

AMENDED IN ASSEMBLY JUNE 14, 2013

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 305

Introduced by Senator Price

(Principal coauthor: Assembly Member Gordon)

February 15, 2013

An act to amend Sections 1000, 2450, 2450.3, 2530.2, 2531, 2531.75, 2533, 2570.19, 2602, 2607.5, 3010.5, 3014.6, 3685, 3686, 3710, 3716, ~~and 3765~~ 3765, 4938, and 4939 of, and to add Section 144.5 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 305, as amended, Price. Healing arts: boards.

Existing law requires specified regulatory boards within the Department of Consumer Affairs to require an applicant for licensure to furnish to the board a full set of fingerprints in order to conduct a criminal history record check.

This bill would additionally authorize those boards to request and receive from a local or state agency certified records of all arrests and convictions, certified records regarding probation, and any and all other related documentation needed to complete an applicant or licensee investigation and would authorize a local or state agency to provide those records to the board upon request.

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 specifies that the law governing chiropractors is found in the act.

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subject to review by the appropriate policy committees of the Legislature as if these provisions were scheduled to be repealed on January 1, 2018. This bill would also make nonsubstantive changes to conform with the Governor's Reorganization Plan No. 2.

Existing law, the Osteopathic Act, provides for the licensure and regulation of osteopathic physicians and surgeons by the Osteopathic Medical Board of California.

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. The bill would require that the review be performed as if these provisions were scheduled to be repealed as of January 1, 2018.

Existing law, the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, provides for the licensure and regulation of speech-language pathologists, audiologists, and hearing aid dispensers by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. The act authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014, and subjects the board to review by the Joint Committee on Boards, Commissions, and Consumer Protection.

This bill would extend the operation of these provisions until January 1, 2018, and provide that the repeal of these provisions subjects the board to review by the appropriate policy committees of the Legislature.

The Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act also authorizes the board to refuse to issue, or issue subject to terms and conditions, a license on specified grounds, including, among others, securing a license by fraud or deceit.

This bill would additionally authorize the board to refuse to issue, or issue subject to terms and conditions, a license for a violation of a term or condition of a probationary order of a license issued by the board, as provided.

Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of occupational therapists, as defined, by the California Board of Occupational Therapy. Existing law repeals those provisions on January 1, 2014, and subjects the board to review by the Joint Committee on Boards, Commissions, and Consumer Protection.

This bill would extend the operation of these provisions until January 1, 2018, and provide that the repeal of these provisions subjects the board to review by the appropriate policy committees of the Legislature.

Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California. The act authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014.

This bill would extend the operation of these provisions until January 1, 2018.

Existing law, the Naturopathic Doctors Act, until January 1, 2014, provides for the licensure and regulation of naturopathic doctors by the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Existing law also specifies that the repeal of the committee subjects it to review by the appropriate policy committees of the Legislature.

This bill would extend the operation of these provisions until January 1, 2018, and make conforming changes.

Existing law, the Optometry Practice Act, provides for the licensure and regulation of optometrists by the State Board of Optometry. The Respiratory Care Act provides for the licensure and regulation of respiratory care practitioners by the Respiratory Care Board of California. Each of those acts authorizes the board to employ an executive officer. Existing law repeals these provisions on January 1, 2014, and subjects the boards to review by the Joint Committee on Boards, Commissions, and Consumer Protection.

This bill would extend the operation of these provisions until January 1, 2018, and provide that the repeal of these provisions subjects the boards to review by the appropriate policy committees of the Legislature.

The Respiratory Care Act also prohibits a person from engaging in the practice of respiratory care unless he or she is a licensed respiratory care practitioner. However, the act does not prohibit specified acts, including, among others, the performance of respiratory care services in case of an emergency or self-care by a patient.

This bill would additionally authorize the performance of pulmonary function testing by persons who are currently employed by Los Angeles ~~county~~ County hospitals and have performed pulmonary function testing for at least 15 years.

This bill would make legislative findings and declarations as to the necessity of a special statute for the persons described above.

The Acupuncture Licensure Act provides for an Acupuncture Board within the Department of Consumer Affairs to license and regulate the practice of acupuncture. Existing law requires the board to issue a

license to practice acupuncture to a person who files an application, pays a fee, and, among other things, passes a written examination administered by the board. Existing law also requires the board to establish standards for the approval of schools and colleges offering education and training in the practice of an acupuncturist, as specified.

This bill would instead require an applicant to pass a written examination administered by the board or, beginning on January 1, 2015, an examination or examinations administered by the National Certification Commission for Acupuncture and Oriental Medicine, as specified. The bill would, beginning January 1, 2017, require acupuncture schools and colleges approved by the board to be accredited by the Accreditation Commission for Acupuncture and Oriental Medicine.

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 144.5 is added to the Business and
2 Professions Code, to read:

3 144.5. Notwithstanding any other law, a board described in
4 Section 144 may request, and is authorized to receive, from a local
5 or state agency certified records of all arrests and convictions,
6 certified records regarding probation, and any and all other related
7 documentation needed to complete an applicant or licensee
8 investigation. A local or state agency may provide those records
9 to the board upon request.

10 SEC. 2. Section 1000 of the Business and Professions Code is
11 amended to read:

12 1000. (a) The law governing practitioners of chiropractic is
13 found in an initiative act entitled "An act prescribing the terms
14 upon which licenses may be issued to practitioners of chiropractic,
15 creating the State Board of Chiropractic Examiners and declaring
16 its powers and duties, prescribing penalties for violation hereof,
17 and repealing all acts and parts of acts inconsistent herewith,"
18 adopted by the electors November 7, 1922.

19 (b) *The State Board of Chiropractic Examiners is within the*
20 *Department of Consumer Affairs.*

21 (c) *Notwithstanding any other law, the powers and duties of the*
22 *State Board of Chiropractic Examiners, as set forth in this article*

1 *and under the act creating the board, shall be subject to review*
2 *by the appropriate policy committees of the Legislature. The review*
3 *shall be performed as if this chapter were scheduled to be repealed*
4 *as of January 1, 2018.*

5 ~~SEC. 2.~~

6 *SEC. 3.* Section 2450 of the Business and Professions Code is
7 amended to read:

8 2450. There is a Board of Osteopathic Examiners of the State
9 of California, established by the Osteopathic Act, which shall be
10 known as the Osteopathic Medical Board of California which
11 enforces this chapter relating to persons holding or applying for
12 physician's and surgeon's certificates issued by the Osteopathic
13 Medical Board of California under the Osteopathic Act.

14 Persons who elect to practice using the term of suffix "M.D.,"
15 as provided in Section 2275, shall not be subject to this article,
16 and the Medical Board of California shall enforce the provisions
17 of this chapter relating to persons who made the election.

18 Notwithstanding any other law, the powers and duties of the
19 Osteopathic Medical Board of California, as set forth in this article
20 and under the Osteopathic Act, shall be subject to review by the
21 appropriate policy committees of the Legislature. The review shall
22 be performed as if this chapter were scheduled to be repealed as
23 of January 1, 2018.

24 ~~SEC. 3.~~

25 *SEC. 4.* Section 2450.3 of the Business and Professions Code
26 is amended to read:

27 2450.3. There is within the jurisdiction of the Osteopathic
28 Medical Board of California a Naturopathic Medicine Committee
29 authorized under the Naturopathic Doctors Act (Chapter 8.2
30 (commencing with Section 3610)). This section shall become
31 inoperative on January 1, 2018, and, as of that date is repealed,
32 unless a later enacted statute that is enacted before January 1, 2018,
33 deletes or extends that date. Notwithstanding any other provision
34 of law, the repeal of this section renders the Naturopathic Medicine
35 Committee subject to review by the appropriate policy committees
36 of the Legislature.

37 *SEC. 5.* *Section 2530.2 of the Business and Professions Code*
38 *is amended to read:*

39 2530.2. As used in this chapter, unless the context otherwise
40 requires:

1 (a) “Board” means the Speech-Language Pathology and
2 Audiology and Hearing Aid Dispensers Board. ~~As used in this~~
3 ~~chapter or any other provision of law, “Speech-Language Pathology~~
4 ~~and Audiology Board” shall be deemed to refer to the~~
5 ~~Speech-Language Pathology and Audiology and Hearing Aid~~
6 ~~Dispensers Board or any successor.~~

7 (b) “Person” means any individual, partnership, corporation,
8 limited liability company, or other organization or combination
9 thereof, except that only individuals can be licensed under this
10 chapter.

11 (c) A “speech-language pathologist” is a person who practices
12 speech-language pathology.

13 (d) The practice of speech-language pathology means all of the
14 following:

15 (1) The application of principles, methods, instrumental
16 procedures, and noninstrumental procedures for measurement,
17 testing, screening, evaluation, identification, prediction, and
18 counseling related to the development and disorders of speech,
19 voice, language, or swallowing.

20 (2) The application of principles and methods for preventing,
21 planning, directing, conducting, and supervising programs for
22 habilitating, rehabilitating, ameliorating, managing, or modifying
23 disorders of speech, voice, language, or swallowing in individuals
24 or groups of individuals.

25 (3) Conducting hearing screenings.

26 (4) Performing suctioning in connection with the scope of
27 practice described in paragraphs (1) and (2), after compliance with
28 a medical facility’s training protocols on suctioning procedures.

29 (e) (1) Instrumental procedures referred to in subdivision (d)
30 are the use of rigid and flexible endoscopes to observe the
31 pharyngeal and laryngeal areas of the throat in order to observe,
32 collect data, and measure the parameters of communication and
33 swallowing as well as to guide communication and swallowing
34 assessment and therapy.

35 (2) Nothing in this subdivision shall be construed as a diagnosis.
36 Any observation of an abnormality shall be referred to a physician
37 and surgeon.

38 (f) A licensed speech-language pathologist shall not perform a
39 flexible fiberoptic nasendoscopic procedure unless he or she has
40 received written verification from an otolaryngologist certified by

1 the American Board of Otolaryngology that the speech-language
2 pathologist has performed a minimum of 25 flexible fiberoptic
3 nasendoscopic procedures and is competent to perform these
4 procedures. The speech-language pathologist shall have this written
5 verification on file and readily available for inspection upon request
6 by the board. A speech-language pathologist shall pass a flexible
7 fiberoptic nasendoscopic instrument only under the direct
8 authorization of an otolaryngologist certified by the American
9 Board of Otolaryngology and the supervision of a physician and
10 surgeon.

11 (g) A licensed speech-language pathologist shall only perform
12 flexible endoscopic procedures described in subdivision (e) in a
13 setting that requires the facility to have protocols for emergency
14 medical backup procedures, including a physician and surgeon or
15 other appropriate medical professionals being readily available.

16 (h) “Speech-language pathology aide” means any person
17 meeting the minimum requirements established by the board, who
18 works directly under the supervision of a speech-language
19 pathologist.

20 (i) (1) “Speech-language pathology assistant” means a person
21 who meets the academic and supervised training requirements set
22 forth by the board and who is approved by the board to assist in
23 the provision of speech-language pathology under the direction
24 and supervision of a speech-language pathologist who shall be
25 responsible for the extent, kind, and quality of the services provided
26 by the speech-language pathology assistant.

27 (2) The supervising speech-language pathologist employed or
28 contracted for by a public school may hold a valid and current
29 license issued by the board, a valid, current, and professional clear
30 clinical or rehabilitative services credential in language, speech,
31 and hearing issued by the Commission on Teacher Credentialing,
32 or other credential authorizing service in language, speech, and
33 hearing issued by the Commission on Teacher Credentialing that
34 is not issued on the basis of an emergency permit or waiver of
35 requirements. For purposes of this paragraph, a “clear” credential
36 is a credential that is not issued pursuant to a waiver or emergency
37 permit and is as otherwise defined by the Commission on Teacher
38 Credentialing. Nothing in this section referring to credentialed
39 supervising speech-language pathologists expands existing
40 exemptions from licensing pursuant to Section 2530.5.

1 (j) An “audiologist” is one who practices audiology.

2 (k) “The practice of audiology” means the application of
3 principles, methods, and procedures of measurement, testing,
4 appraisal, prediction, consultation, counseling, instruction related
5 to auditory, vestibular, and related functions and the modification
6 of communicative disorders involving speech, language, auditory
7 behavior or other aberrant behavior resulting from auditory
8 dysfunction; and the planning, directing, conducting, supervising,
9 or participating in programs of identification of auditory disorders,
10 hearing conservation, cerumen removal, aural habilitation, and
11 rehabilitation, including, hearing aid recommendation and
12 evaluation procedures including, but not limited to, specifying
13 amplification requirements and evaluation of the results thereof,
14 auditory training, and speech reading, and the selling of hearing
15 aids.

16 (l) A “dispensing audiologist” is a person who is authorized to
17 sell hearing aids pursuant to his or her audiology license.

18 (m) “Audiology aide” means any person meeting the minimum
19 requirements established by the board. An audiology aide may not
20 perform any function that constitutes the practice of audiology
21 unless he or she is under the supervision of an audiologist. The
22 board may by regulation exempt certain functions performed by
23 an industrial audiology aide from supervision provided that his or
24 her employer has established a set of procedures or protocols that
25 the aide shall follow in performing these functions.

26 (n) “Medical board” means the Medical Board of California.

27 (o) A “hearing screening” performed by a speech-language
28 pathologist means a binary puretone screening at a preset intensity
29 level for the purpose of determining if the screened individuals
30 are in need of further medical or audiological evaluation.

31 (p) “Cerumen removal” means the nonroutine removal of
32 cerumen within the cartilaginous ear canal necessary for access in
33 performance of audiological procedures that shall occur under
34 physician and surgeon supervision. Cerumen removal, as provided
35 by this section, shall only be performed by a licensed audiologist.
36 Physician and surgeon supervision shall not be construed to require
37 the physical presence of the physician, but shall include all of the
38 following:

39 (1) Collaboration on the development of written standardized
40 protocols. The protocols shall include a requirement that the

1 supervised audiologist immediately refer to an appropriate
2 physician any trauma, including skin tears, bleeding, or other
3 pathology of the ear discovered in the process of cerumen removal
4 as defined in this subdivision.

5 (2) Approval by the supervising physician of the written
6 standardized protocol.

7 (3) The supervising physician shall be within the general
8 vicinity, as provided by the physician-audiologist protocol, of the
9 supervised audiologist and available by telephone contact at the
10 time of cerumen removal.

11 (4) A licensed physician and surgeon may not simultaneously
12 supervise more than two audiologists for purposes of cerumen
13 removal.

14 *SEC. 6. Section 2531 of the Business and Professions Code is*
15 *amended to read:*

16 2531. (a) There is in the Department of Consumer Affairs—a
17 the Speech-Language Pathology and Audiology and Hearing Aid
18 Dispensers Board in which the enforcement and administration of
19 this chapter are vested. The Speech-Language Pathology and
20 Audiology and Hearing Aid Dispensers Board shall consist of nine
21 members, three of whom shall be public members.

22 (b) This section shall remain in effect only until January 1, ~~2014,~~
23 ~~2018~~, and as of that date is repealed, unless a later enacted statute,
24 that is enacted before January 1, ~~2014,~~ ~~2018~~, deletes or extends
25 that date. ~~The Notwithstanding any other law, the repeal of this~~
26 ~~section renders the board subject to the review required by Division~~
27 ~~1.2 (commencing with Section 473) by the appropriate policy~~
28 ~~committees of the Legislature.~~

29 *SEC. 7. Section 2531.75 of the Business and Professions Code*
30 *is amended to read:*

31 2531.75. (a) The board may appoint a person exempt from
32 civil service who shall be designated as an executive officer and
33 who shall exercise the powers and perform the duties delegated
34 by the board and vested in him or her by this chapter.

35 (b) This section shall remain in effect only until January 1, ~~2014,~~
36 ~~2018~~, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before January 1, ~~2014,~~ ~~2018~~, deletes or extends
38 that date.

39 *SEC. 8. Section 2533 of the Business and Professions Code is*
40 *amended to read:*

- 1 2533. The board may refuse to issue, or issue subject to terms
2 and conditions, a license on the grounds specified in Section 480,
3 or may suspend, revoke, or impose terms and conditions upon the
4 license of any licensee for any of the following:
- 5 (a) Conviction of a crime substantially related to the
6 qualifications, functions, and duties of a speech-language
7 pathologist or audiologist or hearing aid dispenser, as the case may
8 be. The record of the conviction shall be conclusive evidence
9 thereof.
- 10 (b) Securing a license by fraud or deceit.
- 11 (c) (1) The use or administering to himself or herself; of any
12 controlled substance; (2) the use of any of the dangerous drugs
13 specified in Section 4022, or of alcoholic beverages, to the extent;
14 or in a manner as to be dangerous or injurious to the licensee, to
15 any other person, or to the public, or to the extent that the use
16 impairs the ability of the licensee to practice speech-language
17 pathology or audiology safely; (3) more than one misdemeanor or
18 any felony involving the use, consumption, or self-administration
19 of any of the substances referred to in this section; or (4) any
20 combination of paragraph (1), (2), or (3). The record of the
21 conviction shall be conclusive evidence of unprofessional conduct.
- 22 (d) Advertising in violation of Section 17500. Advertising an
23 academic degree that was not validly awarded or earned under the
24 laws of this state or the applicable jurisdiction in which it was
25 issued is deemed to constitute a violation of Section 17500.
- 26 (e) Committing a dishonest or fraudulent act that is substantially
27 related to the qualifications, functions, or duties of a licensee.
- 28 (f) Incompetence, gross negligence, or repeated negligent acts.
- 29 (g) Other acts that have endangered or are likely to endanger
30 the health, welfare, and safety of the public.
- 31 (h) Use by a hearing aid dispenser of the term “doctor” or
32 “physician” or “clinic” or “audiologist,” or any derivation thereof,
33 except as authorized by law.
- 34 (i) The use, or causing the use, of any advertising or promotional
35 literature in a manner that has the capacity or tendency to mislead
36 or deceive purchasers or prospective purchasers.
- 37 (j) Any cause that would be grounds for denial of an application
38 for a license.
- 39 (k) Violation of Section 1689.6 or 1793.02 of the Civil Code.

1 (l) Violation of a term or condition of a probationary order of
2 a license issued by the board pursuant to Chapter 5 (commencing
3 with Section 11500) of Part 1 of Division 3 of Title 2 of the
4 Government Code.

5 SEC. 9. Section 2570.19 of the Business and Professions Code
6 is amended to read:

7 2570.19. (a) There is hereby created a California Board of
8 Occupational Therapy, hereafter referred to as the board. The board
9 shall enforce and administer this chapter.

10 (b) The members of the board shall consist of the following:

11 (1) Three occupational therapists who shall have practiced
12 occupational therapy for five years.

13 (2) One occupational therapy assistant who shall have assisted
14 in the practice of occupational therapy for five years.

15 (3) Three public members who shall not be licentiates of the
16 board, of any other board under this division, or of any board
17 referred to in Section 1000 or 3600.

18 (c) The Governor shall appoint the three occupational therapists
19 and one occupational therapy assistant to be members of the board.
20 The Governor, the Senate Committee on Rules, and the Speaker
21 of the Assembly shall each appoint a public member. Not more
22 than one member of the board shall be appointed from the full-time
23 faculty of any university, college, or other educational institution.

24 (d) All members shall be residents of California at the time of
25 their appointment. The occupational therapist and occupational
26 therapy assistant members shall have been engaged in rendering
27 occupational therapy services to the public, teaching, or research
28 in occupational therapy for at least five years preceding their
29 appointments.

30 (e) The public members may not be or have ever been
31 occupational therapists or occupational therapy assistants or in
32 training to become occupational therapists or occupational therapy
33 assistants. The public members may not be related to, or have a
34 household member who is, an occupational therapist or an
35 occupational therapy assistant, and may not have had, within two
36 years of the appointment, a substantial financial interest in a person
37 regulated by the board.

38 (f) The Governor shall appoint two board members for a term
39 of one year, two board members for a term of two years, and one
40 board member for a term of three years. Appointments made

1 thereafter shall be for four-year terms, but no person shall be
 2 appointed to serve more than two consecutive terms. Terms shall
 3 begin on the first day of the calendar year and end on the last day
 4 of the calendar year or until successors are appointed, except for
 5 the first appointed members who shall serve through the last
 6 calendar day of the year in which they are appointed, before
 7 commencing the terms prescribed by this section. Vacancies shall
 8 be filled by appointment for the unexpired term. The board shall
 9 annually elect one of its members as president.

10 (g) The board shall meet and hold at least one regular meeting
 11 annually in the Cities of Sacramento, Los Angeles, and San
 12 Francisco. The board may convene from time to time until its
 13 business is concluded. Special meetings of the board may be held
 14 at any time and place designated by the board.

15 (h) Notice of each meeting of the board shall be given in
 16 accordance with the Bagley-Keene Open Meeting Act (Article 9
 17 (commencing with Section 11120) of Chapter 1 of Part 1 of
 18 Division 3 of Title 2 of the Government Code).

19 (i) Members of the board shall receive no compensation for
 20 their services, but shall be entitled to reasonable travel and other
 21 expenses incurred in the execution of their powers and duties in
 22 accordance with Section 103.

23 (j) The appointing power shall have the power to remove any
 24 member of the board from office for neglect of any duty imposed
 25 by state law, for incompetency, or for unprofessional or
 26 dishonorable conduct.

27 (k) This section shall remain in effect only until January 1, ~~2014,~~
 28 ~~2018~~, and as of that date is repealed, unless a later enacted statute,
 29 that is enacted before January 1, ~~2014,~~ ~~2018~~, deletes or extends
 30 that date. ~~The Notwithstanding any other law, the repeal of this~~
 31 ~~section renders the board subject to the review required by Division~~
 32 ~~1.2 (commencing with Section 473) by the appropriate policy~~
 33 ~~committees of the Legislature.~~

34 *SEC. 10. Section 2602 of the Business and Professions Code*
 35 *is amended to read:*

36 2602. The Physical Therapy Board of California, hereafter
 37 referred to as the board, shall enforce and administer this chapter.

38 This section shall remain in effect only until January 1, ~~2014,~~
 39 ~~2018~~, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2014~~, 2018, deletes or extends
2 that date.

3 Notwithstanding any other provision of law, the repeal of this
4 section renders the board subject to review by the appropriate
5 policy committees of the Legislature.

6 *SEC. 11. Section 2607.5 of the Business and Professions Code*
7 *is amended to read:*

8 2607.5. (a) The board may appoint a person exempt from civil
9 service who shall be designated as an executive officer and who
10 shall exercise the powers and perform the duties delegated by the
11 board and vested in him or her by this chapter.

12 (b) This section shall remain in effect only until January 1, ~~2014~~,
13 2018, and as of that date is repealed, unless a later enacted statute,
14 that is enacted before January 1, ~~2014~~, 2018, deletes or extends
15 that date.

16 ~~SEC. 4.~~

17 *SEC. 12. Section 3010.5 of the Business and Professions Code*
18 *is amended to read:*

19 3010.5. (a) There is in the Department of Consumer Affairs
20 a State Board of Optometry in which the enforcement of this
21 chapter is vested. The board consists of 11 members, five of whom
22 shall be public members.

23 Six members of the board shall constitute a quorum.

24 (b) The board shall, with respect to conducting investigations,
25 inquiries, and disciplinary actions and proceedings, have the
26 authority previously vested in the board as created pursuant to
27 Section 3010. The board may enforce any disciplinary actions
28 undertaken by that board.

29 (c) This section shall remain in effect only until January 1, 2018,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2018, deletes or extends that date.
32 Notwithstanding any other law, the repeal of this section renders
33 the board subject to review by the appropriate policy committees
34 of the Legislature.

35 ~~SEC. 5.~~

36 *SEC. 13. Section 3014.6 of the Business and Professions Code*
37 *is amended to read:*

38 3014.6. (a) The board may appoint a person exempt from civil
39 service who shall be designated as an executive officer and who

1 shall exercise the powers and perform the duties delegated by the
2 board and vested in him or her by this chapter.

3 (b) This section shall remain in effect only until January 1, 2018,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2018, deletes or extends that date.

6 ~~SEC. 6.~~

7 *SEC. 14.* Section 3685 of the Business and Professions Code
8 is amended to read:

9 3685. Notwithstanding any other law, the repeal of this chapter
10 renders the committee subject to review by the appropriate policy
11 committees of the Legislature.

12 ~~SEC. 7.~~

13 *SEC. 15.* Section 3686 of the Business and Professions Code
14 is amended to read:

15 3686. This chapter shall remain in effect only until January 1,
16 2018, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, 2018, deletes or extends that date.

18 ~~SEC. 8.~~

19 *SEC. 16.* Section 3710 of the Business and Professions Code
20 is amended to read:

21 3710. (a) The Respiratory Care Board of California, hereafter
22 referred to as the board, shall enforce and administer this chapter.

23 (b) This section shall remain in effect only until January 1, 2018,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2018, deletes or extends that date.
26 Notwithstanding any other law, the repeal of this section renders
27 the board subject to review by the appropriate policy committees
28 of the Legislature.

29 ~~SEC. 9.~~

30 *SEC. 17.* Section 3716 of the Business and Professions Code
31 is amended to read:

32 3716. The board may employ an executive officer exempt from
33 civil service and, subject to the provisions of law relating to civil
34 service, clerical assistants and, except as provided in Section 159.5,
35 other employees as it may deem necessary to carry out its powers
36 and duties.

37 This section shall remain in effect only until January 1, 2018,
38 and as of that date is repealed, unless a later enacted statute, that
39 is enacted before January 1, 2018, deletes or extends that date.

1 ~~SEC. 10.~~

2 *SEC. 18.* Section 3765 of the Business and Professions Code
3 is amended to read:

4 3765. This act does not prohibit any of the following activities:
5 (a) The performance of respiratory care that is an integral part
6 of the program of study by students enrolled in approved
7 respiratory therapy training programs.

8 (b) Self-care by the patient or the gratuitous care by a friend or
9 member of the family who does not represent or hold himself or
10 herself out to be a respiratory care practitioner licensed under the
11 provisions of this chapter.

12 (c) The respiratory care practitioner from performing advances
13 in the art and techniques of respiratory care learned through formal
14 or specialized training.

15 (d) The performance of respiratory care in an emergency
16 situation by paramedical personnel who have been formally trained
17 in these modalities and are duly licensed under the provisions of
18 an act pertaining to their speciality.

19 (e) Respiratory care services in case of an emergency.
20 “Emergency,” as used in this subdivision, includes an epidemic
21 or public disaster.

22 (f) Persons from engaging in cardiopulmonary research.

23 (g) Formally trained licensees and staff of child day care
24 facilities from administering to a child inhaled medication as
25 defined in Section 1596.798 of the Health and Safety Code.

26 (h) The performance by a person employed by a home medical
27 device retail facility or by a home health agency licensed by the
28 State Department of *Public Health Services* of specific, limited,
29 and basic respiratory care or respiratory care related services that
30 have been authorized by the board.

31 (i) The performance of pulmonary function testing by persons
32 who are currently employed by Los Angeles County hospitals and
33 have performed pulmonary function testing for at least 15 years.

34 *SEC. 19.* Section 4938 of the Business and Professions Code
35 is amended to read:

36 4938. The board shall issue a license to practice acupuncture
37 to any person who makes an application and meets the following
38 requirements:

39 (a) Is at least 18 years of age.

- 1 (b) Furnishes satisfactory evidence of completion of one of the
- 2 following:
- 3 (1) An educational and training program approved by the board
- 4 pursuant to Section 4939.
- 5 (2) Satisfactory completion of a tutorial program in the practice
- 6 of an acupuncturist which is approved by the board.
- 7 (3) In the case of an applicant who has completed education
- 8 and training outside the United States and Canada, documented
- 9 educational training and clinical experience which meets the
- 10 standards established pursuant to Sections 4939 and 4941.
- 11 (c) Passes a written examination administered by the board ~~that~~
- 12 ~~tests or, beginning on January 1, 2015, passes an examination or~~
- 13 ~~examinations administered by the National Certification~~
- 14 ~~Commission for Acupuncture and Oriental Medicine (NCCAOM),~~
- 15 ~~provided that the office of Professional Exam Services of the~~
- 16 ~~Department of Consumer Affairs determines that the examination~~
- 17 ~~or examinations administered by NCCAOM comply with Section~~
- 18 ~~139. The examinations shall test the applicant's ability,~~
- 19 ~~competency, and knowledge in the practice of an acupuncturist.~~
- 20 ~~The written examination administered by the board shall be~~
- 21 ~~developed by the Office of Professional Examination Services of~~
- 22 ~~the Department of Consumer Affairs.~~
- 23 (d) Is not subject to denial pursuant to Division 1.5 (commencing
- 24 with Section 475).
- 25 (e) Completes a clinical internship training program approved
- 26 by the board. The clinical internship training program shall not
- 27 exceed nine months in duration and shall be located in a clinic in
- 28 this state, which is approved by the board pursuant to Section 4939.
- 29 The length of the clinical internship shall depend upon the grades
- 30 received in the examination and the clinical training already
- 31 satisfactorily completed by the individual prior to taking the
- 32 examination. On and after January 1, 1987, individuals with 800
- 33 or more hours of documented clinical training shall be deemed to
- 34 have met this requirement. The purpose of the clinical internship
- 35 training program shall be to ensure a minimum level of clinical
- 36 competence.
- 37 Each applicant who qualifies for a license shall pay, as a
- 38 condition precedent to its issuance and in addition to other fees
- 39 required, the initial licensure fee.

1 *SEC. 20. Section 4939 of the Business and Professions Code*
2 *is amended to read:*

3 4939. (a) The board shall establish standards for the approval
4 of schools and colleges offering education and training in the
5 practice of an acupuncturist, including standards for the faculty in
6 those schools and colleges and tutorial programs, completion of
7 which will satisfy the requirements of Section 4938.

8 (b) Standards for the approval of training programs shall include
9 a minimum of 3,000 hours of study in curriculum pertaining to the
10 practice of an acupuncturist. This subdivision shall apply to all
11 students entering programs on or after January 1, 2005.

12 (c) *Beginning January 1, 2017, all training programs approved*
13 *by the board shall be accredited by the Accrediting Commission*
14 *for Acupuncture and Oriental Medicine.*

15 (e)

16 (d) Within three years of initial approval by the board, each
17 program so approved by the board shall receive full institutional
18 approval under Article 6 (commencing with Section 94885) of
19 Chapter 8 of Part 59 of Division 10 of Title 3 of the Education
20 Code in the field of traditional Asian medicine, or in the case of
21 institutions located outside of this state, approval by the appropriate
22 governmental educational authority using standards equivalent to
23 those of Article 6 (commencing with Section 94885) of Chapter
24 8 of Part 59 of Division 10 of Title 3 of the Education Code, or
25 the board's approval of the program shall automatically lapse.

26 ~~SEC. 11.~~

27 *SEC. 21.* The Legislature finds and declares that a special law,
28 as set forth in Section ~~10~~ 18 of this act, is necessary and that a
29 general law cannot be made applicable within the meaning of
30 Section 16 of Article IV of the California Constitution because of
31 the unique circumstances relating to persons who are currently
32 employed by Los Angeles County hospitals and have performed
33 pulmonary function testing for at least 15 years.

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