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DEADLINES

- [Jan. 1](#)

Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 3](#)

Legislature **reconvenes** (J.R. 51(a)(4)).
- [Jan. 10](#)

Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 14](#)

Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- [Jan. 17](#)

Martin Luther King, Jr. Day.
- [Jan. 21](#)

Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- [Jan. 21](#)

Last day to submit **bill requests** to the Office of Legislative Counsel.
- [Jan. 31](#)

Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).
- [Feb. 18](#)

Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- [Feb. 21](#)

Presidents’ Day.
- [Apr. 1](#)

Cesar Chavez Day observed
- [Apr. 7](#)

Spring Recess begins upon adjournment of this day’s session (J.R. 51(b)(1)).
- [Apr. 18](#)

Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- [Apr. 29](#)

Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- [May 6](#)

Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- [May 13](#)

Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- [May 20](#)

Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- [May 23-27](#)

Floor Session only. No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- [May 27](#)

Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- [May 30](#)

Memorial Day.
- [May 31](#)

Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by the Rules Committee

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AUGUST						
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- June 15

Budget Bill must be passed by **midnight** (Art. IV, Sec. 12 (c)).
- June 30

Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).
- July 1

Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day’s session if Budget Bill has been passed (J.R. 51(b)(2)).
- July 4

Independence Day.
- Aug. 1

Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).
- Aug. 12

Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).
- Aug. 15 - 31

Floor Session only. No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).
- Aug. 25

Last day to **amend** bills on the Floor (J.R. 61(b)(16)).
- Aug. 31

Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).
- Final Recess

begins at end of this day’s session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

- 2022

Sept. 30

Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Nov. 8

General Election.
- Nov. 30

Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).
- Dec. 5

12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).
- 2023

Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).

MEMORANDUM

DATE	August 8, 2022
TO	Physician Assistant Board
FROM	Sonya Earley, PA-C Jennifer Carlquist, PA-C Jasmine Dhillon, Legislative and Regulatory Specialist
SUBJECT	Agenda Item 15. Report by the Legislative Committee

A. **AB 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions**

Status: This bill was introduced on February 12, 2021 and is located in the Senate Committee on Appropriations.

Summary: AB 646 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 post notification of an expungement within 90 days of the board receiving an expungement order related to the conviction for those who reapply for licensure or are relicensed. Additionally, the bill would require boards, on receiving an expungement order, to remove the initial posting on its online license search system that the person's license was revoked and information regarding arrests, charges, and convictions if the person is not currently licensed and does not reapply for licensure. This bill applies to all expungement orders, regardless of the conviction. However, the bill applies to former licensees that did not have the option for probation. In addition, the former licensee may not practice in the field they were formerly licensed. This bill would require the board to charge a fee of \$25 to the person to cover the reasonable regulatory cost of administering the bill's provisions, unless there is no associated cost.

Board Position: The Board has maintained its [watch] position.

This bill is designed to reduce employment barriers for people with previous criminal records who have been rehabilitated and whose conviction has been dismissed, or expunged, through the judicial process. Under California law, boards under the Department of Consumer Affairs may deny a license based on specific past criminal convictions. However, an individual may not be denied a license on the basis of a

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conviction that has been expunged, dismissed, or if the person has received a certificate of rehabilitation.

There is already a process in place for licensees to establish they are rehabilitated through a petition for reinstatement of a revoked license with the Board. It is through this process the Board can separately make a determination if a licensee is rehabilitated since the court system may have different criteria than the Board. The licensee's expungement is taken into consideration at this time and the Board's disciplinary action, which is separate from the court's action, can be reconsidered. However, there is no process in place where the licensee's disciplinary documents are removed. Although the revocation imposed by the Board resulted from a conviction, it is a distinct action on the license unrelated to the licensee's criminal record. The purpose of having a licensee's disciplinary actions on the Board's website is to allow the consumer to see the nature of the violation so they can make an informed decision when choosing their provider.

Fiscal Impact: The web posting and removal of documents would fall under the Board's regular pro rata towards DCA - Office of Information Services - services and would be minor and absorbable. However, these costs may be offset by the \$25 fee on a person seeking to have information updated or removed as a result of an expungement order.

B. **SB 731 (Durazo) Criminal Records: Relief**

Status: This bill was introduced on February 19, 2021 and is located in the Senate. This bill was amended in Assembly on June 23, 2022.

Summary: On May 20, 2021, a Board position letter was sent to the Author's office, opposing the bill unless it was amended to exclude healing arts boards within the Department of Consumer Affairs. The author's office believes that that excluding the healing arts boards would undermine the intent of the bill within this sector of employment.

This bill would expand automatic conviction record relief, for a defendant convicted, on or after January 1, 2005, to nonserious, nonsexual, and nonviolent felonies after an individual completes all terms of incarceration, probation, mandatory supervision, post release community supervision and parole, and a period of four years has elapsed during which the defendant was not convicted of a new felony offense.

This bill would, commencing July 1, 2023, generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified.

This bill expands discretionary expungement relief to include felonies where the defendant was sentenced to state prison, rather than just realigned felonies, as specified. If the defendant seeks relief under this section for a felony that resulted in a sentence to the state prison, the relief available under this section may only be

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granted if that felony did not result in a requirement to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

The exclusion of records of arrest and conviction that were granted relief from state summary criminal history information does not apply to records for which the recordholder is required to register as a sex offender, has an active record in the Supervised Release File, or if based on information available in the department's record, it appears the person is currently serving a sentence or if there is an indication of pending criminal charges.

Board Position: The Board has maintained its [oppose unless amended] position.

The purpose of this bill is to permit additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks. This bill would have an impact on the Physician Assistant Board's licensing and enforcement programs, and it would hinder the Board's ability to carry out its legislative mandate of consumer protection. Currently, the Board completes an enforcement review for every applicant with a criminal history, determines whether the crimes committed are substantially related to the duties of licensure. Employers that perform live scan background checks with the Department of Justice will retain access to the records, including those that received relief pursuant to SB 731.

This bill does not promote public protection to the extent it reduces the Board's access to information about criminal convictions and impacts the Board's ability to exercise its discretion to deny, discipline, or revoke a license based on an applicant's criminal history.

This bill does provide greater opportunity for applicants who have arrests or convictions that do not affect their ability to provide safe services if they were to be licensed.

Fiscal Impact: None.

C. **AB 562 (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: Health Care Providers: Mental Health Services**

Status: This bill was introduced on February 11, 2021 and is located in the Senate Committee on Appropriations. This bill will likely not progress as it is considered dead.

Summary: This would establish the Frontline COVID-19 Provider Mental Health Resiliency Act of 2021, which would require the Department of Consumer Affairs (DCA) to establish a mental health resiliency program, until Jan 1, 2025, in consultation with relevant boards. Under the program, the DCA would contract with one or more vendors of mental health services, as defined, for the duration of the program. The individual boards would be required to notify licensees and professionals of the program, establish application requirements – including that the applicant was a frontline COVID-19 worker, and require that all eligible licensees be

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granted access to the program. An applicant who knowingly makes a false statement on an application for the program is guilty of a misdemeanor.

Board Position: The Board has maintained its [watch] position.

The goal of this bill is to help health care workers to want to remain on the frontlines by providing targeted services more immediately and directly available that can help improve resiliency. A “frontline COVID-19 health care provider” is a person who provides or has provided consistent in-person health care services to patients with COVID-19. By going through the licensing boards, this bill seeks to help providers who do not have adequate employer-sponsored plans or employee assistance programs, have prohibitively high deductibles, are not ready to establish with a mental health provider, experience delays in finding a provider, or are no longer employed due to early retirement or other change in employment.

Because the goal of this bill is to make services available as soon as possible, it is not structured in a way that would require supervision or monitoring nor require the development of a comprehensive program. Rather, the goal would be to contract with prepackaged vendors.

Fiscal Impact: This bill currently does not have a funding source and would therefore the costs of the programs would be funded through the participating boards or DCA pro rata. The author notes that funding mechanisms are currently being explored and is committed to ensuring license fee increases are not triggered. If there is no outside source of funding, or if the costs of the program are not absorbable, the author is willing to amend the bill to narrow the bill substantially or look for a different funding source down the road.

D. [**AB 1306**](#) (Arambula) **Health Professions Careers Opportunity Program**

Status: This bill was introduced on February 19, 2021 and is located in the Senate Committee on Appropriations. The author's office is no longer advancing this bill as the proposal made it into statute via [**AB 133**](#) (Ting, Chapter 143, Statutes of 2021).

Summary:

- Permits the Office of Statewide Health Planning and Development (OSHPD) to undertake the following through the Health Professions Career Opportunity Program (HCOP): a) Fund 20 pilot programs to serve 4,800 students, with: five programs each at University of California (UC) campuses, California State University (CSU), and California Community College (CCC) campuses; and, up to five programs located at private universities; b) Secure ongoing funding and establish statewide infrastructure to develop, implement, and manage the pilot program; and, c) Fund internships and fellowships to enable more students to compete for admission to graduate health professions schools or employment in the field, including, but not limited to: i) Paid summer internships for college students in community health centers, public health departments, public behavioral health settings, and with providers serving

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older adults, as well as community-based initiatives that promote health equity; ii) One-year postundergraduate fellowships for in-depth, pregraduate school experience in primary care and prevention, behavioral health, and older adult health; and, iii) Create 100 postbaccalaureate reapplicant slots annually at existing UC, CSU, and private California-based programs and the provision of student scholarships for reapplicant postbaccalaureate students to cover 100% of program tuition.

- Requires priority to be given to campuses with large numbers of underrepresented people of color and low-income students, demonstrated commitment to diversity and associated institutional change, a track record of providing tailored student support, and strong health professions school partnerships.
- Requires OSHPD to administer a competitive application process for interested institutions and five-year pilot program grants, provide technical assistance to applicants, serve as a repository for best practices, conduct pilot program evaluations, and advocate on behalf of pilot programs.

Board Position: The Board has maintained its [support] position.

Fiscal Impact: The Author's office does not anticipate any costs to the healing arts boards.

E. [**AB 1733**](#) (Quirk) **State Bodies: Open Meetings**

Status: This bill was introduced on January 31, 2022 and is located in the Assembly Committee on Governmental Organization.

Summary: This bill would specify that a "meeting" held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; allow Board members to remotely participate in an open meeting without disclosing the remote location from which a member is participating; and ensuring that if a means of remote participation fails, the meeting must adjourn. Furthermore, this bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

Fiscal Impact: None. The costs of implementing this bill would be included in DCA pro rata.

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F. **AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction**

Status: This bill was introduced on January 18, 2022 and is located in the Senate Appropriations Committee. On May 31, 2022, a Board position letter was sent opposing the bill. The position letter is attached for reference.

Summary: This bill would require a board to establish a process by which prospective applicants may request a preapplication determination as to whether their criminal history could be cause for denial of a completed application for licensure by the board.

The bill would provide that the preapplication determination, among other things, may be requested by the prospective applicant at any time prior to the submission of an application and would require the board to include specified written information regarding the criteria used to evaluate criminal history and how the prospective applicant may challenge a denial by the board.

The bill would provide that a preapplication determination does not constitute a denial or disqualification of an application and would prohibit requiring a preapplication determination for licensure or for participation in any education or training program.

The bill would require a board to publish information regarding its process for requesting a preapplication determination on its internet website and authorize a board to charge a fee, as specified, to be deposited by the board into the appropriate fund and available only upon appropriation by the Legislature.

This bill would also authorize a board, as specified, to require a prospective applicant to furnish a full set of fingerprints for purposes of conducting a criminal history record check as part of a preapplication determination.

Board Position: At its May 9, 2022 meeting, the Board took an [oppose] position.

Fiscal Impact: This bill would increase staff's workload because determination requests must be made by staff when requested by an individual. The Board estimates it would receive 3 to 5 preapplication determination requests per year. This would likely increase 10-15 hours of staff time total per request, divided between 1 Staff Services Analyst, 1 Associate Governmental Program Analyst, and the Executive Officer. This could also require the Board to seek advice from a Deputy Attorney General, for more complicated cases. The fee charged by the Board to individuals who make the request could offset the costs of implementing this bill.

G. **AB 657 (Cooper) Healing arts: expedited licensure process: applicants providing abortion services**

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Status: This bill was introduced on February 12, 2021 and is located in the Senate Appropriations Committee.

Summary: This bill would require the Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, and the Physician Assistant Board to expedite the licensure process of an applicant who can demonstrate that they intent to provide abortion services within their scope of practice and would specify the documentation an applicant would be required to provide to demonstrate their intent. An applicant may demonstrate their intent to provide abortion services by providing documentation, including a letter from an employer or health care entity indicating that the applicant has accepted employment or entered a contract to provide abortion services, the applicant's starting date, and the location where the applicant will be providing abortion services, and that the applicant will be providing abortion services within the scope of practice of their license.

Fiscal Impact: None.

H. [AB 2626](#) (Calderon) **Medical Board of California: licensee discipline: abortion.**

Status: This bill was introduced on February 18, 2022 and is located in the Senate Committee on Appropriations.

Summary: This bill prohibits the Physician Assistant Board from suspending or revoking the certification or license of a physician assistant for performing an abortion so long as they performed the abortion in accordance with the provisions of the Physician Assistant Practice Act and the Reproductive Privacy Act.

This bill specifies that the facts constituting the necessity are that in response to the draft opinion of the United State Supreme Court stating that it would overrule the Roe v. Wade decision, several states around the nation are poised to allow professional boards to take disciplinary action against a health care provider for coordinating or providing abortion care, thus it is necessary for this act to take effect immediately to protect physicians, surgeons, certified nurse-midwives, nurse practitioners, and physician assistants.

This bill contains an urgency clause that will make it effective upon enactment.

Fiscal Impact: None.

Attachment:

1. AB 1662 Board Opposition Letter

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Attachment 1



May 31, 2022

The Honorable Assemblymember Mike Gipson
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0064

Re: Assembly Bill 1662 (Gipson) – Oppose

Dear Assemblymember Gipson:

The Physician Assistant Board (Board) considered [Assembly Bill \(AB\) 1662](#) at its May 9, 2022 meeting and voted to “oppose” this bill.

As currently drafted, AB 1662 requires boards to establish a preapplication determination process which would determine whether an applicant’s criminal history could be cause for denial of a completed application for licensure by the Board. The Board understands the bill’s intention of eliminating barriers that keep individuals from obtaining an occupational license, however the legal and fiscal impact this bill could have on the Board outweighs the intention of the bill.

One of the concerns the Board has is the liability it would incur if it were to issue a positive determination through a preapplication determination and then later deny a license after the applicant completed their physician assistant program. The issue would be the applicant’s reliance on the positive determination to pursue the physician assistant profession, which could lead to possible legal action against the Board.

Furthermore, the implementation of this bill would increase Board costs by increasing Board staff’s workload because determination requests must be made by staff, and this is an entirely new process the Board would need to create and implement. This could also require the Board to seek advice from an attorney for more complicated cases as well as implementing an appeals process, which gives rise to resource and cost allocation concerns.

Finally, individuals who are denied based on the guidelines of this bill would likely be deterred to applying for admission to physician assistant programs, which would result in a decrease of admissions and thereby a decrease in the number of new licensees.

Thank you on behalf of the Board for your thoughtful consideration of AB 1662. If you have any questions, please contact me at (279) 666-2838 or by email at jasmine.dhillon@dca.ca.gov.

Sincerely,

A handwritten signature in black ink that reads 'Jasmine Dhillon' in a cursive script.

Jasmine Dhillon
Legislative/Regulatory Analyst