (1) The board shall issue a certificate to perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision outside of the settings and organizations specified under subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 2837.103, if the nurse practitioner satisfies all of the following requirements:

(A) The nurse practitioner meets all of the requirements specified in paragraph (1) of subdivision (a) of Section 2837.103.

(B) Holds a valid and active license as a registered nurse in California and a master's degree in nursing or in a clinical field related to nursing or a doctoral degree in nursing.

(C) Has practiced as a nurse practitioner in good standing for at least three years, not inclusive of the transition to practice required pursuant to subparagraph (D) of paragraph (1) of subdivision (a) of Section 2837.103. The board may, at its discretion, lower this requirement for a nurse practitioner holding a Doctorate of Nursing Practice degree (DNP) based on practice experience gained in the course of doctoral education experience.

(2) The board may charge a fee in an amount sufficient to cover the reasonable regulatory cost of issuing the certificate.

(c) A nurse practitioner authorized to practice pursuant to this section shall comply with all of the following:

(1) The nurse practitioner, consistent with applicable standards of care, shall not practice beyond the scope of their clinical and professional education and training, including specific areas of concentration and shall only practice within the limits of their knowledge and experience and national certification.

(2) The nurse practitioner shall consult and collaborate with other healing arts providers based on the clinical condition of the patient to whom health care is provided. Physician consultation shall be obtained as specified in the individual protocols and under the following circumstances:

(A) Emergent conditions requiring prompt medical intervention after initial stabilizing care has been started.

(B) Acute decompensation of patient situation.

(C) Problem which is not resolving as anticipated.

(D) History, physical, or lab findings inconsistent with the clinical perspective.

(E) Upon request of patient.

(3) The nurse practitioner shall establish a plan for referral of complex medical cases and emergencies to a physician and surgeon or other appropriate healing arts providers. The nurse practitioner shall have an identified referral plan specific to the practice area, that includes specific referral criteria. The referral plan shall address the following:

(A) Whenever situations arise which go beyond the competence, scope of practice, or experience of the nurse practitioner.

(B) Whenever patient conditions fail to respond to the management plan as anticipated.

(C) Any patient with acute decomposition or rare condition.

(D) Any patient conditions that do not fit the commonly accepted diagnostic pattern for a disease or disorder.

(E) All emergency situations after initial stabilizing care has been started.

(d) A nurse practitioner shall verbally inform all new patients in a language understandable to the patient that a nurse practitioner is not a physician and surgeon. For purposes of Spanish language speakers, the nurse practitioner shall use the standardized phrase “enfermera especializada.”

(e) A nurse practitioner shall post a notice in a conspicuous location accessible to public view that the nurse practitioner is regulated by the Board of Registered Nursing. The notice shall include the board’s telephone number and internet website where the nurse practitioner’s license may be checked and complaints against the nurse practitioner may be made.

(f) A nurse practitioner practicing pursuant to this section shall maintain professional liability insurance appropriate for the practice setting.

(g) For purposes of this section, corporations and other artificial legal entities shall have no professional rights, privileges, or powers.

(h) Subdivision (g) shall not apply to a nurse practitioner if either of the following apply:

(1) The certificate issued pursuant to this section is inactive, surrendered, revoked, or otherwise restricted by the board.

(2) The nurse practitioner is employed pursuant to the exemptions under Section 2401.

2837.105. (a) (1) The board shall request the department’s Office of Professional Examination Services, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision.

(2) The board, together with the Office of Professional Examination Services, shall assess the alignment of the competencies tested in the national nurse practitioner certification examination required by subparagraph (A) of paragraph (1) of subdivision (a) of Section 2837.103 with the occupational analysis performed according to paragraph (1).

(3) The occupational analysis shall be completed by January 1, 2023.

(4) If the assessment performed according to paragraph (2) identifies additional competencies necessary to perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision that are not sufficiently validated by the national nurse practitioner board certification examination required by subparagraph (A) of paragraph (1) of subdivision (a) of Section 2837.103, the board shall identify and develop a supplemental exam that properly validates identified competencies.

(b) The examination process shall be regularly reviewed pursuant to Section 139.

SEC. 5. Section 1.5 of this bill incorporates amendments to Section 650.01 of the Business and Professions Code proposed by both this bill and

Senate Bill 1237. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 650.01 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1237, in which case Section 1 of this bill shall not become operative.

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

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 19

Report by the Legislative Committee

Attachment B - AB 1616

AMENDED IN SENATE JULY 7, 2020
AMENDED IN ASSEMBLY JANUARY 6, 2020
AMENDED IN ASSEMBLY APRIL 1, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1616

**Introduced by Assembly Member Low
(Coauthor: Assembly Member Eduardo Garcia)**

February 22, 2019

An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person’s license was revoked because the person was convicted of a ~~crime to~~, *crime*, within ~~6 months~~ *90 days* of receiving ~~the~~ *an* expungement order for the underlying offense from the person, *if the person reapplies for licensure or is relicensed*, to post notification of the expungement order and the date thereof on the board’s internet ~~website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person’s license was revoked~~ *website*. *The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, as specified: to remove within the same period the initial posting on its internet website that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions.* The bill would require a person *in either case* to pay a ~~fee, to be \$50 fee to the board, unless another amount is determined by the department, to the board for~~ *board to be necessary to cover the cost of administering the bill’s provisions.*

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

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

- 1 SECTION 1. Section 493.5 is added to the Business and
- 2 Professions Code, to read:
- 3 493.5. (a) A board within the department that has posted on
- 4 its internet website that a person’s license was revoked because
- 5 the person was convicted of a crime, upon receiving from the
- 6 person a certified copy of an expungement order granted pursuant
- 7 to Section 1203.4 of the Penal Code for the underlying offense,
- 8 shall, ~~within six months~~ *90 days* of receiving the expungement
- 9 order, unless it is otherwise prohibited by law, or by other terms
- 10 or conditions, do either of the following:
- 11 (1) If the person reapplies for licensure or has been relicensed,
- 12 post notification of the expungement order and the date thereof on
- 13 its internet website.
- 14 (2) If the person is not currently licensed and does not reapply
- 15 for licensure, ~~remove the initial posting on its internet website that~~
- 16 ~~the person’s license was revoked.~~ *revoked and information*
- 17 *previously posted regarding arrests, charges, and convictions.*

1 (b) A person described in subdivision (a) shall pay to the board
2 a fee in ~~an~~ *the amount to be of fifty dollars (\$50), unless another*
3 *amount is determined by the ~~department~~ board to be necessary to*
4 *cover the administrative cost, ensuring that the amount does not*
5 *exceed the reasonable cost of administering this section. The fee*
6 *shall be deposited by the board into the appropriate fund and shall*
7 *be available only upon appropriation by the Legislature.*

8 (c) For purposes of this section “board” means an entity listed
9 in Section 101.

10 (d) If any provision in this section conflicts with Section 2027,
11 Section 2027 shall prevail.

O

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 19

Report by the Legislative Committee

Attachment C - AB 2113

Assembly Bill No. 2113

CHAPTER 186

An act to add Section 135.4 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 27, 2020. Filed with Secretary of State September 27, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, Low. Refugees, asylees, and special immigrant visa holders: professional licensing: initial licensure process.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law prohibits a board within the department from denying licensure to an applicant based upon their citizenship or immigration status.

This bill, notwithstanding any other law, would require a board within the department to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. The bill would authorize a board to adopt regulations necessary to administer these provisions.

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

SECTION 1. Section 135.4 is added to the Business and Professions Code, to read:

135.4. (a) Notwithstanding any other law, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they have been admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under Section 1244 of Public Law 110-181, under Public Law 109-163, or under Section 602(b) of Title VI of Division F of Public Law 111-8.

(b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all applicable statutory and regulatory licensure requirements.

(c) A board may adopt regulations necessary to administer this section.

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Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 19

Report by the Legislative Committee

Attachment D - SB 53

AMENDED IN SENATE MARCH 5, 2019

SENATE BILL

No. 53

Introduced by Senator Wilk

~~(Coauthor: Assembly Member Lackey)~~

(Coauthors: Senators Bates, Glazer, Jones, and Portantino)

(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)

December 10, 2018

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

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

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

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

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

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

State-mandated local program: no.

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

1 SECTION 1. Section 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, “state body” means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

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

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more persons, except as
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in ~~his or her~~ *their* official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the California Constitution and shall
32 go into immediate effect. The facts constituting the necessity are:

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

O

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 19

Report by the Legislative Committee

Attachment E - SB 878

Senate Bill No. 878

CHAPTER 131

An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 24, 2020. Filed with Secretary of State September 24, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 878, Jones. Department of Consumer Affairs: license: application: processing timeframes.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

This bill, beginning July 1, 2021, would require each board within the department that issues licenses to prominently display on its internet website, on at least a quarterly basis, either the current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications. The bill would also require each board to prominently display on its internet website, on at least a quarterly basis, either the current average timeframes for processing each license type that the board administers or the combined current average timeframe for processing all license types that the board administers.

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

SECTION 1. Section 139.5 is added to the Business and Professions Code, to read:

139.5. Beginning July 1, 2021, each board, as defined in Section 22, within the department that issues a license shall do both of the following on at least a quarterly basis:

(a) Prominently display on its internet website one of the following:

(1) The current average timeframes for processing initial and renewal license applications.

(2) The combined current average timeframe for processing both initial and renewal license applications.

(b) Prominently display on its internet website one of the following:

(1) The current average timeframes for processing each license type that the board administers.

(2) The combined current average timeframe for processing all license types that the board administers.

O

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 19

Report by the Legislative Committee

Attachment F - SB 1474

Senate Bill No. 1474

CHAPTER 312

An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4501, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, and to add Section 7099.9 to, the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.

[Approved by Governor September 29, 2020. Filed with
Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires fees and penalties received pursuant to the law to be deposited in the Contractors' License Fund, a continuously appropriated fund, except that certain service fees for the deposit of money in lieu of paying a bond are required to be deposited in the Contractors' Deposit Fund.

This bill would rename the Contractors' State license Law as the Contractors State License Law, would rename the Contractors' State License Board as the Contractors State License Board, and would rename the Contractors' License Fund as the Contractors License Fund. The bill would delete the provision establishing the Contractors' Deposit Fund, and would therefore require those service fees to be deposited in the Contractors License Fund. By authorizing a new source of revenue to be deposited into a continuously appropriated fund, the bill would make an appropriation.

Existing law authorizes a licensee who is subject to a bonding provision under the law, in lieu of giving a bond, to deposit money or a cashier's check with the registrar of contractors.

This bill would prohibit the deposit from being released if the board is notified of a civil action against the deposit and, if the amount of the deposit is insufficient to pay all claims, would require the deposit to be distributed to claimants in proportion to the amount of the claims.

Existing law authorizes the registrar of contractors to grant the retroactive renewal of a license if, within 90 days from the due date, the licensee requests the retroactive renewal in a petition to the registrar, shows that the failure to renew was due to circumstances beyond their control, files an application for renewal on a form prescribed by the registrar, and pays the appropriate renewal and delinquency fees.

This bill, instead, would require the registrar to grant the retroactive renewal of a license if, within 90 days of the expiration of the license, the otherwise eligible licensee submits a completed application for renewal and pays the renewal and delinquency fees. The bill would delete the requirement that the licensee demonstrate that the delay was due to circumstances beyond the licensee's control, and would deem an application for renewal submitted for purposes of these provisions if it is delivered to the board's headquarters or postmarked within 90 days of the expiration of the license.

(2) Existing law establishes the Landscape Architects Technical Committee to assist the California Architects Board in examining candidates for a landscape architect's license. Existing law, on and after January 1, 2021, requires an applicant to furnish to the committee a full set of fingerprints for purposes of conducting criminal history record checks.

This bill would revise the date on which this requirement becomes effective to January 1, 2022.

(3) Existing law, the Chiropractic Act, enacted by an initiative measure, provides for the licensure and regulation of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law requires that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2022.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2023.

(4) Existing law authorizes the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California and any board within the Department of Consumer Affairs to issue a citation that may contain an order of abatement or an order to pay an administrative fine, and provides that a failure to pay a fine within 30 days of the date of assessment may result in disciplinary action.

This bill would also make a failure to comply with the order of abatement within 30 days of the date of the order subject to disciplinary action.

(5) Existing law provides for the licensure and regulation of registered dental hygienists by the Dental Hygiene Board of California. Existing law authorizes a registered dental hygienist to perform a procedure or provide a service within the scope of their practice under the appropriate level of supervision, as specified.

This bill would also require a registered dental hygienist to have completed the appropriate education and training required to perform the procedure or provide the service.

Existing law requires a person to have satisfactorily completed a specified examination within the preceding 2 years as a condition of licensure as a registered dental hygienist.

This bill would instead require completion of the dental hygiene examination within the preceding 3 years.

Existing law requires a person, as a condition for licensure as a registered dental hygienist in alternative practice, to successfully complete a bachelor's degree or its equivalent from an accredited college or institution of higher education, among other requirements.

This bill would specify that the equivalent of a bachelor's degree is recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education.

(6) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and requires an applicant for a physician's and surgeon's license who has completed 36 months of approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training program in California to obtain their physician's and surgeon's license within 90 days after beginning the postgraduate training program.

This bill would delete the requirement that the person be accepted into an approved postgraduate training in another state or Canada.

Existing law authorizes the Medical Board of California, in its discretion, to waive certain examination and certification requirements for licensure for a graduate of a foreign medical school who holds a certificate of registration issued by the board to practice medicine as a full-time faculty member at a medical school.

This bill would also authorize the board to accept clinical practice in an appointment as qualifying time to meet specified postgraduate training requirements for licensure for those registrants.

Existing law authorizes the Medical Board of California, upon and review and recommendation, to determine that an applicant for a physician and surgeon's certificate has satisfied the medical education and examination requirements for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state and has held the license continuously for a minimum of 4 years, subject to satisfaction of specified requirements.

This bill would also require the applicant to meet specified postgraduate training requirements.

(7) Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires the board to issue a retired license to an architect who meets specified requirements, and also provides for the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are not renewed within 5 years of its expiration.

This bill would also authorize the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are renewed within 5 years of its expiration.

(8) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

This bill would extend the operation of those provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

(9) Existing law provides for the January 1, 2022, repeal of provisions regulating naturopathic medicine and interior design and provisions creating the California Board of Occupational Therapy, the Physical Therapy Board of California, the Respiratory Care Board of California, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

This bill would extend the operation of those provisions to January 1, 2023, and make conforming changes relating to the appointment of an executive officer, as applicable.

(10) Existing law, the Massage Therapy Act, until January 1, 2021, provides for the certification and regulation of massage therapists by the California Massage Therapy Council.

This bill would extend the operation of the Massage Therapy Act to January 1, 2022, and make conforming changes relating to massage therapist certification requirements.

(11) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services. Existing law, until January 1, 2021, authorizes the bureau to issue a private investigator license to a limited liability company. A violation of the act is a crime.

This bill would extend that date to January 1, 2024. By extending the operation of these provisions, the bill would impose a state-mandated local program.

(12) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers by the Real Estate Commissioner, the chief officer of the Department of Real Estate within the Business, Consumer Services, and Housing Agency. The Real Estate Law subjects the powers and duties of the department, under specified provisions of law, to review by the appropriate policy committees of the Legislature, performed as if those provisions were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(13) Existing law, the Real Estate Appraisers' Licensing and Certification Law, creates a Bureau of Real Estate Appraisers within the Department of Consumer Affairs to administer and enforce that law. The Real Estate Appraisers' Licensing and Certification Law subjects the powers and duties

of the bureau to review by the appropriate policy committees of the Legislature, performed as if that law were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

(14) Existing law regulates the formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law regulates licensees who are subject to the jurisdiction of a state licensing entity, including the State Bar of California, the Department of Real Estate, the Department of Consumer Affairs, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

This bill would prohibit a contract or proposed contract for the provision of a consumer service by a licensee regulated by a licensing board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in the board's investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee's regulatory board.

(15) Existing law, the California Private Postsecondary Education Act of 2009, until January 1, 2021, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state, enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

This bill would extend the operation of the California Private Postsecondary Education Act of 2009 to January 1, 2022.

(16) This bill would make other conforming, technical, and nonsubstantive changes.

(17) This bill would incorporate additional changes to Section 205 of the Business and Professions Code proposed by AB 896 to be operative only if this bill and AB 896 are enacted and this bill is enacted last.

(18) This bill would incorporate additional changes to Section 2113 of the Business and Professions Code proposed by AB 2273 to be operative only if this bill and AB 2273 are enacted and this bill is enacted last.

(19) This bill would incorporate additional changes to Section 7159 of the Business and Professions Code proposed by AB 2471 to be operative only if this bill and AB 2471 are enacted and this bill is enacted last.

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

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

Appropriation: yes.

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

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee's address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the internet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) The Veterinary Medical Board shall disclose information on its licensees, registrants, and permit holders.

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

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

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

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

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of the following:

- (a) The Dental Board of California.
- (b) The Medical Board of California.

- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The State Board of Barbering and Cosmetology.
- (i) The Board for Professional Engineers, Land Surveyors, and Geologists.
- (j) The Contractors State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Household Goods and Services.
- (m) The Board of Registered Nursing.
- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.
- (q) The Bureau of Security and Investigative Services.
- (r) The Court Reporters Board of California.
- (s) The Board of Vocational Nursing and Psychiatric Technicians.
- (t) The Landscape Architects Technical Committee.
- (u) The Division of Investigation.
- (v) The Bureau of Automotive Repair.
- (w) The Respiratory Care Board of California.
- (x) The Acupuncture Board.
- (y) The Board of Psychology.
- (z) The Podiatric Medical Board of California.
- (aa) The Physical Therapy Board of California.
- (ab) The Arbitration Review Program.
- (ac) The Physician Assistant Board.
- (ad) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (ae) The California Board of Occupational Therapy.
- (af) The Osteopathic Medical Board of California.
- (ag) The Naturopathic Medicine Committee.
- (ah) The Dental Hygiene Board of California.
- (ai) The Professional Fiduciaries Bureau.
- (aj) The State Board of Chiropractic Examiners.
- (ak) The Bureau of Real Estate Appraisers.
- (al) The Structural Pest Control Board.
- (am) The Bureau of Cannabis Control.
- (an) Any other boards, offices, or officers subject to its jurisdiction by law.

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

SEC. 3. Section 125.9 of the Business and Professions Code is amended to read:

125.9. (a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the State Board of Chiropractic Examiners, and the Osteopathic Medical Board of California, may establish, by regulation, a

system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

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

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

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

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

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

(c) The system may contain the following provisions:

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

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

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine and compliance with the order of abatement, if applicable, shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

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

SEC. 4. Section 130 of the Business and Professions Code is amended to read:

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

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

- (1) The Medical Board of California.
- (2) The Podiatric Medical Board of California.
- (3) The Physical Therapy Board of California.
- (4) The Board of Registered Nursing, except as provided in subdivision (c) of Section 2703.
- (5) The Board of Vocational Nursing and Psychiatric Technicians.
- (6) The State Board of Optometry.
- (7) The California State Board of Pharmacy.
- (8) The Veterinary Medical Board.
- (9) The California Architects Board.
- (10) The Landscape Architect Technical Committee.
- (11) The Board for Professional Engineers and Land Surveyors.
- (12) The Contractors State License Board.
- (13) The Board of Behavioral Sciences.
- (14) The Court Reporters Board of California.
- (15) The State Athletic Commission.
- (16) The Osteopathic Medical Board of California.
- (17) The Respiratory Care Board of California.
- (18) The Acupuncture Board.
- (19) The Board of Psychology.
- (20) The Structural Pest Control Board.

SEC. 5. Section 144 of the Business and Professions Code is amended to read:

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

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

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) Dental Board of California.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Committee.

- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (14) Medical Board of California.
- (15) State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors State License Board.
- (24) Naturopathic Medicine Committee.
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.
- (27) Bureau of Cannabis Control.
- (28) Podiatric Medical Board of California.
- (29) Osteopathic Medical Board of California.
- (30) California Architects Board, beginning January 1, 2021.
- (31) Landscape Architects Technical Committee, beginning January 1, 2022.

(c) For purposes of paragraph (26) of subdivision (b), the term “applicant” shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 6. Section 200.1 of the Business and Professions Code is amended to read:

200.1. (a) Any accruals that occur on or after September 11, 1993, to any funds or accounts within the Professions and Vocations Fund that realize increased revenues to that fund or account as a result of legislation enacted on or after September 11, 1993, and that have not been transferred pursuant to Sections 13.50, 13.60, and 13.70 of the Budget Act of 1993 on the effective date of the act that enacted this section, shall be exempt from the transfers contained in Sections 13.50, 13.60, and 13.70 of the Budget Act of 1993. These funds shall include, but not be limited to, all of the following:

- (1) Athletic Commission Fund.
- (2) Bureau of Home Furnishings and Thermal Insulation Fund.
- (3) Contractors License Fund.
- (4) Private Investigator Fund.
- (5) Respiratory Care Fund.
- (6) Vocational Nursing and Psychiatric Technicians Fund.

(b) Subdivision (a) shall not apply to the Contingent Fund of the Medical Board of California.

SEC. 7. Section 205 of the Business and Professions Code, as amended by Section 2 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Dispensing Opticians Fund.
- (25) Acupuncture Fund.
- (26) Physician Assistant Fund.
- (27) Board of Podiatric Medicine Fund.
- (28) Psychology Fund.
- (29) Respiratory Care Fund.
- (30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (31) Board of Registered Nursing Fund.
- (32) Animal Health Technician Examining Committee Fund.
- (33) State Dental Hygiene Fund.
- (34) State Dental Assistant Fund.
- (35) Structural Pest Control Fund.
- (36) Structural Pest Control Eradication and Enforcement Fund.
- (37) Structural Pest Control Research Fund.
- (38) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall be repealed on July 1, 2022.

SEC. 8. Section 205 of the Business and Professions Code, as added by Section 3 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Dispensing Opticians Fund.
- (25) Acupuncture Fund.
- (26) Physician Assistant Fund.
- (27) Board of Podiatric Medicine Fund.
- (28) Psychology Fund.
- (29) Respiratory Care Fund.
- (30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (31) Board of Registered Nursing Fund.
- (32) Animal Health Technician Examining Committee Fund.
- (33) State Dental Hygiene Fund.
- (34) Structural Pest Control Fund.
- (35) Structural Pest Control Eradication and Enforcement Fund.
- (36) Structural Pest Control Research Fund.
- (37) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall

be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become operative on July 1, 2022.

SEC. 8.5. Section 205 of the Business and Professions Code, as added by Section 3 of Chapter 865 of the Statutes of 2019, is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Investigator Fund.
- (15) Private Security Services Fund.
- (16) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (17) Consumer Affairs Fund.
- (18) Behavioral Sciences Fund.
- (19) Licensed Midwifery Fund.
- (20) Court Reporters' Fund.
- (21) Veterinary Medical Board Contingent Fund.
- (22) Vocational Nursing and Psychiatric Technicians Fund.
- (23) Electronic and Appliance Repair Fund.
- (24) Acupuncture Fund.
- (25) Physician Assistant Fund.
- (26) Board of Podiatric Medicine Fund.
- (27) Psychology Fund.
- (28) Respiratory Care Fund.
- (29) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (30) Board of Registered Nursing Fund.
- (31) Animal Health Technician Examining Committee Fund.
- (32) State Dental Hygiene Fund.
- (33) Structural Pest Control Fund.
- (34) Structural Pest Control Eradication and Enforcement Fund.
- (35) Structural Pest Control Research Fund.
- (36) Household Movers Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate

account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become operative on July 1, 2022.

SEC. 9. Section 494.5 of the Business and Professions Code is amended to read:

494.5. (a) (1) Except as provided in paragraphs (2), (3), and (4), a state governmental licensing entity shall refuse to issue, reactivate, reinstate, or renew a license and shall suspend a license if a licensee's name is included on a certified list.

(2) The Department of Motor Vehicles shall suspend a license if a licensee's name is included on a certified list. Any reference in this section to the issuance, reactivation, reinstatement, renewal, or denial of a license shall not apply to the Department of Motor Vehicles.

(3) The State Bar of California may recommend to refuse to issue, reactivate, reinstate, or renew a license and may recommend to suspend a license if a licensee's name is included on a certified list. The word "may" shall be substituted for the word "shall" relating to the issuance of a temporary license, refusal to issue, reactivate, reinstate, renew, or suspend a license in this section for licenses under the jurisdiction of the California Supreme Court.

(4) The Department of Alcoholic Beverage Control may refuse to issue, reactivate, reinstate, or renew a license, and may suspend a license, if a licensee's name is included on a certified list.

(b) For purposes of this section:

(1) "Certified list" means either the list provided by the State Board of Equalization or the list provided by the Franchise Tax Board of persons whose names appear on the lists of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code, as applicable.

(2) "License" includes a certificate, registration, or any other authorization to engage in a profession or occupation issued by a state governmental licensing entity. "License" includes a driver's license issued pursuant to Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code. "License" excludes a vehicle registration issued pursuant to Division 3 (commencing with Section 4000) of the Vehicle Code.

(3) "Licensee" means an individual authorized by a license to drive a motor vehicle or authorized by a license, certificate, registration, or other authorization to engage in a profession or occupation issued by a state governmental licensing entity.

(4) "State governmental licensing entity" means any entity listed in Section 101, 1000, or 19420, the office of the Attorney General, the Department of Insurance, the Department of Motor Vehicles, the State Bar of California, the Department of Real Estate, and any other state agency, board, or commission that issues a license, certificate, or registration authorizing an individual to engage in a profession or occupation, including any certificate, business or occupational license, or permit or license issued by the Department of Motor Vehicles or the Department of the California

Highway Patrol. “State governmental licensing entity” shall not include the Contractors State License Board.

(c) The State Board of Equalization and the Franchise Tax Board shall each submit its respective certified list to every state governmental licensing entity. The certified lists shall include the name, social security number or taxpayer identification number, and the last known address of the persons identified on the certified lists.

(d) Notwithstanding any other law, each state governmental licensing entity shall collect the social security number or the federal taxpayer identification number from all applicants for the purposes of matching the names of the certified lists provided by the State Board of Equalization and the Franchise Tax Board to applicants and licensees.

(e) (1) Each state governmental licensing entity shall determine whether an applicant or licensee is on the most recent certified list provided by the State Board of Equalization and the Franchise Tax Board.

(2) If an applicant or licensee is on either of the certified lists, the state governmental licensing entity shall immediately provide a preliminary notice to the applicant or licensee of the entity’s intent to suspend or withhold issuance or renewal of the license. The preliminary notice shall be delivered personally or by mail to the applicant’s or licensee’s last known mailing address on file with the state governmental licensing entity within 30 days of receipt of the certified list. Service by mail shall be completed in accordance with Section 1013 of the Code of Civil Procedure.

(A) The state governmental licensing entity shall issue a temporary license valid for a period of 90 days to any applicant whose name is on a certified list if the applicant is otherwise eligible for a license.

(B) The 90-day time period for a temporary license shall not be extended. Only one temporary license shall be issued during a regular license term and the term of the temporary license shall coincide with the first 90 days of the regular license term. A license for the full term or the remainder of the license term may be issued or renewed only upon compliance with this section.

(C) In the event that a license is suspended or an application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the state governmental licensing entity.

(f) (1) A state governmental licensing entity shall refuse to issue or shall suspend a license pursuant to this section no sooner than 90 days and no later than 120 days of the mailing of the preliminary notice described in paragraph (2) of subdivision (e), unless the state governmental licensing entity has received a release pursuant to subdivision (h). The procedures in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial or suspension of, or refusal to renew, a license or the issuance of a temporary license pursuant to this section.

(2) Notwithstanding any other law, if a board, bureau, or commission listed in Section 101, other than the Contractors State License Board, fails to take action in accordance with this section, the Department of Consumer Affairs shall issue a temporary license or suspend or refuse to issue, reactivate, reinstate, or renew a license, as appropriate.

(g) Notices shall be developed by each state governmental licensing entity. For an applicant or licensee on the State Board of Equalization's certified list, the notice shall include the address and telephone number of the State Board of Equalization, and shall emphasize the necessity of obtaining a release from the State Board of Equalization as a condition for the issuance, renewal, or continued valid status of a license or licenses. For an applicant or licensee on the Franchise Tax Board's certified list, the notice shall include the address and telephone number of the Franchise Tax Board, and shall emphasize the necessity of obtaining a release from the Franchise Tax Board as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) The notice shall inform the applicant that the state governmental licensing entity shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 90 calendar days if the applicant is otherwise eligible and that upon expiration of that time period, the license will be denied unless the state governmental licensing entity has received a release from the State Board of Equalization or the Franchise Tax Board, whichever is applicable.

(2) The notice shall inform the licensee that any license suspended under this section will remain suspended until the state governmental licensing entity receives a release along with applications and fees, if applicable, to reinstate the license.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any moneys paid by the applicant or licensee shall not be refunded by the state governmental licensing entity. The state governmental licensing entity shall also develop a form that the applicant or licensee shall use to request a release by the State Board of Equalization or the Franchise Tax Board. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(h) If the applicant or licensee wishes to challenge the submission of their name on a certified list, the applicant or licensee shall make a timely written request for release to the State Board of Equalization or the Franchise Tax Board, whichever is applicable. The State Board of Equalization or the Franchise Tax Board shall immediately send a release to the appropriate state governmental licensing entity and the applicant or licensee, if any of the following conditions are met:

(1) The applicant or licensee has complied with the tax obligation, either by payment of the unpaid taxes or entry into an installment payment agreement, as described in Section 6832 or 19008 of the Revenue and Taxation Code, to satisfy the unpaid taxes.

(2) The applicant or licensee has submitted a request for release not later than 45 days after the applicant's or licensee's receipt of a preliminary notice described in paragraph (2) of subdivision (e), but the State Board of Equalization or the Franchise Tax Board, whichever is applicable, will be unable to complete the release review and send notice of its findings to the applicant or licensee and state governmental licensing entity within 45 days after the State Board of Equalization's or the Franchise Tax Board's receipt of the applicant's or licensee's request for release. Whenever a release is granted under this paragraph, and, notwithstanding that release, the applicable license or licenses have been suspended erroneously, the state governmental licensing entity shall reinstate the applicable licenses with retroactive effect back to the date of the erroneous suspension and that suspension shall not be reflected on any license record.

(3) The applicant or licensee is unable to pay the outstanding tax obligation due to a current financial hardship. "Financial hardship" means financial hardship as determined by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, where the applicant or licensee is unable to pay any part of the outstanding liability and the applicant or licensee is unable to qualify for an installment payment arrangement as provided for by Section 6832 or Section 19008 of the Revenue and Taxation Code. In order to establish the existence of a financial hardship, the applicant or licensee shall submit any information, including information related to reasonable business and personal expenses, requested by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, for purposes of making that determination.

(i) An applicant or licensee is required to act with diligence in responding to notices from the state governmental licensing entity and the State Board of Equalization or the Franchise Tax Board with the recognition that the temporary license will lapse or the license suspension will go into effect after 90 days and that the State Board of Equalization or the Franchise Tax Board must have time to act within that period. An applicant's or licensee's delay in acting, without good cause, which directly results in the inability of the State Board of Equalization or the Franchise Tax Board, whichever is applicable, to complete a review of the applicant's or licensee's request for release shall not constitute the diligence required under this section which would justify the issuance of a release. An applicant or licensee shall have the burden of establishing that they diligently responded to notices from the state governmental licensing entity or the State Board of Equalization or the Franchise Tax Board and that any delay was not without good cause.

(j) The State Board of Equalization or the Franchise Tax Board shall create release forms for use pursuant to this section. When the applicant or licensee has complied with the tax obligation by payment of the unpaid taxes, or entry into an installment payment agreement, or establishing the existence of a current financial hardship as defined in paragraph (3) of subdivision (h), the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall mail a release form to the applicant or licensee

and provide a release to the appropriate state governmental licensing entity. Any state governmental licensing entity that has received a release from the State Board of Equalization and the Franchise Tax Board pursuant to this subdivision shall process the release within five business days of its receipt. If the State Board of Equalization or the Franchise Tax Board determines subsequent to the issuance of a release that the licensee has not complied with their installment payment agreement, the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall notify the state governmental licensing entity and the licensee in a format prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee is not in compliance and the release shall be rescinded. The State Board of Equalization and the Franchise Tax Board may, when it is economically feasible for the state governmental licensing entity to develop an automated process for complying with this subdivision, notify the state governmental licensing entity in a manner prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee has not complied with the installment payment agreement. Upon receipt of this notice, the state governmental licensing entity shall immediately notify the licensee on a form prescribed by the state governmental licensing entity that the licensee's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The licensee shall be further notified that the license will remain suspended until a new release is issued in accordance with this subdivision.

(k) The State Board of Equalization and the Franchise Tax Board may enter into interagency agreements with the state governmental licensing entities necessary to implement this section.

(l) Notwithstanding any other law, a state governmental licensing entity, with the approval of the appropriate department director or governing body, may impose a fee on a licensee whose license has been suspended pursuant to this section. The fee shall not exceed the amount necessary for the state governmental licensing entity to cover its costs in carrying out the provisions of this section. Fees imposed pursuant to this section shall be deposited in the fund in which other fees imposed by the state governmental licensing entity are deposited and shall be available to that entity upon appropriation in the annual Budget Act.

(m) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section.

(n) Any state governmental licensing entity receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or who has been granted a temporary license under this section shall respond that the license was denied or suspended or the temporary license was issued only because the licensee appeared on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code. Information collected pursuant to this section by any state agency, board, or department shall be subject to the

Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). Any state governmental licensing entity that discloses on its internet website or other publication that the licensee has had a license denied or suspended under this section or has been granted a temporary license under this section shall prominently disclose, in bold and adjacent to the information regarding the status of the license, that the only reason the license was denied, suspended, or temporarily issued is because the licensee failed to pay taxes.

(o) Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(p) The State Board of Equalization, the Franchise Tax Board, and state governmental licensing entities, as appropriate, shall adopt regulations as necessary to implement this section.

(q) (1) Neither the state governmental licensing entity, nor any officer, employee, or agent, or former officer, employee, or agent of a state governmental licensing entity, may disclose or use any information obtained from the State Board of Equalization or the Franchise Tax Board, pursuant to this section, except to inform the public of the denial, refusal to renew, or suspension of a license or the issuance of a temporary license pursuant to this section. The release or other use of information received by a state governmental licensing entity pursuant to this section, except as authorized by this section, is punishable as a misdemeanor. This subdivision may not be interpreted to prevent the State Bar of California from filing a request with the Supreme Court of California to suspend a member of the bar pursuant to this section.

(2) A suspension of, or refusal to renew, a license or issuance of a temporary license pursuant to this section does not constitute denial or discipline of a licensee for purposes of any reporting requirements to the National Practitioner Data Bank and shall not be reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank.

(3) Upon release from the certified list, the suspension or revocation of the applicant's or licensee's license shall be purged from the state governmental licensing entity's internet website or other publication within three business days. This paragraph shall not apply to the State Bar of California.

(r) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(s) All rights to review afforded by this section to an applicant shall also be afforded to a licensee.

(t) Unless otherwise provided in this section, the policies, practices, and procedures of a state governmental licensing entity with respect to license suspensions under this section shall be the same as those applicable with respect to suspensions pursuant to Section 17520 of the Family Code.

(u) No provision of this section shall be interpreted to allow a court to review and prevent the collection of taxes prior to the payment of those taxes in violation of the California Constitution.

(v) This section shall apply to any licensee whose name appears on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code on or after July 1, 2012.

SEC. 10. Section 1000 of the Business and Professions Code is amended to read:

1000. (a) The law governing practitioners of chiropractic is found in an initiative act entitled “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith,” adopted by the electors November 7, 1922.

(b) The State Board of Chiropractic Examiners is within the Department of Consumer Affairs.

(c) Notwithstanding any other law, the powers and duties of the State Board of Chiropractic Examiners, as set forth in this article and under the act creating the board, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2023.

SEC. 11. Section 1913 of the Business and Professions Code is amended to read:

1913. Unless otherwise specified in this chapter, a registered dental hygienist may perform any procedure or provide any service within the scope of their practice in any setting under the appropriate level of supervision required by this article, if the registered dental hygienist has completed the appropriate education and training required to perform the procedure or provide the service.

SEC. 12. Section 1917 of the Business and Professions Code is amended to read:

1917. The dental hygiene board shall grant initial licensure as a registered dental hygienist to a person who satisfies all of the following requirements:

(a) Completion of an educational program for registered dental hygienists, approved by the dental hygiene board, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.

(b) Within the preceding three years, satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the dental hygiene board.

(c) Satisfactory completion of the National Board Dental Hygiene Examination.

(d) Satisfactory completion of the examination in California law and ethics as prescribed by the dental hygiene board.

(e) Submission of a completed application form and all fees required by the dental hygiene board.

(f) Satisfactory completion of dental hygiene board-approved instruction in gingival soft-tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia.

SEC. 13. Section 1917.1 of the Business and Professions Code is amended to read:

1917.1. (a) The dental hygiene board may grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the dental hygiene board, if the applicant submits all of the following to the dental hygiene board:

(1) A completed application form and all fees required by the dental hygiene board.

(2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.

(3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years immediately preceding the date of application under this section. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the dental hygiene board a copy of a pending contract to practice dental hygiene in any of the following facilities:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(4) Satisfactory performance on a California law and ethics examination and any examination that may be required by the dental hygiene board.

(5) Proof that the applicant has not been subject to disciplinary action by any state in which the applicant is or has been previously issued any professional or vocational license. If the applicant has been subject to disciplinary action, the dental hygiene board shall review that action to determine if it warrants refusal to issue a license to the applicant.

(6) Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation.

(7) Proof of satisfactory completion of the National Board Dental Hygiene Examination and of a state clinical examination, regional clinical licensure

examination, or any other clinical dental hygiene examination approved by the dental hygiene board.

(8) Proof that the applicant has not failed the state clinical examination, the examination given by the Western Regional Examining Board, or any other clinical dental hygiene examination approved by the dental hygiene board for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of application for a license under this section.

(9) Documentation of completion of a minimum of 25 units of continuing education earned in the two years preceding application, including completion of any continuing education requirements imposed by the dental hygiene board on registered dental hygienists licensed in this state at the time of application.

(10) Any other information as specified by the dental hygiene board to the extent that it is required of applicants for licensure by examination under this article.

(b) The dental hygiene board may periodically request verification of compliance with the requirements of paragraph (3) of subdivision (a) and may revoke the license upon a finding that the employment requirement or any other requirement of paragraph (3) of subdivision (a) has not been met.

(c) The dental hygiene board shall provide in the application packet to each out-of-state dental hygienist pursuant to this section the following information:

(1) The location of dental manpower shortage areas in the state.

(2) Any nonprofit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

SEC. 14. Section 1922 of the Business and Professions Code is amended to read:

1922. The dental hygiene board shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and ethics required by the dental hygiene board and who completes an application form and pays all application fees required by the dental hygiene board and meets either of the following requirements:

(a) Holds a current California license as a registered dental hygienist and meets the following requirements:

(1) Has been engaged in the practice of dental hygiene, as defined in Section 1908, as a registered dental hygienist in any setting, including, but not limited to, educational settings and public health settings, for a minimum of 2,000 hours during the immediately preceding 36 months.

(2) Has successfully completed a bachelor's degree or its equivalent, recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education, from a college or institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education, and a minimum of 150 hours of additional educational requirements, as prescribed by the

dental hygiene board by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Workforce Pilot Project No. 155 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

SEC. 15. Section 2065 of the Business and Professions Code is amended to read:

2065. (a) Unless otherwise provided by law, no postgraduate trainee, intern, resident, postdoctoral fellow, or instructor may engage in the practice of medicine, or receive compensation therefor, or offer to engage in the practice of medicine unless they hold a valid, unrevoked, and unsuspended physician's and surgeon's certificate issued by the board. However, a graduate of an approved medical school may engage in the practice of medicine whenever and wherever required as a part of a postgraduate training program under the following conditions:

(1) The medical school graduate has taken and passed the board-approved medical licensing examinations required to qualify the applicant to participate in an approved postgraduate training program.

(2) If the medical school graduate graduated from a foreign medical school approved by the board pursuant to Section 2084, the Educational Commission for Foreign Medical Graduates (ECFMG) has submitted an official ECFMG Certification Status Report directly to the board confirming the graduate is ECFMG certified.

(3) The medical school graduate is enrolled in a postgraduate training program approved by the board.

(4) The board-approved postgraduate training program has submitted the required board-approved form to the board documenting the medical school graduate is enrolled in an approved postgraduate training program.

(5) The medical school graduate obtains a physician's and surgeon's postgraduate training license in accordance with Section 2064.5.

(b) A medical school graduate enrolled in an approved first-year postgraduate training program in accordance with this section may engage in the practice of medicine whenever and wherever required as a part of the training program, and may receive compensation for that practice.

(c) A graduate who has completed the first year of postgraduate training may, in an approved residency or fellowship, engage in the practice of medicine whenever and wherever required as part of that residency or fellowship, and may receive compensation for that practice. The resident or fellow shall qualify for, take, and pass the next succeeding written examination for licensure. If the resident or fellow fails to receive a license to practice medicine under this chapter within 27 months from the commencement of the residency or fellowship, except as otherwise allowed under subdivision (g) or (h), or if the board denies their application for

licensure, all privileges and exemptions under this section shall automatically cease.

(d) All approved postgraduate training the medical school graduate has successfully completed in the United States or Canada shall count toward the 39-month license exemption, except as otherwise allowed under subdivision (h).

(e) A medical school graduate from a medical school approved by the board shall have successfully completed a minimum of 36 months of approved postgraduate training, which includes successful progression through 24 months in the same program, to be eligible for a California physician's and surgeon's certificate.

(f) The program director for an approved postgraduate training program in California shall report to the board, on a form approved by the board, and provide any supporting documents as required by the board, the following actions within 30 days of the action:

(1) A postgraduate trainee is notified that they have received partial or no credit for a period of postgraduate training, and their postgraduate training period is extended.

(2) A postgraduate trainee takes a leave of absence or any break from their postgraduate training, and they are notified that their postgraduate training period is extended.

(3) A postgraduate trainee is terminated from the postgraduate training program.

(4) A postgraduate trainee resigns, dies, or otherwise leaves the postgraduate training program.

(5) A postgraduate trainee has completed a one-year contract approved by the postgraduate training program.

(g) Upon review of supporting documentation, the board, in its discretion, may grant an extension beyond 39 months to a postgraduate training licensee to successfully complete the 36 months of required approved postgraduate training.

(h) An applicant for a physician's and surgeon's license who has successfully completed 36 months of approved postgraduate training in another state or in Canada and who is accepted into an approved postgraduate training program in California shall obtain their physician's and surgeon's license within 90 days after beginning that postgraduate training program or all privileges and exemptions under this section shall automatically cease.

(i) This section shall become operative on January 1, 2020.

SEC. 16. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school in this state a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of their duties as approved by the board in connection with the faculty position. A certificate of registration

does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the board and shall be accompanied by a registration fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. To qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the board that they have been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

(2) If the applicant is a graduate of a medical school in the United States or Canada, documentary evidence that the medical school is approved by the board.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:

(A) The applicant will be under their direction.

(B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of their duties as approved by the board in subdivision (a).

(C) The applicant will be accountable to the medical school's department chair or division chief for the specialty in which the applicant will practice.

(D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the school's medical center.

(E) The applicant will not be appointed to a supervisory position at the level of a medical school department chair or division chief.

(4) Demonstration by the dean of the medical school that the applicant has the requisite qualifications to assume the position to which they are to be appointed and that shall include a written statement of the recruitment procedures followed by the medical school before offering the faculty position to the applicant.

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, and no person shall be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

A request for renewal shall be submitted on a form prescribed by the board and shall be accompanied by a renewal fee fixed by the board in an amount necessary to recover the actual application processing costs of the program.

(2) The dean of the medical school may request renewal of the registration by submitting a plan at the beginning of the third year of the registrant's appointment demonstrating the registrant's continued progress toward licensure and, if the registrant is a graduate of a medical school other than in the United States or Canada, that the registrant has been issued a certificate by the Educational Commission for Foreign Medical Graduates. The board may, in its discretion, extend the registration for a two-year period to facilitate the registrant's completion of the licensure process.

(e) If the registrant is a graduate of a medical school other than in the United States or Canada, they shall meet the requirements of Section 2065 or 2135, as appropriate, in order to obtain a physician's and surgeon's certificate. Notwithstanding any other provision of law, the board may accept clinical practice in an appointment pursuant to this section as qualifying time to meet the postgraduate training requirements in Section 2065, and, in its discretion, waive the examination and the Educational Commission for Foreign Medical Graduates certification requirements specified in paragraph (3) of subdivision (a) of Section 2065 in the event the registrant applies for a physician's and surgeon's certificate. As a condition to waiving any examination or the Educational Commission for Foreign Medical Graduates certification requirement, the board in its discretion, may require an applicant to pass a clinical competency examination approved by the board. The board shall not waive any examination for an applicant who has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine, bill individually for medical services provided by the registrant, or receive compensation therefor, unless they are issued a physician's and surgeon's certificate.

(g) When providing clinical services, the registrant shall wear a visible name tag containing the title "visiting professor" or "visiting faculty member," as appropriate, and the institution at which the services are provided shall obtain a signed statement from each patient to whom the registrant provides services acknowledging that the patient understands that the services are provided by a person who does not hold a physician's and surgeon's certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The board shall notify both the registrant and the dean of the medical school of a complaint made about the registrant. The board may terminate a registration for any act that would be grounds for discipline if done by a licensee. The board shall provide both the registrant and the dean of the medical school with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the registrant wishes to present to the board.

(i) This section shall become operative on January 1, 2020.

SEC. 16.5. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school, or dean or chief medical officer of an academic medical center, in this state a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of that person's duties as approved by the board in connection with the faculty position. A certificate of registration does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the board and shall be accompanied by a registration fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. To qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the board that the applicant has been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

(2) If the applicant is a graduate of a medical school in the United States or Canada, documentary evidence that the medical school is approved by the board.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:

(A) The applicant will be under the head of the department's direction.

(B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of the applicant's duties as approved by the board in subdivision (a).

(C) The applicant will be accountable to the medical school's or academic medical center's chair or division chief for the specialty in which the applicant will practice.

(D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the sponsoring medical school or academic medical center.

(E) The applicant will not be appointed to a supervisory position at the level of a medical school or academic medical center's department chair or division chief.

(4) Demonstration by the dean of the medical school, or dean or chief medical officer or an academic medical center, that the applicant has the requisite qualifications to assume the position to which the applicant is to be appointed and that shall include a written statement of the recruitment

procedures followed by the medical school or academic medical center before offering the faculty position to the applicant.

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, or academic medical center, and a person shall not be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

A request for renewal shall be submitted on a form prescribed by the board and shall be accompanied by a renewal fee fixed by the board in an amount necessary to recover the actual application processing costs of the program.

(2) The dean of the medical school, or the dean or chief medical officer of an academic medical center, may request renewal of the registration by submitting a plan at the beginning of the third year of the registrant's appointment demonstrating the registrant's continued progress toward licensure and, if the registrant is a graduate of a medical school other than in the United States or Canada, that the registrant has been issued a certificate by the Educational Commission for Foreign Medical Graduates. The board may, in its discretion, extend the registration for a two-year period to facilitate the registrant's completion of the licensure process.

(e) If the registrant is a graduate of a medical school other than in the United States or Canada, the registrant shall meet the requirements of Section 2065 or 2135, as appropriate, in order to obtain a physician's and surgeon's certificate. Notwithstanding any other provision of law, the board may accept clinical practice in an appointment pursuant to this section as qualifying time to meet the postgraduate training requirements in Section 2065, and, in its discretion, waive the examination and the Educational Commission for Foreign Medical Graduates certification requirements specified in paragraph (3) of subdivision (a) of Section 2065 in the event the registrant applies for a physician's and surgeon's certificate. As a condition to waiving any examination or the Educational Commission for Foreign Medical Graduates certification requirement, the board in its discretion, may require an applicant to pass a clinical competency examination approved by the board. The board shall not waive any examination for an applicant who has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine, bill individually for medical services provided by the registrant, or receive compensation therefor, unless the registrant is issued a physician's and surgeon's certificate.

(g) When providing clinical services, the registrant shall wear a visible name tag containing the title "visiting professor" or "visiting faculty member," as appropriate, and the institution at which the services are provided shall obtain a signed statement from each patient to whom the registrant provides services acknowledging that the patient understands that the services are provided by a person who does not hold a physician's and

surgeon's certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The board shall notify both the registrant and the dean of the medical school, or the dean or chief medical officer of an academic medical center, of a complaint made about the registrant. The board may terminate a registration for any act that would be grounds for discipline if done by a licensee. The board shall provide both the registrant and the dean of the medical school, or the dean or chief medical officer of an academic medical center, with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the registrant wishes to present to the board.

(i) A registrant granted a certificate of registration before January 1, 2021, to engage in the practice of medicine pursuant to this section at an academic medical center shall be deemed to be authorized at that academic medical center as though the initial application had been sponsored by the academic medical center.

(j) As used in this section, "academic medical center" has the same meaning as defined in subdivision (a) of Section 2168.

SEC. 17. Section 2135.5 of the Business and Professions Code is amended to read:

2135.5. Upon review and recommendation, the board may determine that an applicant for a physician's and surgeon's certificate has satisfied the medical education requirements of Sections 2084 and 2135 and the examination requirements of Section 2170 if the applicant meets all of the following criteria:

(a) They hold an unlimited and unrestricted license as a physician and surgeon in another state and has held that license continuously for a minimum of four years prior to the date of application.

(b) They meet the postgraduate training requirements in Section 2096 and are certified by a specialty board that is a member board of the American Board of Medical Specialties.

(c) They are not subject to denial of licensure under Division 1.5 (commencing with Section 475) or Article 12 (commencing with Section 2220).

(d) They have not been the subject of a disciplinary action by a medical licensing authority or of an adverse judgment or settlement resulting from the practice of medicine that, as determined by the board, constitutes a pattern of negligence or incompetence.

(e) This section shall become operative on January 1, 2020.

SEC. 18. Section 2460 of the Business and Professions Code is amended to read:

2460. (a) There is created in the Department of Consumer Affairs the California Board of Podiatric Medicine. Commencing July 1, 2019, the California Board of Podiatric Medicine is renamed the Podiatric Medical Board of California. Any reference in any provision of law to the California

Board of Podiatric Medicine shall, commencing July 1, 2019, be deemed to refer to the Podiatric Medical Board of California.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the California Board of Podiatric Medicine subject to review by the appropriate policy committees of the Legislature.

(c) The amendments made by Chapter 775 of the Statutes of 2017 relating to podiatrists shall not be construed to change any rights or privileges held by podiatrists prior to the enactment of that act.

SEC. 19. Section 2531 of the Business and Professions Code is amended to read:

2531. (a) There is in the Department of Consumer Affairs the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in which the enforcement and administration of this chapter are vested. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board shall consist of nine members, three of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 20. Section 2531.75 of the Business and Professions Code is amended to read:

2531.75. (a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 21. Section 2570.19 of the Business and Professions Code is amended to read:

2570.19. (a) There is hereby created a California Board of Occupational Therapy, hereafter referred to as the board. The board shall enforce and administer this chapter.

(b) The members of the board shall consist of the following:

(1) Three occupational therapists who shall have practiced occupational therapy for five years.

(2) One occupational therapy assistant who shall have assisted in the practice of occupational therapy for five years.

(3) Three public members who shall not be licentiates of the board, of any other board under this division, or of any board referred to in Section 1000 or 3600.

(c) The Governor shall appoint the three occupational therapists and one occupational therapy assistant to be members of the board. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint a public member. Not more than one member of the board shall be

appointed from the full-time faculty of any university, college, or other educational institution.

(d) All members shall be residents of California at the time of their appointment. The occupational therapist and occupational therapy assistant members shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five years preceding their appointments.

(e) The public members may not be or have ever been occupational therapists or occupational therapy assistants or in training to become occupational therapists or occupational therapy assistants. The public members may not be related to, or have a household member who is, an occupational therapist or an occupational therapy assistant, and may not have had, within two years of the appointment, a substantial financial interest in a person regulated by the board.

(f) The Governor shall appoint two board members for a term of one year, two board members for a term of two years, and one board member for a term of three years. Appointments made thereafter shall be for four-year terms, but no person shall be appointed to serve more than two consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

(h) Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Members of the board shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

(k) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(l) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 22. Section 2602 of the Business and Professions Code is amended to read:

2602. (a) The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 23. Section 2607.5 of the Business and Professions Code is amended to read:

2607.5. (a) The board may employ an executive officer exempt from the provisions of the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code) and may also employ investigators, legal counsel, physical therapist consultants, and other assistance as it may deem necessary to carry out this chapter. The board may fix the compensation to be paid for services and may incur other expenses as it may deem necessary. Investigators employed by the board shall be provided special training in investigating physical therapy practice activities.

(b) The Attorney General shall act as legal counsel for the board for any judicial and administrative proceedings and their services shall be a charge against it.

(c) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 24. Section 2841 of the Business and Professions Code is amended to read:

2841. (a) There is in the Department of Consumer Affairs a Board of Vocational Nursing and Psychiatric Technicians of the State of California, which consists of 11 members.

(b) Within the meaning of this chapter, “board,” or “the board,” refers to the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 25. Section 2847.1 of the Business and Professions Code is amended to read:

2847.1. (a) The board shall select an executive officer who shall perform duties as are delegated by the board and who shall be responsible to it for the accomplishment of those duties. The executive officer shall not be a member of the board.

(b) With the approval of the Director of Finance, the board shall fix the salary of the executive officer.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties. The executive officer shall make a statement, certified before a duly authorized person, that the expenses have been actually incurred.

(d) Commencing January 1, 2018, the executive officer appointed by the board pursuant to subdivision (a) is abolished. Thereafter, until January 1,

2022, the executive officer shall be appointed as set forth in Section 2847.3. Commencing January 1, 2022, the executive officer shall, again, be appointed by the board as set forth in subdivision (a).

(e) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 26. Section 2847.3 of the Business and Professions Code is amended to read:

2847.3. (a) Commencing January 1, 2018, the executive officer position established pursuant to subdivision (a) of Section 2847.1 is temporarily abolished. Commencing January 1, 2018, the Governor shall appoint an executive officer who shall perform duties as are delegated by the board and who shall be responsible for the accomplishment of those duties. The executive officer shall exercise all powers, discharge all responsibilities, and administer and enforce all laws pursuant to this chapter and Chapter 10 (commencing with Section 4500) of Division 2 that are necessary to perform the duties delegated by the board.

(b) The executive officer shall serve at the pleasure of the Governor and the Governor shall fix the salary of the executive officer. The executive officer shall not be a member of the board.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties.

(d) This section shall become operative on January 1, 2018, and shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 27. Section 2920 of the Business and Professions Code is amended to read:

2920. (a) The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 28. Section 2933 of the Business and Professions Code is amended to read:

2933. (a) Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 29. Section 3504 of the Business and Professions Code is amended to read:

3504. There is established a Physician Assistant Board within the jurisdiction of the Medical Board of California. The board consists of nine members. This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 30. Section 3512 of the Business and Professions Code is amended to read:

3512. (a) Except as provided in Sections 159.5 and 2020, the board shall employ within the limits of the Physician Assistant Fund all personnel necessary to carry out this chapter including an executive officer who shall be exempt from civil service. The Medical Board of California and board shall make all necessary expenditures to carry out this chapter from the funds established by Section 3520. The board may accept contributions to effect the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 31. Section 3686 of the Business and Professions Code is amended to read:

3686. This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 32. Section 3710 of the Business and Professions Code is amended to read:

3710. (a) The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 33. Section 3716 of the Business and Professions Code is amended to read:

3716. (a) The board may employ an executive officer exempt from civil service and, subject to the provisions of law relating to civil service, clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 34. Section 4001 of the Business and Professions Code is amended to read:

4001. (a) There is in the Department of Consumer Affairs a California State Board of Pharmacy in which the administration and enforcement of this chapter is vested. The board consists of 13 members.

(b) The Governor shall appoint seven competent pharmacists who reside in different parts of the state to serve as members of the board. The Governor shall appoint four public members, and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member who shall

not be a licensee of the board, any other board under this division, or any board referred to in Section 1000 or 3600.

(c) At least five of the seven pharmacist appointees to the board shall be pharmacists who are actively engaged in the practice of pharmacy. Additionally, the membership of the board shall include at least one pharmacist representative from each of the following practice settings: an acute care hospital, an independent community pharmacy, a chain community pharmacy, and a long-term health care or skilled nursing facility. The pharmacist appointees shall also include a pharmacist who is a member of a labor union that represents pharmacists. For the purposes of this subdivision, a “chain community pharmacy” means a chain of 75 or more stores in California under the same ownership, and an “independent community pharmacy” means a pharmacy owned by a person or entity who owns no more than four pharmacies in California.

(d) Members of the board shall be appointed for a term of four years. No person shall serve as a member of the board for more than two consecutive terms. Each member shall hold office until the appointment and qualification of their successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

(e) Each member of the board shall receive a per diem and expenses as provided in Section 103.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 35. Section 4003 of the Business and Professions Code is amended to read:

4003. (a) The board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter. The executive officer may or may not be a member of the board as the board may determine.

(b) The executive officer shall receive the compensation as established by the board with the approval of the Director of Finance. The executive officer shall also be entitled to travel and other expenses necessary in the performance of their duties.

(c) The executive officer shall maintain and update in a timely fashion records containing the names, titles, qualifications, and places of business of all persons subject to this chapter.

(d) The executive officer shall give receipts for all money received by them and pay it to the department, taking its receipt therefor. Besides the duties required by this chapter, the executive officer shall perform other duties pertaining to the office as may be required of them by the board.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 36. Section 4501 of the Business and Professions Code is amended to read:

4501. (a) “Board,” as used in this chapter, means the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 37. Section 4503 of the Business and Professions Code is amended to read:

4503. (a) The board shall administer and enforce this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 38. Section 4604 of the Business and Professions Code is amended to read:

4604. (a) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the council with satisfactory evidence that the applicant meets all of the following requirements:

(1) The applicant is 18 years of age or older.

(2) The applicant has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours, or the credit unit equivalent, that incorporates appropriate school assessment of student knowledge and skills.

(A) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.

(B) All of the 500 hours shall be from approved schools. The council shall accept the 500 hours if, at the time all of the hours were completed, the school or schools were approved. The 500 hours may be completed at more than one approved school. Notwithstanding any other law, pursuant to its policies and procedures for approval of schools, the council shall accept hours earned by an applicant for certification as a massage therapist if those hours were completed before July 1, 2016, and were earned from a school providing education in this state that was unapproved by the council after July 1, 2016, based solely on the fact that the National Certification Board for Therapeutic Massage and Bodywork took denial or disciplinary action against the school. For purposes of this section, “unapproved” means that the council determined that it will not accept hours from a school toward certification.

(3) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates. This paragraph shall be inoperative commencing on January 1, 2019, and shall become operative on January 1, 2022.

(4) The applicant has successfully passed a background investigation pursuant to Section 4606, and has not violated any of the provisions of this chapter.

(5) All fees required by the council have been paid.

(6) The council may issue a certificate to an applicant who meets the qualifications of this chapter if the applicant holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. If an applicant has received education at a school that is not approved by the council, the council shall have the discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

(b) A certificate issued pursuant to this chapter and any identification card issued by the council shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

SEC. 39. Section 4621 of the Business and Professions Code is amended to read:

4621. (a) This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.

(b) Notwithstanding any other law, the powers and duties of the council shall be subject to review by the appropriate policy committees of the Legislature.

SEC. 40. Section 4800 of the Business and Professions Code is amended to read:

4800. (a) There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board consists of the following members:

- (1) Four licensed veterinarians.
- (2) One registered veterinary technician.
- (3) Three public members.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to those issues identified by the appropriate policy committees of the Legislature and shall not involve the preparation or submission of a sunset review document or evaluative questionnaire.

SEC. 41. Section 4804.5 of the Business and Professions Code is amended to read:

4804.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 42. Section 4990 of the Business and Professions Code is amended to read:

4990. (a) There is in the Department of Consumer Affairs, a Board of Behavioral Sciences that consists of the following members:

- (1) Two state licensed clinical social workers.
- (2) One state licensed educational psychologist.
- (3) Two state licensed marriage and family therapists.
- (4) One state licensed professional clinical counselor.
- (5) Seven public members.

(b) Each member, except the seven public members, shall have at least two years of experience in their profession.

(c) Each member shall reside in the State of California.

(d) The Governor shall appoint five of the public members and the six licensed members with the advice and consent of the Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Senate Committee on Rules or the Speaker of the Assembly shall hold office until the appointment and qualification of their successor or until one year from the expiration date of the term for which they were appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of their successor or until 60 days from the expiration date of the term for which they were appointed, whichever first occurs.

(f) A vacancy on the board shall be filled by appointment for the unexpired term by the authority who appointed the member whose membership was vacated.

(g) Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

(h) Each member of the board shall receive a per diem and reimbursement of expenses as provided in Section 103.

(i) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

(j) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 43. Section 4990.04 of the Business and Professions Code is amended to read:

4990.04. (a) The board shall appoint an executive officer. This position is designated as a confidential position and is exempt from civil service under subdivision (e) of Section 4 of Article VII of the California Constitution.

(b) The executive officer serves at the pleasure of the board.

(c) The executive officer shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(d) With the approval of the director, the board shall fix the salary of the executive officer.

(e) The chairperson and executive officer may call meetings of the board and any duly appointed committee at a specified time and place. For purposes of this section, “call meetings” means setting the agenda, time, date, or place for any meeting of the board or any committee.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 44. Section 5600.4 of the Business and Professions Code is amended to read:

5600.4. (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to an architect who holds a license that is current and active or capable of being renewed pursuant to Section 5600.2 and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active architect’s license is required. An architect holding a retired license shall be permitted to use the title “architect retired” or “retired architect.”

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore their license to active status, the holder of a retired license shall comply with Section 5600.2 or 5600.3, as applicable.

SEC. 45. Section 5810 of the Business and Professions Code is amended to read:

5810. (a) This chapter shall be subject to review by the appropriate policy committees of the Legislature.

(b) This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 46. Section 7000 of the Business and Professions Code is amended to read:

7000. This chapter constitutes, and may be cited as, the Contractors State License Law.

SEC. 47. Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. (a) There is in the Department of Consumer Affairs a Contractors State License Board, which consists of 15 members.

(b) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 48. Section 7000.6 of the Business and Professions Code is amended to read:

7000.6. Protection of the public shall be the highest priority for the Contractors State License Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent

with other interests sought to be promoted, the protection of the public shall be paramount.

SEC. 49. Section 7011.4 of the Business and Professions Code is amended to read:

7011.4. (a) Notwithstanding Section 7011, there is in the Contractors State License Board, a separate enforcement division that shall rigorously enforce this chapter prohibiting all forms of unlicensed activity and shall enforce the obligation to secure the payment of valid and current workers' compensation insurance in accordance with Section 3700.5 of the Labor Code.

(b) Persons employed as enforcement representatives of the Contractors State License Board and designated by the Director of Consumer Affairs shall have the authority to issue a written notice to appear in court pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. An employee so designated is not a peace officer and is not entitled to safety member retirement benefits as a result of that designation. They do not have the power of arrest.

(c) When participating in the activities of the Joint Enforcement Strike Force on the Underground Economy pursuant to Section 329 of the Unemployment Insurance Code, the enforcement division shall have free access to all places of labor.

SEC. 50. Section 7011.5 of the Business and Professions Code is amended to read:

7011.5. Persons employed as investigators of the Special Investigations Unit of the Contractors State License Board and designated by the Director of Consumer Affairs have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them in investigating the laws administered by the Contractors State License Board or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws. All persons herein referred to shall be deemed to be acting within the scope of employment with respect to all acts and matters in this section set forth.

SEC. 51. Section 7011.8 of the Business and Professions Code is amended to read:

7011.8. (a) Any person subject to licensure under this chapter who reports to, or causes a complaint to be filed with, the Contractors State License Board that a person licensed by that entity has engaged in professional misconduct, knowing the report or complaint to be false, may be issued a citation by the registrar.

(b) The board may notify the appropriate district attorney or city attorney that a person subject to licensure under this chapter has made or filed what the entity believes to be a false report or complaint against a licensee.

SEC. 52. Section 7015 of the Business and Professions Code is amended to read:

7015. The board shall adopt a seal for its own use. The seal shall have the words "Contractors State License Board, State of California, Department

of Consumer Affairs,” and the care and custody thereof shall be in the hands of the registrar.

SEC. 53. Section 7017.3 of the Business and Professions Code is amended to read:

7017.3. The Contractors State License Board shall report annually to the Legislature, not later than October 1 of each year, the following statistical information for the prior fiscal year. The following data shall be reported on complaints filed with the board against licensed contractors, registered home improvement salespersons, and unlicensed persons acting as licensees or registrants:

(a) The number of complaints received by the board categorized by source, such as public, trade, profession, government agency, or board-initiated, and by type of complaint, such as licensee or nonlicensee.

(b) The number of complaints closed prior to referral for field investigation, categorized by the reason for the closure, such as settled, referred for mandatory arbitration, or referred for voluntary arbitration.

(c) The number of complaints referred for field investigation categorized by the type of complaint, such as licensee or nonlicensee.

(d) The number of complaints closed after referral for field investigation categorized by the reason for the closure, such as settled, referred for mandatory arbitration, or referred for voluntary arbitration.

(e) For the board’s Intake/Mediation Center and the board’s Investigation Center closures, respectively, the total number of complaints closed prior to a field investigation per consumer services representative, and the total number of complaints closed after referral for a field investigation per enforcement representative. Additionally, the board shall report the total number of complaints closed by other board staff during the year.

(f) The number of complaints pending at the end of the fiscal year grouped in 90-day increments, and the percentage of total complaints pending, represented by the number of complaints in each grouping.

(g) The number of citations issued to licensees categorized by the type of citation such as order of correction only or order of correction and fine, and the number of citations issued to licensees that were vacated or withdrawn.

(h) The number of citations issued to nonlicensees and the number of these citations that were vacated or withdrawn.

(i) The number of complaints referred to a local prosecutor for criminal investigation or prosecution, the number of complaints referred to the Attorney General for the filing of an accusation, and the number of complaints referred to both a local prosecutor and the Attorney General, categorized by type of complaint, such as licensee and nonlicensee.

(j) Actions taken by the board, including, but not limited to, the following:

(1) The number of disciplinary actions categorized by type, such as revocations or suspensions, categorized by whether the disciplinary action resulted from an accusation, failure to comply with a citation, or failure to comply with an arbitration award.

(2) The number of accusations dismissed or withdrawn.

(k) For subdivisions (g) and (j), the number of cases containing violations of Sections 7121 and 7121.5, and paragraph (5) of subdivision (a) of Section 7159.5, categorized by section.

(l) The number of interim suspension orders sought, the number of interim suspension orders granted, the number of temporary restraining orders sought, and the number of temporary restraining orders granted.

(m) The amount of cost recovery ordered and the amount collected.

(n) Case aging data, including data for each major stage of the enforcement process, including the following:

(1) The average number of days from the filing of a complaint to its closure by the board's Intake/Mediation Center prior to the referral for an investigation categorized by the type of complaint, such as licensee or nonlicensee.

(2) The average number of days from the referral of a complaint for an investigation to its closure by the Investigation Center categorized by the type of complaint, such as licensee or nonlicensee.

(3) The average number of days from the filing of a complaint to the referral of the completed investigation to the Attorney General.

(4) The average number of days from the referral of a completed investigation to the Attorney General to the filing of an accusation by the Attorney General.

(5) The average number of days from the filing of an accusation to the first hearing date or date of a stipulated settlement.

(6) The average number of days from the receipt of the Administrative Law Judge's proposed decision to the registrar's final decision.

SEC. 54. Section 7028.7 of the Business and Professions Code is amended to read:

7028.7. (a) If upon inspection or investigation, either upon complaint or otherwise, the registrar has probable cause to believe that a person is acting in the capacity of or engaging in the business of a contractor or salesperson within this state without having a license or registration in good standing to so act or engage, and the person is not otherwise exempted from this chapter, the registrar shall issue a citation to that person.

(b) Within 72 hours of receiving notice that a public entity is intending to award, or has awarded, a contract to an unlicensed contractor, the registrar shall give written notice to the public entity that a citation may be issued if a contract is awarded to an unlicensed contractor. If after receiving the written notice from the registrar that the public entity has awarded or awards the contract to an unlicensed contractor, the registrar may issue a citation to the responsible officer or employee of the public entity as specified in Section 7028.15.

(c) Each citation shall be in writing and shall describe with particularity the basis of the citation. Notwithstanding Sections 125.9 and 148, each citation shall contain an order of abatement and an assessment of a civil penalty in an amount not less than two hundred dollars (\$200) nor more than fifteen thousand dollars (\$15,000).

(d) With the approval of the Contractors State License Board, the registrar shall prescribe procedures for the issuance of a citation under this section. The board shall adopt regulations covering the assessment of a civil penalty that shall give due consideration to the gravity of the violation, and any history of previous violations.

(e) The sanctions authorized under this section shall be separate from, and in addition to, all other remedies either civil or criminal.

SEC. 55. Section 7030 of the Business and Professions Code is amended to read:

7030. (a) Except for contractors writing home improvement contracts pursuant to Section 7151.2 and contractors writing service and repair contracts pursuant to Section 7159.10, every person licensed pursuant to this chapter shall include the following statement in at least 10-point type on all written contracts with respect to which the person is a prime contractor:

“Contractors are required by law to be licensed and regulated by the Contractors State License Board which has jurisdiction to investigate complaints against contractors if a complaint regarding a patent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to structural defects must be filed within 10 years of the date of the alleged violation. Any questions concerning a contractor may be referred to the Registrar, Contractors State License Board, P.O. Box 26000, Sacramento, CA 95826.”

(b) Every person licensed pursuant to this chapter shall include the following statement in at least 12-point type in all home improvement contracts written pursuant to Section 7151.2 and service and repair contracts written pursuant to Section 7159.10:

“Information about the Contractors State License Board (CSLB): CSLB is the state consumer protection agency that licenses and regulates construction contractors.

Contact CSLB for information about the licensed contractor you are considering, including information about disclosable complaints, disciplinary actions and civil judgments that are reported to CSLB.

Use only licensed contractors. If you file a complaint against a licensed contractor within the legal deadline (usually four years), CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor’s employees.

For more information:

Visit CSLB’s internet website at www.cslb.ca.gov

Call CSLB at 800-321-CSLB (2752)

Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

(c) Failure to comply with the notice requirements set forth in subdivision (a) or (b) of this section is cause for disciplinary action.

SEC. 56. Section 7031 of the Business and Professions Code is amended to read:

7031. (a) Except as provided in subdivision (e), no person engaged in the business or acting in the capacity of a contractor, may bring or maintain any action, or recover in law or equity in any action, in any court of this state for the collection of compensation for the performance of any act or contract where a license is required by this chapter without alleging that they were a duly licensed contractor at all times during the performance of that act or contract regardless of the merits of the cause of action brought by the person, except that this prohibition shall not apply to contractors who are each individually licensed under this chapter but who fail to comply with Section 7029.

(b) Except as provided in subdivision (e), a person who utilizes the services of an unlicensed contractor may bring an action in any court of competent jurisdiction in this state to recover all compensation paid to the unlicensed contractor for performance of any act or contract.

(c) A security interest taken to secure any payment for the performance of any act or contract for which a license is required by this chapter is unenforceable if the person performing the act or contract was not a duly licensed contractor at all times during the performance of the act or contract.

(d) If licensure or proper licensure is controverted, then proof of licensure pursuant to this section shall be made by production of a verified certificate of licensure from the Contractors State License Board which establishes that the individual or entity bringing the action was duly licensed in the proper classification of contractors at all times during the performance of any act or contract covered by the action. Nothing in this subdivision shall require any person or entity controverting licensure or proper licensure to produce a verified certificate. When licensure or proper licensure is controverted, the burden of proof to establish licensure or proper licensure shall be on the licensee.

(e) The judicial doctrine of substantial compliance shall not apply under this section where the person who engaged in the business or acted in the capacity of a contractor has never been a duly licensed contractor in this state. However, notwithstanding subdivision (b) of Section 143, the court may determine that there has been substantial compliance with licensure requirements under this section if it is shown at an evidentiary hearing that the person who engaged in the business or acted in the capacity of a contractor (1) had been duly licensed as a contractor in this state prior to the performance of the act or contract, (2) acted reasonably and in good faith to maintain proper licensure, and (3) acted promptly and in good faith to remedy the failure to comply with the licensure requirements upon learning of the failure.

(f) The exceptions to the prohibition against the application of the judicial doctrine of substantial compliance found in subdivision (e) shall apply to all contracts entered into on or after January 1, 1992, and to all actions or

arbitrations arising therefrom, except that the amendments to subdivisions (e) and (f) enacted during the 1994 portion of the 1993–94 Regular Session of the Legislature shall not apply to either of the following:

(1) Any legal action or arbitration commenced prior to January 1, 1995, regardless of the date on which the parties entered into the contract.

(2) Any legal action or arbitration commenced on or after January 1, 1995, if the legal action or arbitration was commenced prior to January 1, 1995, and was subsequently dismissed.

SEC. 57. Section 7058.7 of the Business and Professions Code is amended to read:

7058.7. (a) No contractor may engage in a removal or remedial action, as defined in subdivision (d), unless the qualifier for the license has passed an approved hazardous substance certification examination.

(b) (1) The Contractors State License Board, the Division of Occupational Safety and Health of the Department of Industrial Relations, and the Department of Toxic Substances Control shall jointly select an advisory committee, which shall be composed of two representatives of hazardous substance removal workers in California, two general engineering contractors in California, and two representatives of insurance companies in California who shall be selected by the Insurance Commissioner.

(2) The Contractors State License Board shall develop a written test for the certification of contractors engaged in hazardous substance removal or remedial action, in consultation with the Division of Occupational Safety and Health, the State Water Resources Control Board, the Department of Toxic Substances Control, and the advisory committee.

(c) The Contractors State License Board may require additional updated approved hazardous substance certification examinations of licensees currently certified based on new public or occupational health and safety information. The Contractors State License Board, in consultation with the Department of Toxic Substances Control and the State Water Resources Control Board, shall approve other initial and updated hazardous substance certification examinations and determine whether to require an updated certification examination of all current certificate holders.

(d) For purposes of this section “removal or remedial action” has the same meaning as found in Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, if the action requires the contractor to dig into the surface of the earth and remove the dug material and the action is at a site listed pursuant to Section 25356 of the Health and Safety Code or any other site listed as a hazardous substance release site by the Department of Toxic Substances Control or a site listed on the National Priorities List compiled pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.). “Removal or remedial action” does not include asbestos-related work, as defined in Section 6501.8 of the Labor Code, or work related to a hazardous substance spill on a highway.

(e) (1) A contractor may not install or remove an underground storage tank, unless the contractor has passed the hazardous substance certification examination developed pursuant to this section.

(2) A contractor who is not certified may bid on or contract for the installation or removal of an underground tank, if the work is performed by a contractor who is certified pursuant to this section.

(3) For purposes of this subdivision, “underground storage tank” has the same meaning as defined in subdivision (y) of Section 25281 of the Health and Safety Code.

SEC. 58. Section 7071.4 of the Business and Professions Code is amended to read:

7071.4. (a) Each person licensed under the provisions of this chapter and subject to any of the bonding provisions of this article shall maintain the requisite bond as executed by an admitted surety insurer or as deposited with the registrar pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure in the appropriate amount. Notwithstanding Article 7 (commencing with Section 995.710) of Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure, no other method of deposit, including, but not limited to, a certificate of deposit, shall satisfy a bond requirement under this article.

(b) All existing alternatives in lieu of a bond currently filed with the registrar shall be replaced for a surety bond or the deposit prescribed by paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure by January 1, 2020.

(c) (1) If the board is notified, in writing, of a civil action against the deposit authorized under this section, the deposit or any portion thereof shall not be released for any purpose, except as determined by the court.

(2) If any deposit authorized under this section is insufficient to pay, in full, all claims that have been adjudicated under any action filed in accordance with this section, the amount of the deposit shall be distributed to all claimants in proportion to the amount of their respective claims.

(d) Notwithstanding subdivision (a), this section shall not apply to the bond equivalents described in Section 7159.5 of this chapter.

(e) (1) This section shall be operative on and after January 1, 2019, upon which date the registrar shall thereafter no longer accept alternatives in lieu of a bond, other than as provided in this section.

(2) Notwithstanding any other law, in order to comply with the bonding provisions of this article, a person shall only be required to provide information consistent with the requirements for an applicant under Section 30.

(f) All alternatives in lieu of a bond filed with the registrar before January 1, 2019, and any lawful money or cashier’s check deposited pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure after January 1, 2019, shall be subject to the following limitations periods:

(1) Any action, other than an action to recover wages or fringe benefits, against a deposit given in lieu of a contractor’s bond or bond of a qualifying

individual filed by an active licensee shall be brought within three years after the expiration of the license period during which the act or omission occurred, or within three years of the date the license of the active licensee was inactivated, canceled, or revoked by the board, whichever occurs first.

(2) Any action, other than an action to recover wages or fringe benefits, against a deposit given in lieu of a disciplinary bond filed by an active licensee pursuant to Section 7071.8 shall be brought within three years after the expiration of the license period during which the act or omission occurred, or within three years of the date the license of the active licensee was inactivated, canceled, or revoked by the board, or within three years after the last date for which a deposit given in lieu of a disciplinary bond filed pursuant to Section 7071.8 was required, whichever date is first.

(3) A claim to recover wages or fringe benefits shall be brought within six months from the date that the wage or fringe benefit delinquencies were discovered, but in no event shall a civil action thereon be brought later than two years from the date the wage or fringe benefit contributions were due.

(g) In any case in which a claim is filed against an alternative given in lieu of a bond filed with the registrar before January 1, 2019, or deposited with the registrar pursuant to subdivision (a), by any employee or by an employee organization on behalf of an employee, concerning wages or fringe benefits based upon the employee's employment, claims for the nonpayment shall be filed with the Labor Commissioner. The Labor Commissioner shall, pursuant to the authority vested by Section 96.5 of the Labor Code, conduct hearings to determine whether or not the wages or fringe benefits should be paid to the complainant. Upon a finding by the commissioner that the wages or fringe benefits should be paid to the complainant, the commissioner shall notify the registrar of the findings. The registrar shall not make payment from the deposit on the basis of findings by the commissioner for a period of 10 days following determination of the findings. If, within the period, the complainant or the contractor files written notice with the registrar and the commissioner of an intention to seek judicial review of the findings pursuant to Section 11523 of the Government Code, the registrar shall not make payment if an action is actually filed, except as determined by the court. If, thereafter, no action is filed within 60 days following determination of findings by the commissioner, the registrar shall make payment from the deposit to the complainant.

(h) Legal fees may not be charged by the board against any alternative given in lieu of a bond filed with the registrar before January 1, 2019, or deposited with the registrar pursuant to subdivision (a).

SEC. 59. Section 7080.5 of the Business and Professions Code is amended to read:

7080.5. When an application has been accepted by the registrar, the name and address of the applicant, every classification for which the applicant has applied, and the names and titles of all personnel who have signed the application shall be publicly posted by the registrar, on the day

following acceptance, in the office of the Contractors State License Board in Sacramento.

SEC. 60. Section 7085.5 of the Business and Professions Code is amended to read:

7085.5. Arbitrations of disputes arising out of cases filed with or by the board shall be conducted in accordance with the following rules:

(a) All “agreements to arbitrate” shall include the names, addresses, and telephone numbers of the parties to the dispute, the issue in dispute, and the amount in dollars or any other remedy sought. The appropriate fee shall be paid by the board from the Contractors License Fund.

(b) (1) The board or appointed arbitration association shall appoint an arbitrator in the following manner: immediately after the filing of the agreement to arbitrate, the board or appointed arbitration association shall submit simultaneously to each party to the dispute, an identical list of names of persons chosen from the panel. Each party to the dispute shall have seven days from the mailing date in which to cross off any names to which it objects, number the remaining names to indicate the order of preference, and return the list to the board or appointed arbitration association. If a party does not return the list within the time specified, all persons named in the list are acceptable. From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, the board or appointed arbitration association shall appoint an arbitrator to serve. If the parties fail to agree on any of the parties named, if acceptable arbitrators are unable to act, or if, for any other reason, the appointment cannot be made from the submitted lists, the board or appointed arbitration association shall have the power to make the appointment from among other members of the panel without the submission of any additional lists. Each dispute shall be heard and determined by one arbitrator unless the board or appointed arbitration association, in its discretion, directs that a greater number of arbitrators be appointed.

(2) In all cases in which a complaint has been referred to arbitration pursuant to subdivision (b) of Section 7085, the board or the appointed arbitration association shall have the power to appoint an arbitrator to hear the matter.

(3) The board shall adopt regulations setting minimum qualification standards for listed arbitrators based upon relevant training, experience, and performance.

(c) No person shall serve as an arbitrator in any arbitration in which that person has any financial or personal interest in the result of the arbitration. Prior to accepting an appointment, the prospective arbitrator shall disclose any circumstances likely to prevent a prompt hearing or to create a presumption of bias. Upon receipt of that information, the board or appointed arbitration association shall immediately replace the arbitrator or communicate the information to the parties for their comments. Thereafter, the board or appointed arbitration association shall determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive.

(d) The board or appointed arbitration association may appoint another arbitrator if a vacancy occurs, or if an appointed arbitrator is unable to serve in a timely manner.

(e) (1) The board or appointed arbitration association shall provide the parties with a list of the times and dates, and locations of the hearing to be held. The parties shall notify the arbitrator, within seven calendar days of the mailing of the list, of the times and dates convenient to each party. If the parties fail to respond to the arbitrator within the seven-day period, the arbitrator shall fix the time, place, and location of the hearing. An arbitrator may, at the arbitrator's sole discretion, make an inspection of the construction site which is the subject of the arbitration. The arbitrator shall notify the parties of the time and date set for the inspection. Any party who so desires may be present at the inspection.

(2) The board or appointed arbitration association shall fix the time, place, and location of the hearing for all cases referred to arbitration pursuant to subdivision (b) of Section 7085. An arbitrator may, at the arbitrator's sole discretion, make an inspection of the construction site which is the subject of the arbitration. The arbitrator shall notify the parties of the time and date set for the inspection. Any party who desires may be present at the inspection.

(f) Any person having a direct interest in the arbitration is entitled to attend the hearing. The arbitrator shall otherwise have the power to require the exclusion of any witness, other than a party or other essential person, during the testimony of any other witness. It shall be discretionary with the arbitrator to determine the propriety of the attendance of any other person.

(g) Hearings shall be adjourned by the arbitrator only for good cause.

(h) A record is not required to be taken of the proceedings. However, any party to the proceeding may have a record made at its own expense. The parties may make appropriate notes of the proceedings.

(i) The hearing shall be conducted by the arbitrator in any manner which will permit full and expeditious presentation of the case by both parties. Consistent with the expedited nature of arbitration, the arbitrator shall establish the extent of, and schedule for, the production of relevant documents and other information, the identification of any witnesses to be called, and a schedule for any hearings to elicit facts solely within the knowledge of one party. The complaining party shall present its claims, proofs, and witnesses, who shall submit to questions or other examination. The defending party shall then present its defenses, proofs, and witnesses, who shall submit to questions or other examination. The arbitrator has discretion to vary this procedure but shall afford full and equal opportunity to the parties for the presentation of any material or relevant proofs.

(j) The arbitration may proceed in the absence of any party who, after due notice, fails to be present. The arbitrator shall require the attending party to submit supporting evidence in order to make an award. An award for the attending party shall not be based solely on the fact that the other party has failed to appear at the arbitration hearing.

(k) The arbitrator shall be the sole judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be required.

(l) The arbitrator may receive and consider documentary evidence. Documents to be considered by the arbitrator may be submitted prior to the hearing. However, a copy shall be simultaneously transmitted to all other parties and to the board or appointed arbitration association for transmittal to the arbitrator or board appointed arbitrator.

(m) The arbitrator shall specifically inquire of the parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the arbitrator shall declare the hearing closed and minutes thereof shall be recorded. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the arbitrator for the receipt of briefs. If documents are to be filed as requested by the arbitrator and the date set for their receipt is later than that set for the receipt of briefs, the later date shall be the date of closing the hearings. The time limit within which the arbitrator is required to make the award shall commence to run, in the absence of other agreements by the parties, upon the closing of the hearings.

(n) The hearing may be reopened on the arbitrator's own motion.

(o) Any party who proceeds with the arbitration after knowledge that any provision or requirement of these rules has not been complied with, and who fails to state their objections to the arbitrator in writing, within 10 calendar days of close of hearing, shall be deemed to have waived their right to object.

(p) (1) Except as provided in paragraph (2), any papers or process necessary or proper for the initiation or continuation of an arbitration under these rules and for any court action in connection therewith, or for the entry of judgment on an award made thereunder, may be served upon any party (A) by regular mail addressed to that party or their attorney at the party's last known address, or (B) by personal service.

(2) Notwithstanding paragraph (1), in all cases referred to arbitration pursuant to subdivision (b) of Section 7085 in which the contractor fails or refuses to return an executed copy of the notice to arbitrate within the time specified, any papers or process specified in paragraph (1) to be sent to the contractor, including the notice of hearing, shall be mailed by certified mail to the contractor's address of record.

(q) The award shall be made promptly by the arbitrator, and unless otherwise agreed by the parties, no later than 30 calendar days from the date of closing the hearing, closing a reopened hearing, or if oral hearing has been waived, from the date of transmitting the final statements and proofs to the arbitrator.

The arbitrator may for good cause extend any period of time established by these rules, except the time for making the award. The arbitrator shall notify the parties of any extension and the reason therefor.

(r) (1) The arbitrator may grant any remedy or relief that the arbitrator deems just and equitable and within the scope of the board's referral and

the requirements of the board. The arbitrator, in their sole discretion, may award costs or expenses.

(2) The amendments made in paragraph (1) during the 2003–04 Regular Session shall not be interpreted to prevent an arbitrator from awarding a complainant all direct costs and expenses for the completion or repair of the project.

(s) The award shall become final 30 calendar days from the date the arbitration award is issued. The arbitrator, upon written application of a party to the arbitration, may correct the award upon the following grounds:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, things, or property referred to in the award.

(2) There is any other clerical error in the award, not affecting the merits of the controversy.

An application for correction of the award shall be made within 10 calendar days of the date of service of the award by serving a copy of the application on the arbitrator, and all other parties to the arbitration. Any party to the arbitration may make a written objection to the application for correction by serving a copy of the written objection on the arbitrator, the board, and all other parties to the arbitration, within 10 calendar days of the date of service of the application for correction.

The arbitrator shall either deny the application or correct the award within 30 calendar days of the date of service of the original award by mailing a copy of the denial or correction to all parties to the arbitration. Any appeal from the denial or correction shall be filed with a court of competent jurisdiction and a true copy thereof shall be filed with the arbitrator or appointed arbitration association within 30 calendar days after the award has become final. The award shall be in writing, and shall be signed by the arbitrator or a majority of them. If no appeal is filed within the 30-calendar day period, it shall become a final order of the registrar.

(t) Service of the award by certified mail shall be effective if a certified letter containing the award, or a true copy thereof, is mailed by the arbitrator or arbitration association to each party or to a party's attorney of record at their last known address, address of record, or by personally serving any party. Service may be proved in the manner authorized in civil actions.

(u) The board shall pay the expenses of one expert witness appointed by the board when the services of an expert witness are requested by either party involved in arbitration pursuant to this article and the case involves workmanship issues that are itemized in the complaint and have not been repaired or replaced. Parties who choose to present the findings of another expert witness as evidence shall pay for those services. Payment for expert witnesses appointed by the board shall be limited to the expert witness costs for inspection of the problem at the construction site, preparation of the expert witness' report, and expert witness fees for appearing or testifying at a hearing. All requests for payment to an expert witness shall be submitted on a form that has been approved by the registrar. All requests for payment to an expert witness shall be reviewed and approved by the board prior to

payment. The registrar shall advise the parties that names of industry experts may be obtained by requesting this information from the registrar.

(v) The arbitrator shall interpret and apply these rules insofar as they relate to their powers and duties.

(w) The following shall apply as to court procedure and exclusion of liability:

(1) The board, the appointed arbitration association, or any arbitrator in a proceeding under these rules is not a necessary party in judicial proceedings relating to the arbitration.

(2) Parties to these rules shall be deemed to have consented that judgment upon the arbitration award may be entered in any federal or state court having jurisdiction thereof.

(3) The board, the appointed arbitration association, or any arbitrator is not liable to any party for any act or omission in connection with any arbitration conducted under these rules.

SEC. 61. Section 7099.2 of the Business and Professions Code is amended to read:

7099.2. (a) The board shall promulgate regulations covering the assessment of civil penalties under this article that give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The gravity of the violation.

(2) The good faith of the licensee or applicant for licensure being charged.

(3) The history of previous violations.

(b) Except as otherwise provided by this chapter, no civil penalty shall be assessed in an amount greater than five thousand dollars (\$5,000). Notwithstanding Section 125.9, a civil penalty not to exceed fifteen thousand dollars (\$15,000) may be assessed for a violation of Section 7114 or 7118.

SEC. 62. Section 7099.9 is added to the Business and Professions Code, to read:

7099.9. (a) If, upon investigation, the registrar has probable cause to believe that a licensee, registrant, or applicant has committed acts or omissions that are grounds for denial, suspension, or revocation of a license or registration, the registrar, or their designee, may issue a letter of admonishment to an applicant, licensee, or registrant in lieu of issuing a citation. Nothing in this article shall in any way limit the registrar's discretionary authority or ability to issue a letter of admonishment as prescribed by this subdivision.

(b) The letter of admonishment shall be in writing and shall describe in detail the nature and facts of the violation, including a reference to the statutes or regulations violated. The letter of admonishment shall inform the licensee, registrant, or applicant that within 30 days of service of the letter of admonishment the licensee, registrant, or applicant may do either of the following:

(1) Submit a written request for an office conference to the registrar to contest the letter of admonishment. Upon a timely request, the registrar, or their designee, shall hold an office conference with the licensee, registrant,

or applicant and, if applicable, their legal counsel or authorized representative.

(A) No individual other than the legal counsel or authorized representative of the licensee, registrant, or applicant may accompany the licensee, registrant, or applicant to the office conference.

(B) Prior to or at the office conference, the licensee, registrant, or applicant may submit to the registrar declarations and documents pertinent to the subject matter of the letter of admonishment.

(C) The office conference is intended to be informal and shall not be subject to the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) or Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(D) After the office conference, the registrar, or their designee, may affirm, modify, or withdraw the letter of admonishment. Within 14 calendar days from the date of the office conference, the registrar, or their designee, shall personally serve or send the written decision by certified mail to the licensee's, registrant's, or applicant's address of record. This decision shall be deemed the final administrative decision concerning the letter of admonishment.

(E) Judicial review of the decision may be had by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 30 days after the date the decision was personally served or sent by certified mail. The judicial review shall extend to the question of whether or not there was a prejudicial abuse of discretion in the issuance of the letter of admonishment or in the decision after the office conference.

(2) Comply with the letter of admonishment and, if required, submit a written corrective action plan to the registrar documenting compliance. If an office conference is not requested pursuant to this section, compliance with the letter of admonishment shall not constitute an admission of the violation noted in the letter of admonishment.

(c) The letter of admonishment shall be served upon the licensee, registrant, or applicant personally or by certified mail at their address of record with the board. If the licensee, registrant, or applicant is served by certified mail, service shall be effective upon deposit in the United States mail.

(d) The licensee, registrant, or applicant shall maintain and have readily available a copy of the letter of admonishment and corrective action plan, if any, for at least one year from the date of issuance of the letter of admonishment.

(e) Nothing in this subdivision shall in any way limit the board's authority or ability to do either of the following:

(1) Issue a citation pursuant to Section 125.9, 148, or 7099.

(2) Institute disciplinary proceedings pursuant to this article.

(f) The issuance of a letter of admonishment shall not be construed as a disciplinary action or discipline for purposes of licensure or the reporting of discipline for licensure.

(g) The board shall not issue a letter of admonishment when any one of the following factors is present:

- (1) The licensee, registrant, or applicant was unlicensed at the time of the violation.
 - (2) Multiple violations have been established.
 - (3) The licensee, registrant, or applicant has a history of the same or similar violations.
 - (4) The violation resulted in financial harm to another.
 - (5) The victim is an elder or dependent adult as defined in Section 368 of the Penal Code.
 - (6) The violation is related to the repair of damage caused by a natural disaster.
- (h) The board may adopt regulations to further define the circumstances under which a letter of admonishment may be issued.

SEC. 63. Section 7123.5 of the Business and Professions Code is amended to read:

7123.5. If a contractor is convicted of violating Section 396 of the Penal Code or any substantially similar local ordinance in connection with the sale, or offer for sale, of repair or reconstruction services, as defined in Section 396 of the Penal Code, the Contractors State License Board shall take disciplinary action against the contractor, which shall include a suspension of at least six months or the permanent revocation of the contractor's license.

SEC. 64. Section 7135 of the Business and Professions Code is amended to read:

7135. (a) The fees and civil penalties received under this chapter shall be deposited in the Contractors License Fund. All moneys in the fund are hereby appropriated for the purposes of this chapter.

(b) It is the intent of the Legislature that the board shall use moneys appropriated from the fund to improve its administrative and investigative oversight activities and capacity.

SEC. 65. Section 7136 of the Business and Professions Code is amended to read:

7136. The director shall designate a sum not to exceed 10 percent of the total income of the Contractors State License Board for each fiscal year to be transferred to the Consumer Affairs Fund as the board's share of the cost of administration of the department.

SEC. 66. Section 7137 of the Business and Professions Code is amended to read:

7137. The board may set fees by regulation. These fees shall be set according to the following schedule:

(a) (1) The application fee for an original license in a single classification shall be three hundred thirty dollars (\$330) and may be increased to not more than three hundred seventy-five dollars (\$375).

(2) The application fee for each additional classification applied for in connection with an original license shall not be more than eighty-five dollars (\$85).

(3) The application fee for each additional classification pursuant to Section 7059 shall be one hundred fifty dollars (\$150) and may be increased to not more than one hundred seventy-five dollars (\$175).

(4) The application fee to replace a responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee pursuant to Section 7068.2 shall be one hundred fifty dollars (\$150) and may be increased to not more than one hundred seventy-five dollars (\$175).

(5) The application fee to add personnel, other than a qualifying individual, to an existing license shall be one hundred dollars (\$100) and may be increased to not more than one hundred fifteen dollars (\$115).

(b) The fee for rescheduling an examination for an applicant who has applied for an original license, additional classification, a change of responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee, or for an asbestos certification or hazardous substance removal certification, shall not be more than seventy dollars (\$70).

(c) The fee for scheduling or rescheduling an examination for a licensee who is required to take the examination as a condition of probation shall not be more than seventy dollars (\$70).

(d) The initial license fee for an active or inactive license shall be two hundred dollars (\$200) and may be increased to not more than two hundred twenty-five dollars (\$225).

(e) (1) The renewal fee for an active license shall be four hundred dollars (\$400) and may be increased to not more than four hundred fifty dollars (\$450).

(2) The renewal fee for an inactive license shall be two hundred dollars (\$200) and may be increased to not more than two hundred twenty-five dollars (\$225).

(f) The delinquency fee is an amount equal to 50 percent of the renewal fee, if the license is renewed after its expiration.

(g) The registration fee for a home improvement salesperson shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(h) The renewal fee for a home improvement salesperson registration shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(i) The application fee for an asbestos certification examination shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(j) The application fee for a hazardous substance removal or remedial action certification examination shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(k) In addition to any other fees charged to C-10 contractors, the board shall charge a fee of twenty dollars (\$20), to be assessed with the renewal fee for an active license, which shall be used by the board to enforce provisions of the Labor Code related to electrician certification.

(l) The service fee to deposit with the registrar lawful money or cashier's check pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure for purposes of compliance with any provision of Article 5 (commencing with Section 7065) shall be one hundred dollars (\$100), which shall be used by the board only to process each deposit filed with the registrar, to cover the reasonable costs to the registrar for holding money or cashier's checks in trust in interest bearing deposit or share accounts, and to offset the costs of processing payment of lawful claims against a deposit in a civil action.

(m) The board shall, by regulation, establish criteria for the approval of expedited processing of applications. Approved expedited processing of applications for licensure or registration, as required by other provisions of law, shall not be subject to this subdivision.

SEC. 67. Section 7137.5 of the Business and Professions Code is amended to read:

7137.5. The sum of ten thousand dollars (\$10,000) shall be transferred from the Contractors License Fund to the Controller for the exclusive use of the California Uniform Construction Cost Accounting Commission.

The commission shall prepare a recommendation to the Legislature for a local public agency source to fund the commission beginning July 1, 1991, which will provide revenue supported by the contract activities represented by the commission's authority.

Upon adoption of this funding program, the commission shall reimburse the Contractors License Fund in the amount of ten thousand dollars (\$10,000).

SEC. 68. Section 7138 of the Business and Professions Code is amended to read:

7138. Notwithstanding any other provision of law, a fee paid in connection with a service or application covered by Section 7137 shall accrue to the Contractors License Fund as an earned fee and shall not be refunded.

SEC. 69. Section 7139.1 of the Business and Professions Code is amended to read:

7139.1. The Legislature hereby finds and declares all of the following:

(a) There is a demand and increasing need for construction management education programs and resources within the postsecondary education system that prepare graduates for the management of construction operations and companies regulated by the Contractors State License Law and enforced by the Contractors State License Board.

(b) Although construction management programs do exist within the state university system, these programs are woefully underfunded and insufficiently funded to provide training on state-of-the-art management information systems for either graduates or extension programs for continuing education of licensed contractors. Construction industry associations have provided some assistance through direct grants and scholarships, but the industrywide service of these programs and the need for additional assistance mandates broad based industrywide support.

(c) It is the intent of the Legislature that by enabling contractors to designate a portion of their licensure fee and providing a format for contractors to contribute funds to construction management education, this article will receive broad based industry support. In addition, this article allows the contractor to demonstrate the importance of construction management education. This assistance will enable greater development of construction management curricula and will improve the overall quality of construction by providing construction management training to California licensed contractors and their current and future management personnel.

SEC. 70. Section 7139.2 of the Business and Professions Code is amended to read:

7139.2. (a) There is hereby created the Construction Management Education Account (CMEA) as a separate account in the Contractors License Fund for the purposes of construction management education. Funds in the account shall be available for the purposes of this article upon appropriation by the Legislature.

(b) The Contractors State License Board shall allow a contractor to make a contribution to the Construction Management Education Account at the time of the contractor license fee payment. The license fee form shall clearly display this alternative on its face and shall clearly inform the licensee that this provision is a contribution to the Construction Management Education Account and is in addition to the fees.

(c) The board may accept grants from federal, state, or local public agencies, or from private foundations or individuals, in order to assist it in carrying out its duties, functions, and powers under this article. Grant moneys shall be deposited into the Construction Management Education Account.

SEC. 71. Section 7141.5 of the Business and Professions Code is amended to read:

7141.5. The registrar shall grant the retroactive renewal of a license if, within 90 days of the expiration of the license, the otherwise eligible licensee submits a completed application for renewal on a form prescribed by the registrar, and pays the appropriate renewal fee and delinquency fee prescribed by this chapter. For the purposes of this section, an application shall be deemed submitted if it is delivered to the board's headquarters or postmarked within 90 days of the expiration of the license.

SEC. 72. Section 7145.5 of the Business and Professions Code is amended to read:

7145.5. (a) The registrar may refuse to issue, reinstate, reactivate, or renew a license or may suspend a license for the failure of a licensee to resolve all outstanding final liabilities, which include taxes, additions to tax, penalties, interest, and any fees that may be assessed by the board, the Department of Industrial Relations, the Employment Development Department, the Franchise Tax Board, or the State Board of Equalization.

(1) Until the debts covered by this section are satisfied, the qualifying person and any other personnel of record named on a license that has been suspended under this section shall be prohibited from serving in any capacity

that is subject to licensure under this chapter, but shall be permitted to act in the capacity of a nonsupervising bona fide employee.

(2) The license of any other renewable licensed entity with any of the same personnel of record that have been assessed an outstanding liability covered by this section shall be suspended until the debt has been satisfied or until the same personnel of record disassociate themselves from the renewable licensed entity.

(b) The refusal to issue a license or the suspension of a license as provided by this section shall be applicable only if the registrar has mailed a notice preliminary to the refusal or suspension that indicates that the license will be refused or suspended by a date certain. This preliminary notice shall be mailed to the licensee at least 60 days before the date certain.

(c) In the case of outstanding final liabilities assessed by the Franchise Tax Board, this section shall be operative within 60 days after the Contractors State License Board has provided the Franchise Tax Board with the information required under Section 30, relating to licensing information that includes the federal employer identification number, individual taxpayer identification number, or social security number.

(d) All versions of the application for a contractor's license shall include, as part of the application, an authorization by the applicant, in the form and manner mutually agreeable to the Franchise Tax Board and the board, for the Franchise Tax Board to disclose the tax information that is required for the registrar to administer this section. The Franchise Tax Board may from time to time audit these authorizations.

(e) In the case of outstanding final liabilities assessed by the State Board of Equalization, this section shall not apply to any outstanding final liability if the licensee has entered into an installment payment agreement for that liability with the State Board of Equalization and is in compliance with the terms of that agreement.

SEC. 73. Section 7159 of the Business and Professions Code is amended to read:

7159. (a) (1) This section identifies the projects for which a home improvement contract is required, outlines the contract requirements, and lists the items that shall be included in the contract, or may be provided as an attachment.

(2) This section does not apply to service and repair contracts that are subject to Section 7159.10, if the contract for the applicable services complies with Sections 7159.10 to 7159.14, inclusive.

(3) This section does not apply to the sale, installation, and servicing of a fire alarm sold in conjunction with an alarm system, as defined in Section 7590.1, if all costs attributable to making the fire alarm system operable, including sale and installation costs, do not exceed five hundred dollars (\$500), and the licensee complies with the requirements set forth in Section 7159.9.

(4) This section does not apply to any costs associated with monitoring a burglar or fire alarm system.

(5) Failure by the licensee, their agent or salesperson, or by a person subject to be licensed under this chapter, to provide the specified information, notices, and disclosures in the contract, or to otherwise fail to comply with any provision of this section, is cause for discipline.

(b) For purposes of this section, “home improvement contract” means an agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner or between a contractor and a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, if the work is to be performed in, to, or upon the residence or dwelling unit of the tenant, for the performance of a home improvement, as defined in Section 7151, and includes all labor, services, and materials to be furnished and performed thereunder, if the aggregate contract price specified in one or more improvement contracts, including all labor, services, and materials to be furnished by the contractor, exceeds five hundred dollars (\$500). “Home improvement contract” also means an agreement, whether oral or written, or contained in one or more documents, between a salesperson, whether or not they are a home improvement salesperson, and an owner or a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, which provides for the sale, installation, or furnishing of home improvement goods or services.

(c) In addition to the specific requirements listed under this section, every home improvement contract and any person subject to licensure under this chapter or their agent or salesperson shall comply with all of the following:

(1) The writing shall be legible.

(2) Any printed form shall be readable. Unless a larger typeface is specified in this article, text in any printed form shall be in at least 10-point typeface and the headings shall be in at least 10-point boldface type.

(3) (A) Before any work is started, the contractor shall give the buyer a copy of the contract signed and dated by both the contractor and the buyer. The buyer’s receipt of the copy of the contract initiates the buyer’s rights to cancel the contract pursuant to Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

(B) The contract shall contain on the first page, in a typeface no smaller than that generally used in the body of the document, both of the following:

(i) The date the buyer signed the contract.

(ii) The name and address of the contractor to which the applicable “Notice of Cancellation” is to be mailed, immediately preceded by a statement advising the buyer that the “Notice of Cancellation” may be sent to the contractor at the address noted on the contract.

(4) The contract shall include a statement that, upon satisfactory payment being made for any portion of the work performed, the contractor, prior to any further payment being made, shall furnish to the person contracting for the home improvement or swimming pool work a full and unconditional release from any potential lien claimant claim or mechanics lien authorized pursuant to Sections 8400 and 8404 of the Civil Code for that portion of the work for which payment has been made.

(5) A change-order form for changes or extra work shall be incorporated into the contract and shall become part of the contract only if it is in writing and signed by the parties prior to the commencement of any work covered by a change order.

(6) The contract shall contain, in close proximity to the signatures of the owner and contractor, a notice stating that the owner or tenant has the right to require the contractor to have a performance and payment bond.

(7) If the contract provides for a contractor to furnish joint control, the contractor shall not have any financial or other interest in the joint control.

(8) The provisions of this section are not exclusive and do not relieve the contractor from compliance with any other applicable provision of law.

(d) A home improvement contract and any changes to the contract shall be in writing and signed by the parties to the contract prior to the commencement of work covered by the contract or an applicable change order and, except as provided in paragraph (8) of subdivision (a) of Section 7159.5, shall include or comply with all of the following:

(1) The name, business address, and license number of the contractor.

(2) If applicable, the name and registration number of the home improvement salesperson that solicited or negotiated the contract.

(3) The following heading on the contract form that identifies the type of contract in at least 10-point boldface type: “Home Improvement.”

(4) The following statement in at least 12-point boldface type: “You are entitled to a completely filled in copy of this agreement, signed by both you and the contractor, before any work may be started.”

(5) The heading: “Contract Price,” followed by the amount of the contract in dollars and cents.

(6) If a finance charge will be charged, the heading: “Finance Charge,” followed by the amount in dollars and cents. The finance charge is to be set out separately from the contract amount.

(7) The heading: “Description of the Project and Description of the Significant Materials to be Used and Equipment to be Installed,” followed by a description of the project and a description of the significant materials to be used and equipment to be installed. For swimming pools, the project description required under this paragraph also shall include a plan and scale drawing showing the shape, size, dimensions, and the construction and equipment specifications.

(8) If a downpayment will be charged, the details of the downpayment shall be expressed in substantially the following form, and shall include the text of the notice as specified in subparagraph (C):

(A) The heading: “Downpayment.”

(B) A space where the actual downpayment appears.

(C) The following statement in at least 12-point boldface type:

“THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10 PERCENT OF THE CONTRACT PRICE, WHICHEVER IS LESS.”

(9) If payments, other than the downpayment, are to be made before the project is completed, the details of these payments, known as progress payments, shall be expressed in substantially the following form, and shall include the text of the statement as specified in subparagraph (C):

(A) A schedule of progress payments shall be preceded by the heading: “Schedule of Progress Payments.”

(B) Each progress payment shall be stated in dollars and cents and specifically reference the amount of work or services to be performed and materials and equipment to be supplied.

(C) The section of the contract reserved for the progress payments shall include the following statement in at least 12-point boldface type:

“The schedule of progress payments must specifically describe each phase of work, including the type and amount of work or services scheduled to be supplied in each phase, along with the amount of each proposed progress payment. **IT IS AGAINST THE LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR WORK NOT YET COMPLETED, OR FOR MATERIALS NOT YET DELIVERED. HOWEVER, A CONTRACTOR MAY REQUIRE A DOWNPAYMENT.**”

(10) The contract shall address the commencement of work to be performed in substantially the following form:

(A) A statement that describes what constitutes substantial commencement of work under the contract.

(B) The heading: “Approximate Start Date.”

(C) The approximate date on which work will be commenced.

(11) The estimated completion date of the work shall be referenced in the contract in substantially the following form:

(A) The heading: “Approximate Completion Date.”

(B) The approximate date of completion.

(12) If applicable, the heading: “List of Documents to be Incorporated into the Contract,” followed by the list of documents incorporated into the contract.

(13) The heading: “Note About Extra Work and Change Orders,” followed by the following statement:

“Extra Work and Change Orders become part of the contract once the order is prepared in writing and signed by the parties prior to the commencement of work covered by the new change order. The order must describe the scope of the extra work or change, the cost to be added or subtracted from the contract, and the effect the order will have on the schedule of progress payments.”

(e) Except as provided in paragraph (8) of subdivision (a) of Section 7159.5, all of the following notices shall be provided to the owner as part of the contract form as specified or, if otherwise authorized under this subdivision, may be provided as an attachment to the contract:

(1) A notice concerning commercial general liability insurance. This notice may be provided as an attachment to the contract if the contract includes the following statement: “A notice concerning commercial general liability insurance is attached to this contract.” The notice shall include the heading “Commercial General Liability Insurance (CGL),” followed by whichever of the following statements is both relevant and correct:

(A) “(The name on the license or ‘This contractor’) does not carry commercial general liability insurance.”

(B) “(The name on the license or ‘This contractor’) carries commercial general liability insurance written by (the insurance company). You may call (the insurance company) at _____ to check the contractor’s insurance coverage.”

(C) “(The name on the license or ‘This contractor’) is self-insured.”

(D) “(The name on the license or ‘This contractor’) is a limited liability company that carries liability insurance or maintains other security as required by law. You may call (the insurance company or trust company or bank) at ____ to check on the contractor’s insurance coverage or security.”

(2) A notice concerning workers’ compensation insurance. This notice may be provided as an attachment to the contract if the contract includes the statement: “A notice concerning workers’ compensation insurance is attached to this contract.” The notice shall include the heading “Workers’ Compensation Insurance” followed by whichever of the following statements is correct:

(A) “(The name on the license or ‘This contractor’) has no employees and is exempt from workers’ compensation requirements.”

(B) “(The name on the license or ‘This contractor’) carries workers’ compensation insurance for all employees.”

(3) A notice that provides the buyer with the following information about the performance of extra or change-order work:

(A) A statement that the buyer may not require a contractor to perform extra or change-order work without providing written authorization prior to the commencement of work covered by the new change order.

(B) A statement informing the buyer that extra work or a change order is not enforceable against a buyer unless the change order also identifies all of the following in writing prior to the commencement of work covered by the new change order:

(i) The scope of work encompassed by the order.

(ii) The amount to be added or subtracted from the contract.

(iii) The effect the order will make in the progress payments or the completion date.

(C) A statement informing the buyer that the contractor’s failure to comply with the requirements of this paragraph does not preclude the recovery of compensation for work performed based upon legal or equitable remedies designed to prevent unjust enrichment.

(4) A notice with the heading “Mechanics Lien Warning” written as follows:

“MECHANICS LIEN WARNING:

Anyone who helps improve your property, but who is not paid, may record what is called a mechanics lien on your property. A mechanics lien is a claim, like a mortgage or home equity loan, made against your property and recorded with the county recorder.

Even if you pay your contractor in full, unpaid subcontractors, suppliers, and laborers who helped to improve your property may record mechanics liens and sue you in court to foreclose the lien. If a court finds the lien is valid, you could be forced to pay twice or have a court officer sell your home to pay the lien. Liens can also affect your credit.

To preserve their right to record a lien, each subcontractor and material supplier must provide you with a document called a ‘Preliminary Notice.’ This notice is not a lien. The purpose of the notice is to let you know that the person who sends you the notice has the right to record a lien on your property if they are not paid.

BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the subcontractor starts work or the supplier provides material. This can be a big problem if you pay your contractor before you have received the Preliminary Notices.

You will not get Preliminary Notices from your prime contractor or from laborers who work on your project. The law assumes that you already know they are improving your property.

PROTECT YOURSELF FROM LIENS. You can protect yourself from liens by getting a list from your contractor of all the subcontractors and material suppliers that work on your project. Find out from your contractor when these subcontractors started work and when these suppliers delivered goods or materials. Then wait 20 days, paying attention to the Preliminary Notices you receive.

PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a joint check. When your contractor tells you it is time to pay for the work of a subcontractor or supplier who has provided you with a Preliminary Notice, write a joint check payable to both the contractor and the subcontractor or material supplier.

For other ways to prevent liens, visit CSLB’s internet website at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING A LIEN PLACED ON YOUR HOME. This can mean that you may have to pay twice, or face the forced sale of your home to pay what you owe.”

(5) The following notice shall be provided in at least 12-point typeface:

“Information about the Contractors State License Board (CSLB): CSLB is the state consumer protection agency that licenses and regulates construction contractors.

Contact CSLB for information about the licensed contractor you are considering, including information about disclosable complaints, disciplinary actions, and civil judgments that are reported to CSLB.

Use only licensed contractors. If you file a complaint against a licensed contractor within the legal deadline (usually four years), CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor's employees.

For more information:

Visit CSLB's internet website at www.cslb.ca.gov

Call CSLB at 800-321-CSLB (2752)

Write CSLB at P.O. Box 26000, Sacramento, CA 95826."

(6) (A) The notice set forth in subparagraph (B) and entitled "Three-Day Right to Cancel," shall be provided to the buyer unless the contract is:

(i) Negotiated at the contractor's place of business.

(ii) Subject to the "Seven-Day Right to Cancel," as set forth in paragraph (7).

(iii) Subject to licensure under the Alarm Company Act (Chapter 11.6 (commencing with Section 7590)), provided the alarm company licensee complies with Sections 1689.5, 1689.6, and 1689.7 of the Civil Code, as applicable.

(B) "Three-Day Right to Cancel

You, the buyer, have the right to cancel this contract within three business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor's place of business by midnight of the third business day after you received a signed and dated copy of the contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor's instructions on how to return the goods at the contractor's expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract."

(C) The "Three-Day Right to Cancel" notice required by this paragraph shall comply with all of the following:

- (i) The text of the notice is at least 12-point boldface type.
- (ii) The notice is in immediate proximity to a space reserved for the owner's signature.
- (iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.
- (iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.
- (v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement: "The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a 'Notice of the Three-Day Right to Cancel.'"
- (vi) The notice shall be accompanied by a completed form in duplicate, captioned "Notice of Cancellation," which also shall be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

"Notice of Cancellation"

/enter date of transaction/

(Date)

"You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract."

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram

to _____,

/name of seller/

at _____

/address of seller’s place of business/
not later than midnight of _____.
(Date)

I hereby cancel this transaction. _____
(Date)

(Buyer’s signature)

(7) (A) The following notice entitled “Seven-Day Right to Cancel” shall be provided to the buyer for any contract that is written for the repair or restoration of residential premises damaged by any sudden or catastrophic event for which a state of emergency has been declared by the President of the United States or the Governor, or for which a local emergency has been declared by the executive officer or governing body of any city, county, or city and county:

“Seven-Day Right to Cancel

You, the buyer, have the right to cancel this contract within seven business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor’s place of business by midnight of the seventh business day after you received a signed and dated copy of the contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor’s instructions on how to return the goods at the contractor’s expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract.”

(B) The “Seven-Day Right to Cancel” notice required by this subdivision shall comply with all of the following:

- (i) The text of the notice is at least 12-point boldface type.
- (ii) The notice is in immediate proximity to a space reserved for the owner’s signature.
- (iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.
- (iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.
- (v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement:

“The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Seven-Day Right to Cancel.’”

(vi) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which shall also be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

(Date)

“You may cancel this transaction, without any penalty or obligation, within seven business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram

to _____,
/name of seller/

at _____,
/address of seller’s place of business/

not later than midnight of _____.
(Date)

I hereby cancel this transaction. _____
(Date)

(Buyer’s signature)

SEC. 73.5. Section 7159 of the Business and Professions Code is amended to read:

7159. (a) (1) This section identifies the projects for which a home improvement contract is required, outlines the contract requirements, and lists the items that shall be included in the contract, or may be provided as an attachment.

(2) This section does not apply to service and repair contracts that are subject to Section 7159.10, if the contract for the applicable services complies with Sections 7159.10 to 7159.14, inclusive.

(3) This section does not apply to the sale, installation, and servicing of a fire alarm sold in conjunction with an alarm system, as defined in Section 7590.1, if all costs attributable to making the fire alarm system operable, including sale and installation costs, do not exceed five hundred dollars (\$500), and the licensee complies with the requirements set forth in Section 7159.9.

(4) This section does not apply to any costs associated with monitoring a burglar or fire alarm system.

(5) Failure by the licensee, their agent or salesperson, or by a person subject to be licensed under this chapter, to provide the specified information, notices, and disclosures in the contract, or to otherwise fail to comply with any provision of this section, is cause for discipline.

(b) For purposes of this section, “home improvement contract” means an agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner or between a contractor and a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, if the work is to be performed in, to, or upon the residence or dwelling unit of the tenant, for the performance of a home improvement, as defined in Section 7151, and includes all labor, services, and materials to be furnished and performed thereunder, if the aggregate contract price specified in one or more improvement contracts, including all labor, services, and materials to be furnished by the contractor, exceeds five hundred dollars (\$500). “Home improvement contract” also means an agreement, whether oral or written, or contained in one or more documents, between a salesperson, whether or not they are a home improvement salesperson, and an owner or a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, which provides for the sale, installation, or furnishing of home improvement goods or services.

(c) In addition to the specific requirements listed under this section, every home improvement contract and any person subject to licensure under this chapter or their agent or salesperson shall comply with all of the following:

(1) The writing shall be legible.

(2) Any printed form shall be readable. Unless a larger typeface is specified in this article, text in any printed form shall be in at least 10-point typeface and the headings shall be in at least 10-point boldface type.

(3) (A) Before any work is started, the contractor shall give the buyer a copy of the contract signed and dated by both the contractor and the buyer.

The buyer's receipt of the copy of the contract initiates the buyer's rights to cancel the contract pursuant to Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

(B) The contract shall contain on the first page, in a typeface no smaller than that generally used in the body of the document, both of the following:

(i) The date the buyer signed the contract.

(ii) The name and address of the contractor to which the applicable "Notice of Cancellation" is to be mailed, immediately preceded by a statement advising the buyer that the "Notice of Cancellation" may be sent to the contractor at the address noted on the contract.

(4) The contract shall include a statement that, upon satisfactory payment being made for any portion of the work performed, the contractor, prior to any further payment being made, shall furnish to the person contracting for the home improvement or swimming pool work a full and unconditional release from any potential lien claimant claim or mechanics lien authorized pursuant to Sections 8400 and 8404 of the Civil Code for that portion of the work for which payment has been made.

(5) A change-order form for changes or extra work shall be incorporated into the contract and shall become part of the contract only if it is in writing and signed by the parties prior to the commencement of any work covered by a change order.

(6) The contract shall contain, in close proximity to the signatures of the owner and contractor, a notice stating that the owner or tenant has the right to require the contractor to have a performance and payment bond.

(7) If the contract provides for a contractor to furnish joint control, the contractor shall not have any financial or other interest in the joint control.

(8) The provisions of this section are not exclusive and do not relieve the contractor from compliance with any other applicable provision of law.

(d) A home improvement contract and any changes to the contract shall be in writing and signed by the parties to the contract prior to the commencement of work covered by the contract or an applicable change order and, except as provided in paragraph (8) of subdivision (a) of Section 7159.5, shall include or comply with all of the following:

(1) The name, business address, and license number of the contractor.

(2) If applicable, the name and registration number of the home improvement salesperson that solicited or negotiated the contract.

(3) The following heading on the contract form that identifies the type of contract in at least 10-point boldface type: "Home Improvement."

(4) The following statement in at least 12-point boldface type: "You are entitled to a completely filled in copy of this agreement, signed by both you and the contractor, before any work may be started."

(5) The heading: "Contract Price," followed by the amount of the contract in dollars and cents.

(6) If a finance charge will be charged, the heading: "Finance Charge," followed by the amount in dollars and cents. The finance charge is to be set out separately from the contract amount.

(7) The heading: “Description of the Project and Description of the Significant Materials to be Used and Equipment to be Installed,” followed by a description of the project and a description of the significant materials to be used and equipment to be installed. For swimming pools, the project description required under this paragraph also shall include a plan and scale drawing showing the shape, size, dimensions, and the construction and equipment specifications.

(8) If a downpayment will be charged, the details of the downpayment shall be expressed in substantially the following form, and shall include the text of the notice as specified in subparagraph (C):

- (A) The heading: “Downpayment.”
- (B) A space where the actual downpayment appears.
- (C) The following statement in at least 12-point boldface type:

“THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10 PERCENT OF THE CONTRACT PRICE, WHICHEVER IS LESS.”

(9) If payments, other than the downpayment, are to be made before the project is completed, the details of these payments, known as progress payments, shall be expressed in substantially the following form, and shall include the text of the statement as specified in subparagraph (C):

(A) A schedule of progress payments shall be preceded by the heading: “Schedule of Progress Payments.”

(B) Each progress payment shall be stated in dollars and cents and specifically reference the amount of work or services to be performed and materials and equipment to be supplied.

(C) The section of the contract reserved for the progress payments shall include the following statement in at least 12-point boldface type:

“The schedule of progress payments must specifically describe each phase of work, including the type and amount of work or services scheduled to be supplied in each phase, along with the amount of each proposed progress payment. IT IS AGAINST THE LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR WORK NOT YET COMPLETED, OR FOR MATERIALS NOT YET DELIVERED. HOWEVER, A CONTRACTOR MAY REQUIRE A DOWNPAYMENT.”

(10) The contract shall address the commencement of work to be performed in substantially the following form:

(A) A statement that describes what constitutes substantial commencement of work under the contract.

(B) The heading: “Approximate Start Date.”

(C) The approximate date on which work will be commenced.

(11) The estimated completion date of the work shall be referenced in the contract in substantially the following form:

(A) The heading: “Approximate Completion Date.”

(B) The approximate date of completion.

(12) If applicable, the heading: “List of Documents to be Incorporated into the Contract,” followed by the list of documents incorporated into the contract.

(13) The heading: “Note About Extra Work and Change Orders,” followed by the following statement:

“Extra Work and Change Orders become part of the contract once the order is prepared in writing and signed by the parties prior to the commencement of work covered by the new change order. The order must describe the scope of the extra work or change, the cost to be added or subtracted from the contract, and the effect the order will have on the schedule of progress payments.”

(e) Except as provided in paragraph (8) of subdivision (a) of Section 7159.5, all of the following notices shall be provided to the owner as part of the contract form as specified or, if otherwise authorized under this subdivision, may be provided as an attachment to the contract:

(1) A notice concerning commercial general liability insurance. This notice may be provided as an attachment to the contract if the contract includes the following statement: “A notice concerning commercial general liability insurance is attached to this contract.” The notice shall include the heading “Commercial General Liability Insurance (CGL),” followed by whichever of the following statements is both relevant and correct:

(A) “(The name on the license or ‘This contractor’) does not carry commercial general liability insurance.”

(B) “(The name on the license or ‘This contractor’) carries commercial general liability insurance written by (the insurance company). You may call (the insurance company) at _____ to check the contractor’s insurance coverage.”

(C) “(The name on the license or ‘This contractor’) is self-insured.”

(D) “(The name on the license or ‘This contractor’) is a limited liability company that carries liability insurance or maintains other security as required by law. You may call (the insurance company or trust company or bank) at ____ to check on the contractor’s insurance coverage or security.”

(2) A notice concerning workers’ compensation insurance. This notice may be provided as an attachment to the contract if the contract includes the statement: “A notice concerning workers’ compensation insurance is attached to this contract.” The notice shall include the heading “Workers’ Compensation Insurance” followed by whichever of the following statements is correct:

(A) “(The name on the license or ‘This contractor’) has no employees and is exempt from workers’ compensation requirements.”

(B) “(The name on the license or ‘This contractor’) carries workers’ compensation insurance for all employees.”

(3) A notice that provides the buyer with the following information about the performance of extra or change-order work:

(A) A statement that the buyer may not require a contractor to perform extra or change-order work without providing written authorization prior to the commencement of work covered by the new change order.

(B) A statement informing the buyer that extra work or a change order is not enforceable against a buyer unless the change order also identifies all of the following in writing prior to the commencement of work covered by the new change order:

(i) The scope of work encompassed by the order.

(ii) The amount to be added or subtracted from the contract.

(iii) The effect the order will make in the progress payments or the completion date.

(C) A statement informing the buyer that the contractor's failure to comply with the requirements of this paragraph does not preclude the recovery of compensation for work performed based upon legal or equitable remedies designed to prevent unjust enrichment.

(4) A notice with the heading "Mechanics Lien Warning" written as follows:

"MECHANICS LIEN WARNING:

Anyone who helps improve your property, but who is not paid, may record what is called a mechanics lien on your property. A mechanics lien is a claim, like a mortgage or home equity loan, made against your property and recorded with the county recorder.

Even if you pay your contractor in full, unpaid subcontractors, suppliers, and laborers who helped to improve your property may record mechanics liens and sue you in court to foreclose the lien. If a court finds the lien is valid, you could be forced to pay twice or have a court officer sell your home to pay the lien. Liens can also affect your credit.

To preserve their right to record a lien, each subcontractor and material supplier must provide you with a document called a 'Preliminary Notice.' This notice is not a lien. The purpose of the notice is to let you know that the person who sends you the notice has the right to record a lien on your property if they are not paid.

BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the subcontractor starts work or the supplier provides material. This can be a big problem if you pay your contractor before you have received the Preliminary Notices.

You will not get Preliminary Notices from your prime contractor or from laborers who work on your project. The law assumes that you already know they are improving your property.

PROTECT YOURSELF FROM LIENS. You can protect yourself from liens by getting a list from your contractor of all the subcontractors and material suppliers that work on your project. Find out from your contractor when these subcontractors started work and when these suppliers delivered goods or materials. Then wait 20 days, paying attention to the Preliminary Notices you receive.

PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a joint check. When your contractor tells you it is time to pay for the work of a subcontractor or supplier who has provided you with a Preliminary Notice, write a joint check payable to both the contractor and the subcontractor or material supplier.

For other ways to prevent liens, visit CSLB's internet website at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING A LIEN PLACED ON YOUR HOME. This can mean that you may have to pay twice, or face the forced sale of your home to pay what you owe."

(5) The following notice shall be provided in at least 12-point typeface:

"Information about the Contractors State License Board (CSLB): CSLB is the state consumer protection agency that licenses and regulates construction contractors.

Contact CSLB for information about the licensed contractor you are considering, including information about disclosable complaints, disciplinary actions, and civil judgments that are reported to CSLB.

Use only licensed contractors. If you file a complaint against a licensed contractor within the legal deadline (usually four years), CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor's employees.

For more information:

Visit CSLB's internet website at www.cslb.ca.gov

Call CSLB at 800-321-CSLB (2752)

Write CSLB at P.O. Box 26000, Sacramento, CA 95826."

(6) (A) The notice set forth in subparagraph (B) and entitled "Three-Day Right to Cancel," or entitled "Five-Day Right to Cancel" for contracts with a senior citizen, shall be provided to the buyer unless the contract is:

(i) Negotiated at the contractor's place of business.

(ii) Subject to the "Seven-Day Right to Cancel," as set forth in paragraph (7).

(iii) Subject to licensure under the Alarm Company Act (Chapter 11.6 (commencing with Section 7590)), provided the alarm company licensee complies with Sections 1689.5, 1689.6, and 1689.7 of the Civil Code, as applicable.

(B) (i) "Three-Day Right to Cancel

You, the buyer, have the right to cancel this contract within three business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor's place of business by midnight of the third business day after you received a signed and dated copy of the

contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor’s instructions on how to return the goods at the contractor’s expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract.”

(ii) References to “three” and “third” in the notice set forth in clause (i) shall be changed to “five” and “fifth,” respectively, for a buyer who is a senior citizen.

(C) The notice required by this paragraph shall comply with all of the following:

- (i) The text of the notice is at least 12-point boldface type.
- (ii) The notice is in immediate proximity to a space reserved for the owner’s signature.
- (iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.
- (iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.

(v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with one of the following statements, as applicable:

(I) For a contract with a senior citizen: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Five-Day Right to Cancel.’”

(II) For all other contracts: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Three-Day Right to Cancel.’”

(vi) (I) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which also shall be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

(Date)

“You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram to _____, /name of seller/ at _____ /address of seller’s place of business/ not later than midnight of _____ (Date)

I hereby cancel this transaction. _____ (Date) _____ (Buyer’s signature)

(II) The reference to “three” in the statement set forth in subclause (I) shall be changed to “five” for a buyer who is a senior citizen.

(7) (A) The following notice entitled “Seven-Day Right to Cancel” shall be provided to the buyer for any contract that is written for the repair or restoration of residential premises damaged by any sudden or catastrophic event for which a state of emergency has been declared by the President of the United States or the Governor, or for which a local emergency has been declared by the executive officer or governing body of any city, county, or city and county:

“Seven-Day Right to Cancel

You, the buyer, have the right to cancel this contract within seven business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor’s place of business by midnight of the seventh business day after you received a signed and dated copy of the

contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor’s instructions on how to return the goods at the contractor’s expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract.”

(B) The “Seven-Day Right to Cancel” notice required by this subdivision shall comply with all of the following:

- (i) The text of the notice is at least 12-point boldface type.
- (ii) The notice is in immediate proximity to a space reserved for the owner’s signature.
- (iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.
- (iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.
- (v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Seven-Day Right to Cancel.’”
- (vi) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which shall also be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

(Date)

“You may cancel this transaction, without any penalty or obligation, within seven business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram to _____, /name of seller/ at _____ /address of seller’s place of business/ not later than midnight of _____ (Date)

I hereby cancel this transaction. _____ (Date) _____ (Buyer’s signature)

(f) The five-day right to cancel added by the act that amended paragraph (6) of subdivision (e) shall apply to contracts entered into on or after January 1, 2021.

SEC. 74. Section 7170 of the Business and Professions Code is amended to read:

7170. (a) The Contractors State License Board shall receive and review complaints and consumer questions regarding solar energy systems companies and solar contractors. The board shall also receive complaints received from state agencies regarding solar energy systems companies and solar contractors.

(b) Beginning on July 1, 2019, the board annually shall compile a report documenting consumer complaints relating to solar contractors. The report shall be made available publicly on the board’s and the Public Utilities Commission’s internet websites. The report shall contain all of the following:

- (1) The number and types of complaints.
(2) The ZIP Code where the consumer complaint originated.
(3) The disposition of all complaints received against a solar contractor.

(c) For purposes of this section, “solar energy system” means a solar energy device to be installed on a residential building that has the primary purpose of providing for the collection and distribution of solar energy for the generation of electricity, that produces at least one kW, and not more than five MW, alternating current rated peak electricity, and that meets or

exceeds the eligibility criteria established pursuant to Section 25782 of the Public Resources Code.

SEC. 75. Section 7303 of the Business and Professions Code is amended to read:

7303. (a) Notwithstanding Article 8 (commencing with Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, there is in the Department of Consumer Affairs the State Board of Barbering and Cosmetology in which the administration of this chapter is vested.

(b) The board shall consist of nine members. Five members shall be public members, and four members shall represent the professions. The Governor shall appoint three of the public members and the four professional members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members of the board shall be appointed for a term of four years, except that of the members appointed by the Governor, two of the public members and two of the professions members shall be appointed for an initial term of two years. No board member may serve longer than two consecutive terms.

(c) The board may appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter. The appointment of the executive officer is subject to the approval of the director. In the event that a newly authorized board replaces an existing or previous bureau, the director may appoint an interim executive officer for the board who shall serve temporarily until the new board appoints a permanent executive officer.

(d) The executive officer shall provide examiners, inspectors, and other personnel necessary to carry out the provisions of this chapter.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 76. Section 7512.3 of the Business and Professions Code, as amended by Section 1 of Chapter 569 of the Statutes of 2017, is amended to read:

7512.3. (a) As used in this chapter, “person” includes any individual, firm, company, limited liability company, association, organization, partnership, and corporation.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 77. Section 7512.3 of the Business and Professions Code, as amended by Section 2 of Chapter 569 of the Statutes of 2017, is amended to read:

7512.3. (a) As used in this chapter, “person” includes any individual, firm, company, association, organization, partnership, and corporation.

(b) This section shall become operative on January 1, 2024.

SEC. 78. Section 7512.14 of the Business and Professions Code is amended to read:

7512.14. (a) As used in this chapter, “member” means an individual who is a member of a limited liability company as specified in Section 17704.01 of the Corporations Code.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 79. Section 7512.15 of the Business and Professions Code is amended to read:

7512.15. (a) As used in this chapter, “manager” means an individual designated under an operating agreement of a manager-managed limited liability company who is responsible for performing the management functions for the limited liability company specified in subdivision (c) of Section 17704.07 of the Corporations Code.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 80. Section 7520.3 of the Business and Professions Code is amended to read:

7520.3. (a) As a condition of the issuance, reinstatement, reactivation, or continued valid use of a license under this chapter, a limited liability company shall, in accordance with this section, maintain a policy or policies of insurance against liability imposed on or against it by law for damages arising out of claims based upon acts, errors, or omissions arising out of the private investigator services it provides.

(b) The total aggregate limit of liability under the policy or policies of insurance required under this section shall be as follows:

(1) For a limited liability company licensee with five or fewer persons named as members pursuant to subdivision (i) of Section 7525.1, the aggregate limit shall not be less than one million dollars (\$1,000,000).

(2) For a limited liability company licensee with more than five persons named as members pursuant to subdivision (i) of Section 7525.1, an additional one hundred thousand dollars (\$100,000) of insurance shall be obtained for each person named as members of the licensee except that the maximum amount of insurance is not required to exceed five million dollars (\$5,000,000) in any one designated period, less amounts paid in defending, settling, or discharging claims as set forth under this section.

(c) Prior to the issuance, reinstatement, or reactivation of a limited liability company license as provided under this chapter, the applicant or licensee shall, in the manner prescribed by the bureau, submit the information and documentation required by this section and requested by the bureau, demonstrating compliance with the financial security requirements specified by this section.

(d) For any insurance policy secured by a licensee in satisfaction of this section, a Certificate of Liability Insurance, signed by an authorized agent or employee of the insurer, shall be submitted electronically or otherwise to the bureau. The insurer issuing the certificate shall report to the bureau the following information for any policy required under this section: name, license number, policy number, dates that coverage is scheduled to commence and lapse, and cancellation date if applicable. The insurer shall

list the bureau as the certificate holder for the purposes of receiving notifications related to the policy's status.

(e) (1) If a licensee fails to maintain sufficient insurance as required by this section, or fails to provide proof of the required insurance upon request by the bureau, the license is subject to suspension and shall be automatically suspended pursuant to this subdivision until the date that the licensee provides proof to the bureau of compliance with the insurance coverage requirement.

(2) Prior to an automatic suspension, the bureau shall notify the licensee, in writing, that it has 30 days to provide proof to the bureau of having the required insurance or the license shall be automatically suspended.

(3) If the licensee fails to provide proof of insurance coverage within this period, the bureau may automatically suspend the license.

(f) If the license of a limited liability company is suspended pursuant to subdivision (e), each member of the limited liability company shall be personally liable up to one million dollars (\$1,000,000) each for damages resulting to third parties in connection with the company's performance, during the period of suspension, of any act or contract when a license is required by this chapter.

(g) On and after July 1, 2018, a licensee organized as a limited liability company shall report a paid or pending claim against its liability insurance to the bureau, which shall post a notice of the claim on the Department of Consumer Affairs BreEZe License Verification Internet Web page.

(h) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 81. Section 7525.1 of the Business and Professions Code, as amended by Section 11 of Chapter 569 of the Statutes of 2017, is amended to read:

7525.1. An application shall be verified and shall include:

- (a) The full name and business address of the applicant.
- (b) The name under which the applicant intends to do business.
- (c) A statement as to the general nature of the business in which the applicant intends to engage.
- (d) A verified statement of their experience qualifications.

(e) (1) If the applicant is an individual, a qualified manager, a partner of a partnership, an officer of a corporation designated in subdivision (h), or a member, officer, or manager of a limited liability company designated in subdivision (i), one personal identification form provided by the bureau upon which shall appear a photograph taken within one year immediately preceding the date of the filing of the application together with two legible sets of fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a background check, on a form approved by the Department of Justice, and a personal description of each person, respectively. The identification form shall include residence addresses and employment history for the previous five years and be signed under penalty of perjury.

(2) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants, excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(f) In addition, if the applicant for a license is an individual, the application shall list all other names known as or used during the past 10 years and shall state that the applicant is to be personally and actively in charge of the business for which the license is sought. If any other qualified manager is to be actively in charge of the business, the application shall be subscribed, verified, and signed by the applicant, under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed by that person under penalty of perjury.

(g) If the applicants for a license are copartners, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for which the license is sought and list all other names known as or used during the past 10 years. If a qualified manager other than a partner is to be actively in charge of the business, then the application shall be subscribed, verified, and signed by all of the partners under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed by that person, under penalty of perjury, under penalty of perjury by all of the partners and the qualified manager, or by all of the partners or the qualified manager.

(h) If the applicant for a license is a corporation, the application shall state the true names and complete residence addresses of the chief executive officer, secretary, chief financial officer, and any other corporate officer who will be active in the business to be licensed. The application shall also state the name and address of the designated person to be actively in charge of the business for which the license is sought. The application shall be subscribed, verified, and signed by a duly authorized officer of the applicant and by the qualified manager thereof, under penalty of perjury.

(i) If the applicant for a license is a limited liability company, the application shall state the true name and complete residence address of each member, manager, and any officer who will be active in the business to be licensed. A certified copy of the articles of organization, as filed by the Secretary of State, shall be supplied to the bureau upon request. In the case of a manager-managed limited liability company, the application shall be subscribed, verified, and signed by a manager; otherwise, in the case of a member-managed limited liability company, the application shall be subscribed, verified, and signed by a duly authorized member of the applicant and by the qualified manager thereof. The application shall also state whether any of the members, managers, officers, or the qualified manager has ever used an alias.

(j) Any other information, evidence, statements, or documents as may be required by the director.

(k) At the discretion of the applicant, a valid email address.

(l) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 82. Section 7525.1 of the Business and Professions Code, as amended by Section 12 of Chapter 569 of the Statutes of 2017, is amended to read:

7525.1. An application shall be verified and shall include:

- (a) The full name and business address of the applicant.
- (b) The name under which the applicant intends to do business.
- (c) A statement as to the general nature of the business in which the applicant intends to engage.

(d) A verified statement of their experience qualifications.

(e) (1) If the applicant is an individual, a qualified manager, a partner of a partnership, or an officer of a corporation designated in subdivision (h), one personal identification form provided by the bureau upon which shall appear a photograph taken within one year immediately preceding the date of the filing of the application together with two legible sets of fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a background check, on a form approved by the Department of Justice, and a personal description of each person, respectively. The identification form shall include residence addresses and employment history for the previous five years and be signed under penalty of perjury.

(2) The bureau may impose a fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants, excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(f) In addition, if the applicant for a license is an individual, the application shall list all other names known as or used during the past 10 years and shall state that the applicant is to be personally and actively in charge of the business for which the license is sought. If any other qualified manager is to be actively in charge of the business, the application shall be subscribed, verified, and signed by the applicant, under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed by that person under penalty of perjury.

(g) If the applicants for a license are copartners, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for which the license is sought and list all other names known as or used during the past 10 years. If a qualified manager other than a partner is to be actively in charge of the business, then the application shall be subscribed, verified, and signed by all of the partners under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed under penalty of perjury by that person, by all of the partners and the qualified manager, or by all of the partners or the qualified manager.

(h) If the applicant for a license is a corporation, the application shall state the true names and complete residence addresses of the chief executive

officer, secretary, chief financial officer, and any other corporate officer who will be active in the business to be licensed. The application shall also state the name and address of the designated person to be actively in charge of the business for which the license is sought. The application shall be subscribed, verified, and signed by a duly authorized officer of the applicant and by the qualified manager thereof, under penalty of perjury.

(i) Any other information, evidence, statements, or documents as may be required by the director.

(j) At the discretion of the applicant, a valid email address.

(k) This section shall become operative on January 1, 2024.

SEC. 83. Section 7529 of the Business and Professions Code, as amended by Section 2 of Chapter 326 of the Statutes of 2019, is amended to read:

7529. (a) (1) Upon the issuance of and with each biennial renewal of a license, a license in the form of an enhanced photo identification card of the size, design, and content as may be determined by the director or the director's designee shall be issued by the bureau to each licensee, as follows:

(A) If the licensee is an individual, the enhanced photo identification card shall be issued to the licensee and to the licensee's qualified manager.

(B) If the licensee is a partnership, the enhanced photo identification card shall be issued to each partner of the partnership licensee active in the business and to the licensee's qualified manager.

(C) If the licensee is a corporation, the enhanced photo identification card shall be issued to each officer active in the business and to the licensee's qualified manager.

(D) If the licensee is a limited liability company, the enhanced photo identification card shall be issued to each member, officer, and manager of the licensee active in the business and to the licensee's qualified manager.

(2) The enhanced photo identification card is evidence that the licensee is licensed pursuant to this chapter. The card shall contain the name of the licensee, license expiration date, and a photograph of the licensee. The enhanced photo identification card shall clearly state that the person is licensed as a private investigator or is the qualified manager or officer of the licensee. The enhanced photo identification card is to be composed of a durable material and may incorporate technologically advanced security features. The bureau may recover its costs in an amount sufficient to reimburse the department's costs for furnishing the enhanced photo identification card. The fee charged shall not exceed the actual direct costs for system development, maintenance, and processing necessary to provide this service. The total amount of costs shall be recovered by including that amount in the fee charged for the initial application of and renewal of licensure. When the position, office, or association with a licensee belonging to a person to whom a card is issued is terminated, the person shall surrender the card to the licensee and, within five days thereafter, the licensee shall mail or deliver the card to the bureau for cancellation. Every person, while engaged in any activity for which licensure is required, shall display the person's valid enhanced photo identification card as provided by regulation.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 84. Section 7529 of the Business and Professions Code, as amended by Section 3 of Chapter 326 of the Statutes of 2019, is amended to read:

7529. (a) Upon the issuance of and with each biennial renewal of a license, a license in the form of an enhanced photo identification card of the size, design, and content as may be determined by the director or the director's designee shall be issued by the bureau to each licensee, as follows:

(1) If the licensee is an individual, the enhanced photo identification card shall be issued to the licensee and to the licensee's qualified manager.

(2) If the licensee is a partnership, the enhanced photo identification card shall be issued to each partner of the partnership licensee active in the business and to the licensee's qualified manager.

(3) If the licensee is a corporation, the enhanced photo identification card shall be issued to each officer active in the business and to the licensee's qualified manager.

(b) The enhanced photo identification card is evidence that the licensee is licensed pursuant to this chapter. The card shall contain the name of the licensee, license expiration date, and a photograph of the licensee. The enhanced photo identification card shall clearly state that the person is licensed as a private investigator or is the qualified manager or officer of the licensee. The enhanced photo identification card is to be composed of a durable material and may incorporate technologically advanced security features. The bureau may recover its costs in an amount sufficient to reimburse the department's costs for furnishing the enhanced photo identification card. The fee charged shall not exceed the actual direct costs for system development, maintenance, and processing necessary to provide this service. The total amount of costs shall be recovered by including that amount in the fee charged for the initial application of and renewal of licensure. When the position, office, or association with a licensee belonging to a person to whom a card is issued is terminated, the person shall surrender the card to the licensee and, within five days thereafter, the licensee shall mail or deliver the card to the bureau for cancellation. Every person, while engaged in any activity for which licensure is required, shall display the person's valid enhanced photo identification card as provided by regulation.

(c) This section shall become operative on January 1, 2024.

SEC. 85. Section 7533.5 of the Business and Professions Code, as amended by Section 21 of Chapter 569 of the Statutes of 2017, is amended to read:

7533.5. (a) A licensee shall notify the bureau within 30 days of any change in its corporate officers required to be named pursuant to subdivision (h) of Section 7525.1 or members or managers required to be named pursuant to subdivision (i) of Section 7525.1, and of any addition of a new partner.

(b) Applications, on forms prescribed by the director, shall be submitted by all new officers, members or managers, and partners. The director may suspend or revoke a license issued under this chapter if the director determines that the new officer, member or manager, or partner of a licensee

has committed any of the acts constituting grounds to deny an application for a license or to take disciplinary action against a licensee pursuant to Section 7538 or 7538.5, respectively.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 86. Section 7533.5 of the Business and Professions Code, as amended by Section 22 of Chapter 569 of the Statutes of 2017, is amended to read:

7533.5. (a) A licensee shall notify the bureau within 30 days of any change in its corporate officers required to be named pursuant to subdivision (h) of Section 7525.1, and of any addition of a new partner.

(b) Applications, on forms prescribed by the director, shall be submitted by all new officers and partners. The director may suspend or revoke a license issued under this chapter if the director determines that the new officer or partner of a licensee has committed any of the acts constituting grounds to deny an application for a license or to take disciplinary action against a licensee pursuant to Section 7538 or 7538.5, respectively.

(c) This section shall become operative on January 1, 2024.

SEC. 87. Section 7538 of the Business and Professions Code, as amended by Section 25 of Chapter 569 of the Statutes of 2017, is amended to read:

7538. (a) After a hearing the director may deny a license unless the applicant makes a showing satisfactory to the director that the applicant, if an individual, and the applicant's qualified manager have not, or, if the applicant is a person other than an individual, that its qualified manager and each of its officers, partners, members, or managers have not:

(1) Committed any act that, if committed by a licensee, would be a ground for the suspension or revocation of a license under this chapter.

(2) Committed any act constituting dishonesty or fraud.

(3) Committed any act or crime constituting grounds for denial of licensure under Section 480, including illegally using, carrying, or possessing a deadly weapon.

(4) Been refused a license under this chapter or had a license revoked.

(5) Been an officer, partner, qualified manager, member, or manager of any person who has been refused a license under this chapter or whose license has been revoked.

(6) While unlicensed committed, or aided and abetted the commission of, any act for which a license is required by this chapter.

(7) Knowingly made any false statement in their application.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 88. Section 7538 of the Business and Professions Code, as amended by Section 26 of Chapter 569 of the Statutes of 2017, is amended to read:

7538. (a) After a hearing the director may deny a license unless the applicant makes a showing satisfactory to the director that the applicant, if an individual, and the applicant's qualified manager have not, or, if the applicant is a person other than an individual, that its qualified manager and each of its officers and partners have not:

(1) Committed any act that, if committed by a licensee, would be a ground for the suspension or revocation of a license under this chapter.

(2) Committed any act constituting dishonesty or fraud.

(3) Committed any act or crime constituting grounds for denial of licensure under Section 480, including illegally using, carrying, or possessing a deadly weapon.

(4) Been refused a license under this chapter or had a license revoked.

(5) Been an officer, partner, or qualified manager of any person who has been refused a license under this chapter or whose license has been revoked.

(6) While unlicensed committed, or aided and abetted the commission of, any act for which a license is required by this chapter.

(7) Knowingly made any false statement in their application.

(b) This section shall become operative on January 1, 2024.

SEC. 89. Section 7538.5 of the Business and Professions Code, as amended by Section 27 of Chapter 569 of the Statutes of 2017, is amended to read:

7538.5. (a) The director may refuse to issue any license provided for in this chapter to any of the following:

(1) An individual who has had any license revoked, has a license currently under suspension, or failed to renew their license while under suspension.

(2) An individual who, while acting as a partner of a partnership, an officer or director of a corporation, or a member, manager, or officer of a limited liability company, had their license revoked, has a license currently under suspension, or failed to renew their license while under suspension.

(3) An individual who, while acting as a partner of the partnership, an officer, director of the corporation, or a member, manager, or officer of a limited liability company meets both of the following conditions:

(A) The individual was a partner of any partnership, an officer or director of any corporation, or a member, manager, or officer of any limited liability company whose license was revoked, is currently under suspension, or was not renewed while under suspension.

(B) While acting as a partner, officer, director, member, or manager, they participated in any of the prohibited acts for which the license was revoked or suspended.

(4) An individual who is serving or has served as the qualified manager for any licensee that has had its license revoked, is currently under suspension, or failed to renew while under suspension.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 90. Section 7538.5 of the Business and Professions Code, as amended by Section 8 of Chapter 92 of the Statutes of 2018, is amended to read:

7538.5. (a) The director may refuse to issue any license provided for in this chapter to any of the following:

(1) An individual who has had any license revoked, has a license currently under suspension, or failed to renew their license while under suspension.

(2) An individual who, while acting as a partner of a partnership, or an officer or director of a corporation, had their license revoked, has a license currently under suspension, or failed to renew their license while under suspension.

(3) An individual, who, while acting as a partner of the partnership, or an officer or director of the corporation, meets both of the following conditions:

(A) The individual was a partner of any partnership, or an officer or director of any corporation, whose license was revoked, is currently under suspension, or was not renewed while under suspension.

(B) The individual, while acting as a partner, officer, or director, participated in any of the prohibited acts for which the license was revoked or suspended.

(4) An individual who is serving or has served as the qualified manager for any licensee that has had its license revoked, is currently under suspension, or failed to renew while under suspension.

(b) This section shall become operative on January 1, 2024.

SEC. 91. Section 7539 of the Business and Professions Code, as amended by Section 29 of Chapter 569 of the Statutes of 2017, is amended to read:

7539. (a) Any licensee or officer, director, partner, member, manager, or qualified manager of a licensee may divulge to any law enforcement officer or district attorney, or their representative, any information they may acquire as to any criminal offense, but they shall not divulge to any other person, except as otherwise required by law, any information acquired by them except at the direction of the employer or client for whom the information was obtained.

(b) A licensee or officer, director, partner, member, manager, qualified manager, or employee of a licensee shall not knowingly make any false report to their employer or client for whom information was being obtained.

(c) A written report shall not be submitted to a client except by the licensee, qualified manager, or a person authorized by one or either of them, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in the report are true and correct.

(d) A licensee, or officer, director, partner, manager, member, qualified manager, or employee of a licensee shall not use a badge in connection with the official activities of the licensee's business.

(e) A licensee, or officer, director, partner, manager, member, qualified manager, or employee of a licensee, shall not use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that they are connected in any way with the federal government, a state government, or any political subdivision of a state government.

(f) A licensee, or officer, partner, manager, member, qualified manager, or employee of a licensee shall not use any identification to indicate that they are licensed as a private investigator other than the official identification card issued by the bureau or the business card regularly used by the business. However, a licensee may issue an employer identification card.

(g) A licensee, or officer, director, partner, manager, member, qualified manager, or employee of a licensee, shall not enter any private building or portion thereof, except premises commonly accessible to the public, without the consent of the owner or of the person in legal possession thereof.

(h) A licensee shall not permit an employee or agent in their own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner conduct business for which a license is required under this chapter. All business of the licensee shall be conducted in the name of and under the control of the licensee.

(i) A licensee, or officer, director, partner, manager, member, qualified manager, or employee of a licensee shall not knowingly and directly solicit employment from any person who has directly sustained bodily injury or from that person's spouse or other family member to obtain authorization on behalf of the injured person as an investigator to investigate the accident or act that resulted in injury or death to that person or damage to the property of that person. Nothing in this subdivision shall prohibit the soliciting of employment from that injured person's attorney, insurance company, self-insured administrator, insurance adjuster, employer, or any other person having an indirect interest in the investigation of the injury. This subdivision shall not apply to any business agent or attorney employed by a labor organization. A licensee, or officer, director, partner, manager, member, or qualified manager of a licensee shall not pay or compensate any of their employees or agents on the basis of a bonus, bounty, or quota system whereby a premium is placed on the number of employer or client rule violations or infractions purportedly discovered as a result of any investigation made by a licensee.

(j) A licensee shall not use a fictitious business name in connection with the official activities of the licensee's business, except as provided by the bureau.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 92. Section 7539 of the Business and Professions Code, as amended by Section 9 of Chapter 92 of the Statutes of 2018, is amended to read:

7539. (a) A licensee or officer, director, partner, or qualified manager of a licensee may divulge to any law enforcement officer or district attorney, or their representative, any information they may acquire as to any criminal offense, but they shall not divulge to any other person, except as otherwise required by law, any information acquired by them except at the direction of the employer or client for whom the information was obtained.

(b) A licensee or officer, director, partner, qualified manager, or employee of a licensee shall not knowingly make any false report to their employer or client for whom information was being obtained.

(c) A written report shall not be submitted to a client except by the licensee, qualified manager, or a person authorized by one or either of them, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in the report are true and correct.

(d) A licensee, or officer, director, partner, qualified manager, or employee of a licensee shall not use a badge in connection with the official activities of the licensee's business.

(e) A licensee, or officer, director, partner, qualified manager, or employee of a licensee, shall not use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that they are connected in any way with the federal government, a state government, or any political subdivision of a state government.

(f) A licensee, or officer, partner, qualified manager, or employee of a licensee shall not use any identification to indicate that they are licensed as a private investigator other than the official identification card issued by the bureau or the business card regularly used by the business. However, a licensee may issue an employer identification card.

(g) A licensee, or officer, director, partner, qualified manager, or employee of a licensee, shall not enter any private building or portion thereof, except premises commonly accessible to the public, without the consent of the owner or of the person in legal possession thereof.

(h) A licensee shall not permit an employee or agent in their own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner conduct business for which a license is required under this chapter. All business of the licensee shall be conducted in the name of and under the control of the licensee.

(i) A licensee, or officer, director, partner, qualified manager, or employee of a licensee, shall not knowingly and directly solicit employment from any person who has directly sustained bodily injury or from that person's spouse or other family member to obtain authorization on behalf of the injured person as an investigator to investigate the accident or act that resulted in injury or death to that person or damage to the property of that person. This subdivision does not prohibit the soliciting of employment from that injured person's attorney, insurance company, self-insured administrator, insurance adjuster, employer, or any other person having an indirect interest in the investigation of the injury. This subdivision does not apply to any business agent or attorney employed by a labor organization. A licensee, officer, director, partner, or qualified manager of a licensee shall not pay or compensate any of their employees or agents on the basis of a bonus, bounty, or quota system whereby a premium is placed on the number of employer or client rule violations or infractions purportedly discovered as a result of any investigation made by a licensee.

(j) A licensee shall not use a fictitious business name in connection with the official activities of the licensee's business, except as provided by the bureau.

(k) This section shall become operative on January 1, 2024.

SEC. 93. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms.

(b) A registered company or licensee shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator employed by a registered company, except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500). The address of an inspection report prepared for use by an attorney for litigation purposes shall not be required to be reported to the board and shall not be assessed a filing fee.

A written inspection report conforming to this section and a form approved by the board shall be prepared and delivered to the person requesting the inspection and the property owner, or to the property owner's designated agent, within 10 business days from the start of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board or the property owner. An inspection report may be a complete, limited, supplemental, or reinspection report, as defined by Section 1993 of Title 16 of the California Code of Regulations. The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all inspection reports, field notes, and activity forms.

Reports shall be made available for inspection and reproduction to the executive officer of the board or their duly authorized representative during business hours. All inspection reports or copies thereof shall be submitted to the board upon demand within two business days. The following shall be set forth in the report:

(1) The start date of the inspection and the name of the licensed field representative or operator making the inspection.

(2) The name and address of the person or firm ordering the report.

(3) The name and address of the property owner and any person who is a party in interest.

(4) The address or location of the property.

(5) A general description of the building or premises inspected.

(6) A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, including the approximate location of any infested or infected areas evident, and the parts of the structure where conditions that would ordinarily subject those parts to attack by wood destroying pests or organisms exist. Reporting of the infested or infected wood members, or parts of the structure identified, shall be listed

in the inspection report to clearly identify them, as is typical in standard construction components, including, but not limited to, siding, studs, rafters, floor joists, fascia, subfloor, sheathing, and trim boards.

(7) Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.

(8) One of the following statements, as appropriate, printed in bold type:

(A) **The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractors State License Board.**

(B) **The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organisms are present.**

(9) Indication or description of any areas that are inaccessible or not inspected with recommendation for further inspection if practicable. If, after the report has been made in compliance with this section, authority is given later to open inaccessible areas, a supplemental report on conditions in these areas shall be made.

(10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control or prevention as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter.

An estimate or bid shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing each corrective measure.

If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled "Reinspection." Each reinspection shall also identify the original report by date.

After four months from an original inspection, all inspections shall be original inspections and not reinspections.

Any reinspection shall be performed for not more than the price of the registered company's original inspection price and shall be completed within 10 business days after a reinspection has been ordered.

(13) The inspection report shall contain the following statement, printed in boldface type:

“NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.”

(c) At the time a report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separate report is available pursuant to this subdivision. If a separate report is requested at the time the inspection report is ordered, the registered company or licensee shall separately identify on the report each recommendation for corrective measures as follows:

(1) The infestation or infection that is evident.

(2) The conditions that are present that are deemed likely to lead to infestation or infection.

If a registered company or licensee fails to inform as required by this subdivision and a dispute arises, or if any other dispute arises as to whether this subdivision has been complied with, a separate report shall be provided within 24 hours of the request but, in no event, later than the next business day, and at no additional cost.

(d) When a corrective condition is identified, either as paragraph (1) or (2) of subdivision (c), and the property owner or the property owner’s designated agent chooses not to correct those conditions, the registered company or licensee shall not be liable for damages resulting from a failure to correct those conditions or subject to any disciplinary action by the board. Nothing in this subdivision, however, shall relieve a registered company or a licensee of any liability resulting from negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or contractual obligations between the registered company or licensee and the responsible parties.

(e) The inspection report form prescribed by the board shall separately identify the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection. If a separate form is requested, the form shall explain the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection and the difference between those conditions. In no event, however, shall conditions deemed likely to lead to infestation or infection be characterized as actual “defects” or as actual “active” infestations or infections or in need of correction as a precondition to issuing a certification pursuant to Section 8519.

(f) The report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect. If a guarantee extends beyond three years, the registered company shall maintain all original inspection reports, field notes, activity forms, and

notices of completion for the duration of the guarantee period and for one year after the guarantee expires.

(g) For purposes of this section, “control service agreement” means an agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood destroying pests and organisms. Under a control service agreement a registered company shall refer to the original report and contract in a manner as to identify them clearly, and the report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A registered company is not required to issue a report as outlined in paragraphs (1) to (11), inclusive, of subdivision (b) after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood destroying pests or organisms and the portions of the buildings or structures covered by the contract.

(h) A registered company or licensee may enter into and maintain a control service agreement provided the following requirements are met:

(1) The control service agreement shall be in writing, signed by both parties, and shall specifically include the following:

(A) The wood destroying pests and organisms covered by the control service agreement.

(B) Any wood destroying pest or organism that is not covered must be specifically listed.

(C) The type and manner of treatment to be used to correct the infestations or infections.

(D) The structures or buildings, or portions thereof, covered by the agreement, including a statement specifying whether the coverage for purposes of periodic inspections is limited or full. Any exclusions from those described in the original report must be specifically listed.

(E) A reference to the original inspection report.

(F) The frequency of the inspections to be provided, the fee to be charged for each renewal, and the duration of the agreement.

(G) Whether the fee includes structural repairs.

(H) If the services provided are guaranteed, and, if so, the terms of the guarantee.

(I) A statement that all corrections of infestations or infections covered by the control service agreement shall be completed within six months of discovery, unless otherwise agreed to in writing by both parties.

(2) The original inspection report, the control service agreement, and completion report shall be maintained for three years after the cancellation of the control service agreement.

(3) Inspections made pursuant to a control service agreement shall be conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

(4) A full inspection of the property covered by the control service agreement shall be conducted and a report filed pursuant to subdivision (b) at least once every three years from the date that the agreement was entered into, unless the consumer cancels the contract within three years from the date the agreement was entered into.

(5) Under a control service agreement, a written report shall be required for the correction of any infestation or infection unless all of the following conditions are met:

(A) The infestation or infection has been previously reported.

(B) The infestation or infection is covered by the control service agreement.

(C) There is no additional charge for correcting the infestation or infection.

(D) Correction of the infestation or infection takes place within 45 days of its discovery.

(E) Correction of the infestation or infection does not include fumigation.

(6) All notice requirements pursuant to Section 8538 shall apply to all pesticide treatments conducted under control service agreements.

(i) All work recommended by a registered company, where an estimate or bid for making repairs was given with the original inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the registered company with the inspection report copy for three years.

SEC. 94. Section 10050 of the Business and Professions Code is amended to read:

10050. (a) (1) There is in the Business, Consumer Services, and Housing Agency a Department of Real Estate, the chief officer of which department is named the Real Estate Commissioner.

(2) Notwithstanding any other law, the powers and duties of the department, as set forth in this part and Chapter 1 (commencing with Section 11000) of Part 2, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this part and that chapter were scheduled to be repealed as of January 1, 2022.

(b) It shall be the principal responsibility of the commissioner to enforce all laws in this part and Chapter 1 (commencing with Section 11000) of Part 2 in a manner that achieves the maximum protection for the buyers of real property and those persons dealing with real estate licensees.

(c) Wherever the term “commissioner” is used in this division, it means the Real Estate Commissioner.

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

SEC. 95. Section 11301 of the Business and Professions Code is amended to read:

11301. (a) (1) There is hereby created within the Department of Consumer Affairs a Bureau of Real Estate Appraisers to administer and enforce this part.

(2) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this part, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this part were scheduled to be repealed as of January 1, 2022.

(b) Whenever the term “Office of Real Estate Appraisers” appears in any other law, it means the “Bureau of Real Estate Appraisers.”

SEC. 96. Section 16100 of the Business and Professions Code is amended to read:

16100. (a) The board of supervisors may in the exercise of its police powers, and for the purpose of regulation, as herein provided, and not otherwise, license any kind of business not prohibited by law, transacted and carried on within the limits of its jurisdiction, including all shows, exhibitions, and lawful games, and may fix the rate of the license fee and provide for its collection by suit or otherwise.

(b) No license fee levied pursuant to subdivision (a) that is measured by the licensee’s income or gross receipts, whether levied by a charter or general law county, shall apply to any nonprofit organization that is exempted from taxes by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, or to any minister, clergyman, Christian Science practitioner, rabbi, or priest of any religious organization that has been granted an exemption from federal income tax by the United States Commissioner of Internal Revenue as an organization described in Section 501(c)(3) of the Internal Revenue Code or a successor to that section.

(c) Before a county issues a business license to a person to conduct business as a contractor, as defined by Section 7026, the county shall verify that the person is licensed by the Contractors State License Board.

SEC. 97. Section 19164 of the Business and Professions Code is amended to read:

19164. The bureau may, by regulation, establish insulation material standards governing the quality of all insulation material sold or installed within this state, including those properties that affect the safety and thermal performance of insulation material during application and in the use intended. The standards shall specify the initial performance of the insulation material and the performance expected during the design life of the insulation material. Until the bureau has adopted these regulations, the regulations of the State Energy Resources Conservation and Development Commission in effect on the effective date of this section relating to those standards shall remain in full force and effect. However, wherever those regulations specify that the commission shall perform an act, the bureau instead shall perform the act.

Prior to establishing the standards and procedures required by this chapter, the bureau shall conduct at least two public hearings, and shall invite the State Energy Resources Conservation and Development Commission, the State Fire Marshal, manufacturers, distributors, and licensed installers of insulation materials, and appropriate members of the public to participate

in the hearings. Immediately upon adoption of the standards and procedures, the bureau shall provide a copy of the standards to the State Energy Resources Conservation and Development Commission, and the Contractors State License Board. Within 30 days after receipt of the bureau’s standards, the Contractors State License Board shall notify all state licensed contractors who install insulation of the standards.

Insulation standards adopted by the bureau, pursuant to this section, and by the State Energy Resources Conservation and Development Commission, pursuant to Section 25402 of the Public Resources Code, which are building standards, as defined in Section 25488.5 of the Public Resources Code, shall be submitted to the California Building Standards Commission for approval pursuant to, and are governed by, the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code). The building standards adopted by the bureau and published in the California Building Standards Code shall comply with, and be enforced as provided in, this section.

SEC. 98. Section 1670.8.5 is added to the Civil Code, to read:

1670.8.5. (a) A contract or proposed contract for the provision of a consumer service by a licensee regulated by a licensing board shall not include a provision limiting the consumer’s ability to file a complaint with that board or to participate in the board’s investigation into the licensee.

(b) Any waiver of the provisions of this section is contrary to public policy, and is void and unenforceable.

(c) For purposes of this section, the following terms apply:

(1) “Consumer service” means any service that is obtained for use primarily for personal, family, or household purposes.

(2) “Licensing board” means any entity described in Section 101 of the Business and Professions Code, the State Bar of California, the Department of Real Estate, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

(d) Violation of this section by a licensee shall constitute unprofessional conduct subject to discipline by the licensee’s licensing board.

SEC. 99. Section 94950 of the Education Code is amended to read:

94950. This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 100. Section 8.5 of this bill incorporates amendments to Section 205 of the Business and Professions Code, as added by Section 3 of Chapter 865 of the Statutes of 2019, proposed by this bill and Assembly Bill 896. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 205 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 896, in which case Section 205 of the Business and Professions Code, as amended by Assembly Bill 896, shall remain operative only until the operative date of this bill, at which time Section 8.5 of this bill shall become operative, and Section 8 of this bill shall not become operative.

SEC. 101. Section 16.5 of this bill incorporates amendments to Section 2113 of the Business and Professions Code proposed by both this bill and Assembly Bill 2273. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 2113 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2273, in which case Section 16 of this bill shall not become operative.

SEC. 102. Section 73.5 of this bill incorporates amendments to Section 7159 of the Business and Professions Code proposed by both this bill and Assembly Bill 2471. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 7159 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2471, in which case Section 73 of this bill shall not become operative.

SEC. 103. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Physician Assistant Board

Monday, November 9, 2020

WebEx Meeting

Agenda Item 19

Report by the Legislative Committee

Attachment G - SB 1463

Introduced by Senator Glazer
(Principal coauthor: Assembly Member Low)

February 21, 2020

An act to amend Section 3517 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1463, as introduced, Glazer. Physician assistants: written examination.

Existing law, the Physician Assistant Practice Act, provides for the licensure and regulation of physician assistants by the Physician Assistant Board, which is within the jurisdiction of the Medical Board of California. The act provides that the board shall require physician assistants to take and pass a written examination for licensure. The act provides that the board may make arrangements for the examination to be administered under a uniform examination system. The act, however, requires the board to establish a passing score and time and place for each examination.

This bill would remove the requirement that the board establish a passing score and time and place for each examination.

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

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

- 1 SECTION 1. Section 3517 of the Business and Professions
- 2 Code is amended to read:
- 3 3517. The board shall require a written examination of
- 4 physician assistants in the manner and under the rules and

1 regulations as it shall prescribe, but the examination shall be
2 conducted in that manner as to ensure that the identity of each
3 applicant taking the examination will be unknown to all of the
4 examiners until all examination papers have been graded. Except
5 as otherwise provided in this chapter, or by regulation, no physician
6 assistant applicant shall receive approval under this chapter without
7 first successfully passing an examination given under the direction
8 of the board.

9 Examinations for licensure as a physician assistant may be
10 required by the board under a uniform examination system, and
11 for that purpose the board may make those arrangements with
12 organizations furnishing examination material as may, in its
13 discretion, be desirable. ~~The board shall, however, establish a~~
14 ~~passing score for each examination.~~ The licensure examination for
15 physician assistants shall be held by the board at least once a year
16 with such additional examinations as the board deems necessary.
17 ~~The time and place of examination shall be fixed by the board.~~