

**ASSEMBLY BILL**

**No. 2745**

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**Introduced by Assembly Member Holden**

February 19, 2016

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An act to amend Sections 2088, 2225, 2441, 2519, 2520, 3576, and 3577 of, and to add Sections 2522, 2523, 3576.1, and 3576.2 to, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2745, as introduced, Holden. Healing arts: licensing and certification.

(1) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law authorizes an applicant for a physician's and surgeon's license who is otherwise eligible for a license but is unable to practice some aspects of medicine safely due to a disability to receive a limited license if the applicant pays the license renewal fee and signs an agreement agreeing to limit his or her practice in the manner prescribed by the reviewing physician and agreed to by the board. Existing law makes any person who knowingly provides false information in this agreement subject to any sanctions available to the board. Existing law authorizes the board to require the applicant to obtain an independent clinical evaluation of his or her ability to practice medicine safely as a condition of receiving the limited license. Violation of the act is a crime. Existing law establishes the Contingent Fund of the Medical Board of California, a continuously appropriated fund.

This bill would specify that a licensee who is otherwise eligible for a license but is unable to practice some aspects of medicine safely due

to a disability is authorized to receive the limited license if the above-described conditions are met. By adding fees for deposit into the Contingent Fund of the Medical Board of California, this bill would make an appropriation.

(2) Existing law authorizes a licensee who demonstrates that he or she is unable to practice medicine due to a disability to request a waiver of the license renewal fee. Under existing law, a licensee granted that waiver is prohibited from practicing medicine until he or she establishes that the disability no longer exists or signs an agreement, under penalty of perjury, agreeing to limit his or her practice in the manner prescribed by the reviewing physician.

This bill would require the board to agree to this limit, would authorize the board to require an independent clinical evaluation, and would subject a person who knowingly provides false information in the agreement to sanctions. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(3) Existing law authorizes the board, in any investigation that involves the death of a patient, to inspect and copy the medical records of the deceased patient without the authorization of the beneficiary or personal representative of the deceased patient or a court order solely to determine the extent to which the death was the result of the physician and surgeon's violation of the Medical Practice Act, if the board provides a written request to the physician and surgeon that includes a declaration that the board has been unsuccessful in locating or contacting the deceased patient's beneficiary or personal representative after reasonable efforts.

This bill would authorize the board to provide the written request to the facility where the medical records are located or the care to the deceased patient was provided.

(4) Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensing and regulation of midwives by the Board of Licensing of the Medical Board of California. Under the act, the board is authorized to suspend or revoke the license of a midwife for specified conduct, including unprofessional conduct consisting of, among other things, incompetence or gross negligence in carrying out the usual functions of a licensed midwife. A violation of the act is a crime.

This bill would authorize the board to place a license on probation and establish a fee for monitoring a licensee on probation. The bill would also authorize a person whose license has been voluntarily surrendered while under investigation or while charges are pending or

whose license has been suspended, revoked, or placed on probation to petition the board for reinstatement or modification of penalty, as specified. The bill would require the revocation of a license for a person required to register as a sex offender, except as specified.

(5) Existing law prohibits a person from using the title “certified polysomnographic technologist” or engaging in the practice of polysomnography unless he or she is registered as a certified polysomnographic technologist, is supervised and directed by a licensed physician and surgeon, and meets certain other requirements. Existing law requires polysomnographic technologists to apply to and register with the Medical Board of California and to pay specified fees to be fixed by the board at no more than \$100 each, and to renew their registration biennially for a fee of no more than \$150. Existing law requires the deposit of those fees in the Contingent Fund of the Medical Board of California. Existing law authorizes a registration to be suspended, revoked, or otherwise subject to discipline for specified conduct.

This bill would also authorize a registration to be placed on probation if a registrant engages in that conduct and would establish a fee for monitoring a registrant on probation. By increasing fees for deposit into the Contingent Fund, this bill would make an appropriation. The bill would authorize a person whose registration has been voluntarily surrendered while under investigation or while charges are pending or whose registration has been suspended, revoked, or placed on probation to petition the board for reinstatement or modification of penalty, as specified. The bill would require the revocation of a registration for a person required to register as a sex offender, except as specified.

(6) 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.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

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

- 1 SECTION 1. Section 2088 of the Business and Professions
- 2 Code is amended to read:

1 2088. (a) An applicant for a physician's and surgeon's license  
2 *or a physician's and surgeon's licensee* who is otherwise eligible  
3 for that license but is unable to practice some aspects of medicine  
4 safely due to a disability may receive a limited license if he or she  
5 does both of the following:

6 (1) Pays the *appropriate* initial *or renewal* license fee.

7 (2) Signs an agreement on a form prescribed by the board in  
8 which the applicant *or licensee* agrees to limit his or her practice  
9 in the manner prescribed by the reviewing physician and agreed  
10 to by the board.

11 (b) The board may require the applicant *or licensee* described  
12 in subdivision (a) to obtain an independent clinical evaluation of  
13 his or her ability to practice medicine safely as a condition of  
14 receiving a limited license under this section.

15 (c) Any person who knowingly provides false information in  
16 the agreement submitted pursuant to subdivision (a) shall be subject  
17 to any sanctions available to the board.

18 SEC. 2. Section 2225 of the Business and Professions Code is  
19 amended to read:

20 2225. (a) Notwithstanding Section 2263 and any other law  
21 making a communication between a physician and surgeon or a  
22 doctor of podiatric medicine and his or her patients a privileged  
23 communication, those provisions shall not apply to investigations  
24 or proceedings conducted under this chapter. Members of the  
25 board, the Senior Assistant Attorney General of the Health Quality  
26 Enforcement Section, members of the California Board of Podiatric  
27 Medicine, and deputies, employees, agents, and representatives of  
28 the board or the California Board of Podiatric Medicine and the  
29 Senior Assistant Attorney General of the Health Quality  
30 Enforcement Section shall keep in confidence during the course  
31 of investigations, the names of any patients whose records are  
32 reviewed and shall not disclose or reveal those names, except as  
33 is necessary during the course of an investigation, unless and until  
34 proceedings are instituted. The authority of the board or the  
35 California Board of Podiatric Medicine and the Health Quality  
36 Enforcement Section to examine records of patients in the office  
37 of a physician and surgeon or a doctor of podiatric medicine is  
38 limited to records of patients who have complained to the board  
39 or the California Board of Podiatric Medicine about that licensee.

1 (b) Notwithstanding any other law, the Attorney General and  
2 his or her investigative agents, and investigators and representatives  
3 of the board or the California Board of Podiatric Medicine, may  
4 inquire into any alleged violation of the Medical Practice Act or  
5 any other federal or state law, regulation, or rule relevant to the  
6 practice of medicine or podiatric medicine, whichever is applicable,  
7 and may inspect documents relevant to those investigations in  
8 accordance with the following procedures:

9 (1) Any document relevant to an investigation may be inspected,  
10 and copies may be obtained, where patient consent is given.

11 (2) Any document relevant to the business operations of a  
12 licensee, and not involving medical records attributable to  
13 identifiable patients, may be inspected and copied if relevant to  
14 an investigation of a licensee.

15 (c) (1) Notwithstanding subdivision (b) or any other law, in  
16 any investigation that involves the death of a patient, the board  
17 may inspect and copy the medical records of the deceased patient  
18 without the authorization of the beneficiary or personal  
19 representative of the deceased patient or a court order solely for  
20 the purpose of determining the extent to which the death was the  
21 result of the physician and surgeon's conduct in violation of the  
22 Medical Practice Act, if the board provides a written request to  
23 *either the physician and surgeon or the facility where the medical*  
24 *records are located or the care to the deceased patient was*  
25 *provided*, that includes a declaration that the board has been  
26 unsuccessful in locating or contacting the deceased patient's  
27 beneficiary or personal representative after reasonable efforts.  
28 Nothing in this subdivision shall be construed to allow the board  
29 to inspect and copy the medical records of a deceased patient  
30 without a court order when the beneficiary or personal  
31 representative of the deceased patient has been located and  
32 contacted but has refused to consent to the board inspecting and  
33 copying the medical records of the deceased patient.

34 (2) The Legislature finds and declares that the authority created  
35 in the board pursuant to this section, and a physician and surgeon's  
36 compliance with this section, are consistent with the public interest  
37 and benefit activities of the federal Health Insurance Portability  
38 and Accountability Act (HIPAA).

39 (d) In all cases in which documents are inspected or copies of  
40 those documents are received, their acquisition or review shall be

1 arranged so as not to unnecessarily disrupt the medical and business  
2 operations of the licensee or of the facility where the records are  
3 kept or used.

4 (e) If documents are lawfully requested from licensees in  
5 accordance with this section by the Attorney General or his or her  
6 agents or deputies, or investigators of the board or the California  
7 Board of Podiatric Medicine, the documents shall be provided  
8 within 15 business days of receipt of the request, unless the licensee  
9 is unable to provide the documents within this time period for good  
10 cause, including, but not limited to, physical inability to access  
11 the records in the time allowed due to illness or travel. Failure to  
12 produce requested documents or copies thereof, after being  
13 informed of the required deadline, shall constitute unprofessional  
14 conduct. The board may use its authority to cite and fine a  
15 physician and surgeon for any violation of this section. This remedy  
16 is in addition to any other authority of the board to sanction a  
17 licensee for a delay in producing requested records.

18 (f) Searches conducted of the office or medical facility of any  
19 licensee shall not interfere with the recordkeeping format or  
20 preservation needs of any licensee necessary for the lawful care  
21 of patients.

22 SEC. 3. Section 2441 of the Business and Professions Code is  
23 amended to read:

24 2441. (a) Any licensee who demonstrates to the satisfaction  
25 of the board that he or she is unable to practice medicine due to a  
26 disability may request a waiver of the license renewal fee. The  
27 granting of a waiver shall be at the discretion of the board and may  
28 be terminated at any time. Waivers shall be based on the inability  
29 of a licensee to practice medicine. A licensee whose renewal fee  
30 has been waived pursuant to this section shall not engage in the  
31 practice of medicine unless and until the licensee pays the current  
32 renewal fee and does either of the following:

33 (~~a~~)

34 (1) Establishes to the satisfaction of the board, on a form  
35 prescribed by the board and signed under penalty of perjury, that  
36 the licensee's disability either no longer exists or does not affect  
37 his or her ability to practice medicine safely.

38 (~~b~~)

39 (2) Signs an agreement on a form prescribed by the board, signed  
40 under penalty of perjury, in which the licensee agrees to limit his

1 or her practice in the manner prescribed by the reviewing ~~physician.~~  
2 *physician and agreed to by the board.*

3 *(b) The board may require the licensee described in paragraph*  
4 *(2) of subdivision (a) to obtain an independent clinical evaluation*  
5 *of his or her ability to practice medicine safely as a condition of*  
6 *receiving a disability license under this section.*

7 *(c) Any person who knowingly provides false information in the*  
8 *agreement submitted pursuant to paragraph (2) of subdivision (a)*  
9 *shall be subject to any sanctions available to the board.*

10 SEC. 4. Section 2519 of the Business and Professions Code is  
11 amended to read:

12 2519. The board may ~~suspend or revoke~~ *suspend, revoke, or*  
13 *place on probation* the license of a midwife for any of the  
14 following:

15 (a) Unprofessional conduct, which includes, but is not limited  
16 to, all of the following:

17 (1) Incompetence or gross negligence in carrying out the usual  
18 functions of a licensed midwife.

19 (2) Conviction of a violation of Section 2052, in which event,  
20 the record of the conviction shall be conclusive evidence thereof.

21 (3) The use of advertising that is fraudulent or misleading.

22 (4) Obtaining or possessing in violation of law, or prescribing,  
23 or except as directed by a licensed physician and surgeon, dentist,  
24 or podiatrist administering to himself or herself, or furnishing or  
25 administering to another, any controlled substance as defined in  
26 Division 10 (commencing with Section 11000) of the Health and  
27 Safety Code or any dangerous drug as defined in Article 8  
28 (commencing with Section 4210) of Chapter 9 of Division 2 of  
29 the Business and Professions Code.

30 (5) The use of any controlled substance as defined in Division  
31 10 (commencing with Section 11000) of the Health and Safety  
32 Code, or any dangerous drug as defined in Article 8 (commencing  
33 with Section 4210) of Chapter 9 of Division 2 of the Business and  
34 Professions Code, or alcoholic beverages, to an extent or in a  
35 manner dangerous or injurious to himself or herself, any other  
36 person, or the public or to the extent that ~~such~~ *this* use impairs his  
37 or her ability to conduct with safety to the public the practice  
38 authorized by his or her license.

39 (6) Conviction of a criminal offense involving the prescription,  
40 consumption, or self-administration of any of the substances

1 described in paragraphs (4) and (5), or the possession of, or  
2 falsification of, a record pertaining to, the substances described in  
3 paragraph (4), in which event the record of the conviction is  
4 conclusive evidence thereof.

5 (7) Commitment or confinement by a court of competent  
6 jurisdiction for intemperate use of or addiction to the use of any  
7 of the substances described in paragraphs (4) and (5), in which  
8 event the court order of commitment or confinement is prima facie  
9 evidence of such commitment or confinement.

10 (8) Falsifying, or making grossly incorrect, grossly inconsistent,  
11 or unintelligible entries in any hospital, patient, or other record  
12 pertaining to the substances described in subdivision (a).

13 (b) Procuring a license by fraud or misrepresentation.

14 (c) Conviction of a crime substantially related to the  
15 qualifications, functions, and duties of a midwife, as determined  
16 by the board.

17 (d) Procuring, aiding, abetting, attempting, agreeing to procure,  
18 offering to procure, or assisting at, a criminal abortion.

19 (e) Violating or attempting to violate, directly or indirectly, or  
20 assisting in or abetting the violation of, or conspiring to violate  
21 any provision or term of this chapter.

22 (f) Making or giving any false statement or information in  
23 connection with the application for issuance of a license.

24 (g) Impersonating any applicant or acting as proxy for an  
25 applicant in any examination required under this chapter for the  
26 issuance of a license or a certificate.

27 (h) Impersonating another licensed practitioner, or permitting  
28 or allowing another person to use his or her license or certificate  
29 for the purpose of providing midwifery services.

30 (i) Aiding or assisting, or agreeing to aid or assist any person  
31 or persons, whether a licensed physician or not, in the performance  
32 of or arranging for a violation of any of the provisions of Article  
33 12 (commencing with Section 2221) of Chapter 5.

34 (j) Failing to do any of the following when required pursuant  
35 to Section 2507:

36 (1) Consult with a physician and surgeon.

37 (2) Refer a client to a physician and surgeon.

38 (3) Transfer a client to a hospital.

39 SEC. 5. Section 2520 of the Business and Professions Code is  
40 amended to read:

1 2520. (a) (1) The fee to be paid upon the filing of a license  
2 application shall be fixed by the board at not less than seventy-five  
3 dollars (\$75) nor more than three hundred dollars (\$300).

4 (2) The fee for renewal of the midwife license shall be fixed by  
5 the board at not less than fifty dollars (\$50) nor more than two  
6 hundred dollars (\$200).

7 (3) The delinquency fee for renewal of the midwife license shall  
8 be 50 percent of the renewal fee in effect on the date of the renewal  
9 of the license, but not less than twenty-five dollars (\$25) nor more  
10 than fifty dollars (\$50).

11 (4) The fee for the examination shall be the cost of administering  
12 the examination to the applicant, as determined by the organization  
13 that has entered into a contract with the ~~Division of Licensing~~  
14 *board* for the purposes set forth in subdivision (a) of Section  
15 2512.5. Notwithstanding subdivision ~~(b)~~, (c), that fee may be  
16 collected and retained by that organization.

17 (b) *The fee for monitoring a licensee on probation shall be the*  
18 *cost of monitoring, as fixed by the board.*

19 ~~(b)~~

20 (c) The fees prescribed by this article shall be deposited in the  
21 Licensed Midwifery Fund, which is hereby established, and shall  
22 be available, upon appropriation, to the board for the purposes of  
23 this article.

24 SEC. 6. Section 2522 is added to the Business and Professions  
25 Code, to read:

26 2522. (a) A person whose license has been voluntarily  
27 surrendered while under investigation or while charges are pending  
28 or whose license has been revoked or suspended or placed on  
29 probation, may petition the board for reinstatement or modification  
30 of penalty, including modification or termination of probation.

31 (b) The person may file the petition after a period of not less  
32 than the following minimum periods have elapsed from the  
33 effective date of the surrender of the license or the decision  
34 ordering that disciplinary action:

35 (1) At least three years for reinstatement of a license surrendered  
36 or revoked for unprofessional conduct, except that the board may,  
37 for good cause shown, specify in a revocation order that a petition  
38 for reinstatement may be filed after two years.

39 (2) At least two years for early termination of probation of three  
40 years or more.

1 (3) At least one year for modification of a condition, or  
2 reinstatement of a license surrendered or revoked for mental or  
3 physical illness, or termination of probation of less than three years.

4 (c) The petition shall state any facts as may be required by the  
5 board. The petition shall be accompanied by at least two verified  
6 recommendations from midwives licensed in any state who have  
7 personal knowledge of the activities of the petitioner since the  
8 disciplinary penalty was imposed.

9 (d) The petition may be heard by a panel of the board. The board  
10 may assign the petition to an administrative law judge designated  
11 in Section 11371 of the Government Code. After a hearing on the  
12 petition, the administrative law judge shall provide a proposed  
13 decision to the board, which shall be acted upon in accordance  
14 with Section 2335.

15 (e) The panel of the board or the administrative law judge  
16 hearing the petition may consider all activities of the petitioner  
17 since the disciplinary action was taken, the offense for which the  
18 petitioner was disciplined, the petitioner’s activities during the  
19 time the license was in good standing, and the petitioner’s  
20 rehabilitative efforts, general reputation for truth, and professional  
21 ability. The hearing may be continued from time to time as the  
22 administrative law judge designated in Section 11371 of the  
23 Government Code finds necessary.

24 (f) The administrative law judge designated in Section 11371  
25 of the Government Code reinstating a license or modifying a  
26 penalty may recommend the imposition of any terms and conditions  
27 deemed necessary.

28 (g) No petition shall be considered while the petitioner is under  
29 sentence for any criminal offense, including any period during  
30 which the petitioner is on court-imposed probation or parole. No  
31 petition shall be considered while there is an accusation or petition  
32 to revoke probation pending against the person. The board may  
33 deny without a hearing or argument any petition filed pursuant to  
34 this section within a period of two years from the effective date  
35 of the prior decision following a hearing under this section.

36 SEC. 7. Section 2523 is added to the Business and Professions  
37 Code, to read:

38 2523. (a) Except as provided in subdivisions (b) and (c), the  
39 board shall revoke the license of any person who has been required

1 to register as a sex offender pursuant to Section 290 of the Penal  
2 Code.

3 (b) This section shall not apply to a person who is required to  
4 register as a sex offender pursuant to Section 290 of the Penal  
5 Code solely because of a misdemeanor conviction under Section  
6 314 of the Penal Code.

7 (c) This section shall not apply to a person who has been relieved  
8 under Section 290.5 of the Penal Code of his or her duty to register  
9 as a sex offender, or whose duty to register has otherwise been  
10 formally terminated under California law.

11 SEC. 8. Section 3576 of the Business and Professions Code is  
12 amended to read:

13 3576. (a) A registration under this chapter may be denied,  
14 suspended, revoked, *placed on probation*, or otherwise subjected  
15 to discipline for any of the following by the holder:

16 (1) Incompetence, gross negligence, or repeated similar  
17 negligent acts performed by the registrant.

18 (2) An act of dishonesty or fraud.

19 (3) Committing any act or being convicted of a crime  
20 constituting grounds for denial of licensure or registration under  
21 Section 480.

22 (4) Violating or attempting to violate ~~any provision of~~ this  
23 chapter or any regulation adopted under this chapter.

24 (b) Proceedings under this section shall be conducted in  
25 accordance with Chapter 5 (commencing with Section 11500) of  
26 Part 1 of Division 3 of Title 2 of the Government Code, and the  
27 board shall have all powers granted therein.

28 SEC. 9. Section 3576.1 is added to the Business and Professions  
29 Code, to read:

30 3576.1. (a) A person whose registration has been voluntarily  
31 surrendered while under investigation or while charges are pending  
32 or whose registration has been revoked or suspended or placed on  
33 probation, may petition the board for reinstatement or modification  
34 of penalty, including modification or termination of probation.

35 (b) The person may file the petition after a period of not less  
36 than the following minimum periods have elapsed from the  
37 effective date of the surrender of the registration or the decision  
38 ordering that disciplinary action:

39 (1) At least three years for reinstatement of a registration  
40 surrendered or revoked for unprofessional conduct, except that the

1 board may, for good cause shown, specify in a revocation order  
2 that a petition for reinstatement may be filed after two years.

3 (2) At least two years for early termination of probation of three  
4 years or more.

5 (3) At least one year for modification of a condition, or  
6 reinstatement of a registration surrendered or revoked for mental  
7 or physical illness, or termination of probation of less than three  
8 years.

9 (c) The petition shall state any facts as may be required by the  
10 board. The petition shall be accompanied by at least two verified  
11 recommendations from polysomnographic technologists registered  
12 in any state who have personal knowledge of the activities of the  
13 petitioner since the disciplinary penalty was imposed.

14 (d) The petition may be heard by a panel of the board. The board  
15 may assign the petition to an administrative law judge designated  
16 in Section 11371 of the Government Code. After a hearing on the  
17 petition, the administrative law judge shall provide a proposed  
18 decision to the board, which shall be acted upon in accordance  
19 with Section 2335.

20 (e) The panel of the board or the administrative law judge  
21 hearing the petition may consider all activities of the petitioner  
22 since the disciplinary action was taken, the offense for which the  
23 petitioner was disciplined, the petitioner's activities during the  
24 time the registration was in good standing, and the petitioner's  
25 rehabilitative efforts, general reputation for truth, and professional  
26 ability. The hearing may be continued from time to time as the  
27 administrative law judge designated in Section 11371 of the  
28 Government Code finds necessary.

29 (f) The administrative law judge designated in Section 11371  
30 of the Government Code reinstating a registration or modifying a  
31 penalty may recommend the imposition of any terms and conditions  
32 deemed necessary.

33 (g) No petition shall be considered while the petitioner is under  
34 sentence for any criminal offense, including any period during  
35 which the petitioner is on court-imposed probation or parole. No  
36 petition shall be considered while there is an accusation or petition  
37 to revoke probation pending against the person. The board may  
38 deny without a hearing or argument any petition filed pursuant to  
39 this section within a period of two years from the effective date  
40 of the prior decision following a hearing under this section.

1 SEC. 10. Section 3576.2 is added to the Business and  
2 Professions Code, to read:

3 3576.2. (a) Except as provided in subdivisions (b) and (c), the  
4 board shall revoke the registration of any person who has been  
5 required to register as a sex offender pursuant to Section 290 of  
6 the Penal Code.

7 (b) This section shall not apply to a person who is required to  
8 register as a sex offender pursuant to Section 290 of the Penal  
9 Code solely because of a misdemeanor conviction under Section  
10 314 of the Penal Code.

11 (c) This section shall not apply to a person who has been relieved  
12 under Section 290.5 of the Penal Code of his or her duty to register  
13 as a sex offender, or whose duty to register has otherwise been  
14 formally terminated under California law.

15 SEC. 11. Section 3577 of the Business and Professions Code  
16 is amended to read:

17 3577. (a) Each person who applies for registration under this  
18 chapter shall pay into the Contingent Fund of the Medical Board  
19 of California a fee to be fixed by the board at a sum not in excess  
20 of one hundred dollars (\$100).

21 (b) Each person to whom registration is granted under this  
22 chapter shall pay into the Contingent Fund of the Medical Board  
23 of California a fee to be fixed by the board at a sum not in excess  
24 of one hundred dollars (\$100).

25 (c) The registration shall expire after two years. The registration  
26 may be renewed biennially at a fee which shall be paid into the  
27 Contingent Fund of the Medical Board of California to be fixed  
28 by the board at a sum not in excess of one hundred fifty dollars  
29 (\$150).

30 (d) *The fee for monitoring a licensee on probation shall be the*  
31 *cost of monitoring, as fixed by the board.*

32 ~~(d)~~

33 (e) The money in the Contingent Fund of the Medical Board of  
34 California that is collected pursuant to this section shall be used  
35 for the administration of this chapter.

36 SEC. 12. No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district will be incurred because this act creates a new crime or  
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

O