

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN ASSEMBLY JUNE 22, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1039

Introduced by Senator Hill

February 12, 2016

An act to amend Sections ~~115.6, 144, 146, 651, 656, 683, 800, 805, 805.1, 805.5, 805.6, 810, 1944, 2052.5, 2423, 2472, 2499.5, 2733, 2746.51, 2786.5, 2811, 2811.5, 2815, 2815.5, 2816, 2830.7, 2836.3, 2838.2, 4128.2, 4170, 4175, 4830, 4999, 4999.2, 8516, and 8518~~ of, to amend, repeal, and add Sections 4400, 7137, and 7153.3 of, ~~to add Chapter 3.5 (commencing with Section 1460) to Division 2 of,~~ to repeal Sections 4999.1, 4999.3, 4999.4, and 4999.6 of, ~~to repeal Article 22 (commencing with Section 2460) of Chapter 5 of Division 2 of,~~ and to repeal and add Sections 2546.9, 2565, 2566, 2566.1, and 4999.5 of, the Business and Professions Code, ~~to amend Section 13401 of the Corporations Code,~~ to amend Section 1348.8 of the Health and Safety Code, and to amend Section 10279 of the Insurance Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, Hill. Professions and vocations.

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

(2) Existing law, the Dental Practice Act, requires the Dental Hygiene Committee of California to establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. Existing law prohibits the biennial renewal fee from exceeding \$160. Existing law requires these fees to be deposited in the State Dental Hygiene Fund and makes these moneys subject to appropriation by the Legislature.

This bill would instead prohibit the biennial renewal fee from exceeding \$500.

(3) The Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine.

~~This bill would remove the California Board of Podiatric Medicine from the jurisdiction of the Medical Board of California and would instead establish it within the Department of Consumer Affairs. The bill would revise and recast the podiatry provisions in this regard.~~

~~Existing Medicine. Under the act, only a doctor of podiatric medicine who is ankle certified by the California Board of Podiatric Medicine on and after January 1, 1984, may perform certain surgical procedures. Existing law establishes various fees applicable to certificates to practice podiatric medicine, including, but not limited to, an application fee, a duplicate wall certificate fee, a duplicate renewal receipt, receipt fee, a letter of good standing fee or a letter for a loan deferment fee, a fee for the issuance of a resident's license, a filing fee to appeal the failure of an oral examination, and a fee for continuing education approval. Existing law also establishes a fee for ankle certification for persons licensed prior to January 1, 1984. Existing law requires these fees to be deposited in the Board of Podiatric Medicine Fund and makes these fees subject to appropriation by the Legislature.~~

~~This bill would authorize a doctor of podiatric medicine to perform those surgical procedures regardless of whether he or she has been~~

ankle certified, would delete that ankle certification-fee *fee*, and would increase the amounts of those other fees.

(4) Existing law makes the State Board of Optometry responsible for the regulation of nonresident contact lens sellers, registered dispensing opticians, spectacle lens dispensers, and contact lens dispensers. Existing law establishes regulatory fees in this regard, including, but not limited to, an initial registration fee, a renewal fee, and a delinquency fee. Existing law requires these fees to be deposited in the Dispensing Opticians Fund and makes these fees available, subject to appropriation, to the State Board of Optometry.

This bill would establish a specified minimum and maximum application fee amount for nonresident contact lens sellers, registered dispensing opticians, and spectacle lens dispensers. The bill would also establish increased minimum and maximum amounts for those already established fees. The bill would authorize the State Board of Optometry to periodically revise and fix these fees, as specified.

(5) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires providers of continuing education programs approved by the board to make records of continuing education courses given to registered nurses available for board inspection. That act also prescribes various fees to be paid by licensees and applicants for licensure, and requires these fees to be credited to the Board of Registered Nursing Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements. The bill would raise specified fees, and would provide for additional fees, to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(6) The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. That law prescribes various fees to

be paid by licensees and applicants for licensure, and requires all fees collected on behalf of the board to be credited to the Pharmacy Board Contingent Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would, on and after July 1, 2017, modify specified fees to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(7) The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians by the Veterinary Medical Board, which is within the Department of Consumer Affairs. Under the act, it is unlawful and a misdemeanor for any person to practice veterinary medicine in this state unless he or she holds a valid, unexpired, and unrevoked license issued by the board, except under specified circumstances, including when regularly licensed veterinarians in actual consultation from other states or when regularly licensed veterinarians are actually called from other states to attend cases in this state and do not open an office or appoint a place to do business within the state.

This bill would replace those exceptions with an exception for veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case, subject to specified conditions.

(8) Existing law requires businesses that employ, or contract or subcontract with, the full-time equivalent of 5 or more persons functioning as health care professionals, as defined, whose primary function is to provide telephone medical advice, that provide telephone medical advice services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further requires telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs, as specified.

This bill would discontinue the requirement that those businesses be registered with the bureau, would instead make the respective healing arts licensing boards responsible for enforcing those requirements and any other laws and regulations affecting those health care professionals licensed in California, and would make conforming and related changes.

(9) The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. That law also prescribes various fees to be paid by licensees and applicants for licensure, requires

the board to set the fees by regulation, and requires fees and civil penalties received under that law to be deposited in the Contractors' License Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill, on and after July 1, 2017, would raise specified fees, would instead authorize the board to set the fees by regulation, and would require the board to establish criteria for the approval of expedited processing of applications, as specified. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(10) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report

to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee, this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision only applicable to work relating to wood destroying pests and organisms.

(11) 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. It is the intent of the Legislature to enact future
2 legislation that would establish a Dental Corps Scholarship
3 Program within the Health Professions Education Foundation to
4 increase the supply of dentists serving in medically underserved
5 areas.

6 ~~SEC. 2. Section 115.6 of the Business and Professions Code~~
7 ~~is amended to read:~~

8 ~~115.6. (a) A board within the department shall, after~~
9 ~~appropriate investigation, issue the following eligible temporary~~
10 ~~licenses to an applicant if he or she meets the requirements set~~
11 ~~forth in subdivision (e):~~

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

13 ~~(2) Vocational nurse license issued by the Board of Vocational~~
14 ~~Nursing and Psychiatric Technicians of the State of California.~~

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

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

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

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

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

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

~~(9) All licenses issued by the California Board of Podiatric Medicine.~~

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

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

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

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

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

~~(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial,~~

1 suspension, or revocation of the license under this code at the time
2 the act was committed. A violation of this paragraph may be
3 grounds for the denial or revocation of a temporary license issued
4 by the board.

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

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

12 (d) A board may adopt regulations necessary to administer this
13 section.

14 (e) A temporary license issued pursuant to this section may be
15 immediately terminated upon a finding that the temporary
16 licenseholder failed to meet any of the requirements described in
17 subdivision (c) or provided substantively inaccurate information
18 that would affect his or her eligibility for temporary licensure.
19 Upon termination of the temporary license, the board shall issue
20 a notice of termination that shall require the temporary
21 licenseholder to immediately cease the practice of the licensed
22 profession upon receipt.

23 (f) An applicant seeking a temporary license as a civil engineer,
24 geotechnical engineer, structural engineer, land surveyor,
25 professional geologist, professional geophysicist, certified
26 engineering geologist, or certified hydrogeologist pursuant to this
27 section shall successfully pass the appropriate California-specific
28 examination or examinations required for licensure in those
29 respective professions by the Board for Professional Engineers,
30 Land Surveyors, and Geologists.

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

35 SEC. 3. Section 144 of the Business and Professions Code is
36 amended to read:

37 144. (a) Notwithstanding any other provision of law, an agency
38 designated in subdivision (b) shall require an applicant to furnish
39 to the agency a full set of fingerprints for purposes of conducting
40 criminal history record checks. Any agency designated in

1 ~~subdivision (b) may obtain and receive, at its discretion, criminal~~
2 ~~history information from the Department of Justice and the United~~
3 ~~States Federal Bureau of Investigation.~~

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

5 ~~(1) California Board of Accountancy.~~

6 ~~(2) State Athletic Commission.~~

7 ~~(3) Board of Behavioral Sciences.~~

8 ~~(4) Court Reporters Board of California.~~

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

10 ~~(6) California State Board of Pharmacy.~~

11 ~~(7) Board of Registered Nursing.~~

12 ~~(8) Veterinary Medical Board.~~

13 ~~(9) Board of Vocational Nursing and Psychiatric Technicians.~~

14 ~~(10) Respiratory Care Board of California.~~

15 ~~(11) Physical Therapy Board of California.~~

16 ~~(12) Physician Assistant Committee of the Medical Board of~~
17 ~~California.~~

18 ~~(13) Speech-Language Pathology and Audiology and Hearing~~
19 ~~Aid Dispenser Board.~~

20 ~~(14) Medical Board of California.~~

21 ~~(15) State Board of Optometry.~~

22 ~~(16) Acupuncture Board.~~

23 ~~(17) Cemetery and Funeral Bureau.~~

24 ~~(18) Bureau of Security and Investigative Services.~~

25 ~~(19) Division of Investigation.~~

26 ~~(20) Board of Psychology.~~

27 ~~(21) California Board of Occupational Therapy.~~

28 ~~(22) Structural Pest Control Board.~~

29 ~~(23) Contractors' State License Board.~~

30 ~~(24) Naturopathic Medicine Committee.~~

31 ~~(25) Professional Fiduciaries Bureau.~~

32 ~~(26) Board for Professional Engineers, Land Surveyors, and~~
33 ~~Geologists.~~

34 ~~(27) Bureau of Medical Marijuana Regulation.~~

35 ~~(28) California Board of Podiatric Medicine.~~

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

1 ~~SEC. 4. Section 146 of the Business and Professions Code is~~
2 ~~amended to read:~~

3 ~~146. (a) Notwithstanding any other provision of law, a~~
4 ~~violation of any code section listed in subdivision (c) is an~~
5 ~~infraction subject to the procedures described in Sections 19.6 and~~
6 ~~19.7 of the Penal Code when either of the following applies:~~

7 ~~(1) A complaint or a written notice to appear in court pursuant~~
8 ~~to Chapter 5c (commencing with Section 853.5) of Title 3 of Part~~
9 ~~2 of the Penal Code is filed in court charging the offense as an~~
10 ~~infraction unless the defendant, at the time he or she is arraigned,~~
11 ~~after being advised of his or her rights, elects to have the case~~
12 ~~proceed as a misdemeanor.~~

13 ~~(2) The court, with the consent of the defendant and the~~
14 ~~prosecution, determines that the offense is an infraction in which~~
15 ~~event the case shall proceed as if the defendant has been arraigned~~
16 ~~on an infraction complaint.~~

17 ~~(b) Subdivision (a) does not apply to a violation of the code~~
18 ~~sections listed in subdivision (c) if the defendant has had his or~~
19 ~~her license, registration, or certificate previously revoked or~~
20 ~~suspended.~~

21 ~~(c) The following sections require registration, licensure,~~
22 ~~certification, or other authorization in order to engage in certain~~
23 ~~businesses or professions regulated by this code:~~

24 ~~(1) Section 1474.~~

25 ~~(2) Sections 2052 and 2054.~~

26 ~~(3) Section 2630.~~

27 ~~(4) Section 2903.~~

28 ~~(5) Section 3575.~~

29 ~~(6) Section 3660.~~

30 ~~(7) Sections 3760 and 3761.~~

31 ~~(8) Section 4080.~~

32 ~~(9) Section 4825.~~

33 ~~(10) Section 4935.~~

34 ~~(11) Section 4980.~~

35 ~~(12) Section 4989.50.~~

36 ~~(13) Section 4996.~~

37 ~~(14) Section 4999.30.~~

38 ~~(15) Section 5536.~~

39 ~~(16) Section 6704.~~

40 ~~(17) Section 6980.10.~~

~~(18) Section 7317.
(19) Section 7502 or 7592.
(20) Section 7520.
(21) Section 7617 or 7641.
(22) Subdivision (a) of Section 7872.
(23) Section 8016.
(24) Section 8505.
(25) Section 8725.
(26) Section 9681.
(27) Section 9840.
(28) Subdivision (c) of Section 9891.24.
(29) Section 19049.~~

~~(d) Notwithstanding any other law, a violation of any of the sections listed in subdivision (c), which is an infraction, is punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000). No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation that was the basis for his or her conviction.~~

~~SEC. 5. Section 651 of the Business and Professions Code is amended to read:~~

~~651. (a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A "public communication" as used in this section includes, but is not limited to, communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication.~~

~~(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:~~

~~(1) Contains a misrepresentation of fact.~~

~~(2) Is likely to mislead or deceive because of a failure to disclose material facts.~~

~~(3) (A) Is intended or is likely to create false or unjustified expectations of favorable results, including the use of any photograph or other image that does not accurately depict the results of the procedure being advertised or that has been altered in any manner from the image of the actual subject depicted in the photograph or image.~~

~~(B) Use of any photograph or other image of a model without clearly stating in a prominent location in easily readable type the fact that the photograph or image is of a model is a violation of subdivision (a). For purposes of this paragraph, a model is anyone other than an actual patient, who has undergone the procedure being advertised, of the licensee who is advertising for his or her services.~~

~~(C) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents “before” and “after” views of a patient, without specifying in a prominent location in easily readable type size what procedures were performed on that patient is a violation of subdivision (a). Any “before” and “after” views (i) shall be comparable in presentation so that the results are not distorted by favorable poses, lighting, or other features of presentation, and (ii) shall contain a statement that the same “before” and “after” results may not occur for all patients.~~

~~(4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.~~

~~(5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.~~

~~(6) Makes a claim either of professional superiority or of performing services in a superior manner, unless that claim is relevant to the service being performed and can be substantiated with objective scientific evidence.~~

~~(7) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies.~~

~~(8) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.~~

~~(e) Any price advertisement shall be exact, without the use of phrases, including, but not limited to, “as low as,” “and up,”~~

1 “lowest prices,” or words or phrases of similar import. Any
2 advertisement that refers to services, or costs for services, and that
3 uses words of comparison shall be based on verifiable data
4 substantiating the comparison. Any person so advertising shall be
5 prepared to provide information sufficient to establish the accuracy
6 of that comparison. Price advertising shall not be fraudulent,
7 deceitful, or misleading, including statements or advertisements
8 of bait, discount, premiums, gifts, or any statements of a similar
9 nature. In connection with price advertising, the price for each
10 product or service shall be clearly identifiable. The price advertised
11 for products shall include charges for any related professional
12 services, including dispensing and fitting services, unless the
13 advertisement specifically and clearly indicates otherwise.

14 (d) Any person so licensed shall not compensate or give anything
15 of value to a representative of the press, radio, television, or other
16 communication medium in anticipation of, or in return for,
17 professional publicity unless the fact of compensation is made
18 known in that publicity.

19 (e) Any person so licensed may not use any professional card,
20 professional announcement card, office sign, letterhead, telephone
21 directory listing, medical list, medical directory listing, or a similar
22 professional notice or device if it includes a statement or claim
23 that is false, fraudulent, misleading, or deceptive within the
24 meaning of subdivision (b).

25 (f) Any person so licensed who violates this section is guilty of
26 a misdemeanor. A bona fide mistake of fact shall be a defense to
27 this subdivision, but only to this subdivision.

28 (g) Any violation of this section by a person so licensed shall
29 constitute good cause for revocation or suspension of his or her
30 license or other disciplinary action.

31 (h) Advertising by any person so licensed may include the
32 following:

33 (1) A statement of the name of the practitioner.

34 (2) A statement of addresses and telephone numbers of the
35 offices maintained by the practitioner.

36 (3) A statement of office hours regularly maintained by the
37 practitioner.

38 (4) A statement of languages, other than English, fluently spoken
39 by the practitioner or a person in the practitioner's office.

1 ~~(5) (A) A statement that the practitioner is certified by a private~~
2 ~~or public board or agency or a statement that the practitioner limits~~
3 ~~his or her practice to specific fields.~~

4 ~~(B) A statement of certification by a practitioner licensed under~~
5 ~~Chapter 7 (commencing with Section 3000) shall only include a~~
6 ~~statement that he or she is certified or eligible for certification by~~
7 ~~a private or public board or parent association recognized by that~~
8 ~~practitioner's licensing board.~~

9 ~~(C) A physician and surgeon licensed under Chapter 5~~
10 ~~(commencing with Section 2000) by the Medical Board of~~
11 ~~California may include a statement that he or she limits his or her~~
12 ~~practice to specific fields, but shall not include a statement that he~~
13 ~~or she is certified or eligible for certification by a private or public~~
14 ~~board or parent association, including, but not limited to, a~~
15 ~~multidisciplinary board or association, unless that board or~~
16 ~~association is (i) an American Board of Medical Specialties~~
17 ~~member board, (ii) a board or association with equivalent~~
18 ~~requirements approved by that physician and surgeon's licensing~~
19 ~~board, or (iii) a board or association with an Accreditation Council~~
20 ~~for Graduate Medical Education approved postgraduate training~~
21 ~~program that provides complete training in that specialty or~~
22 ~~subspecialty. A physician and surgeon licensed under Chapter 5~~
23 ~~(commencing with Section 2000) by the Medical Board of~~
24 ~~California who is certified by an organization other than a board~~
25 ~~or association referred to in clause (i), (ii), or (iii) shall not use the~~
26 ~~term "board certified" in reference to that certification, unless the~~
27 ~~physician and surgeon is also licensed under Chapter 4~~
28 ~~(commencing with Section 1600) and the use of the term "board~~
29 ~~certified" in reference to that certification is in accordance with~~
30 ~~subparagraph (A). A physician and surgeon licensed under Chapter~~
31 ~~5 (commencing with Section 2000) by the Medical Board of~~
32 ~~California who is certified by a board or association referred to in~~
33 ~~clause (i), (ii), or (iii) shall not use the term "board certified" unless~~
34 ~~the full name of the certifying board is also used and given~~
35 ~~comparable prominence with the term "board certified" in the~~
36 ~~statement.~~

37 ~~For purposes of this subparagraph, a "multidisciplinary board~~
38 ~~or association" means an educational certifying body that has a~~
39 ~~psychometrically valid testing process, as determined by the~~
40 ~~Medical Board of California, for certifying medical doctors and~~

1 other health care professionals that is based on the applicant's
2 education, training, and experience.

3 For purposes of the term “board certified,” as used in this
4 subparagraph, the terms “board” and “association” mean an
5 organization that is an American Board of Medical Specialties
6 member board, an organization with equivalent requirements
7 approved by a physician and surgeon’s licensing board, or an
8 organization with an Accreditation Council for Graduate Medical
9 Education approved postgraduate training program that provides
10 complete training in a specialty or subspecialty.

11 The Medical Board of California shall adopt regulations to
12 establish and collect a reasonable fee from each board or
13 association applying for recognition pursuant to this subparagraph.
14 The fee shall not exceed the cost of administering this
15 subparagraph. Notwithstanding Section 2 of Chapter 1660 of the
16 Statutes of 1990, this subparagraph shall become operative July
17 1, 1993. However, an administrative agency or accrediting
18 organization may take any action contemplated by this
19 subparagraph relating to the establishment or approval of specialist
20 requirements on and after January 1, 1991.

21 (D) A doctor of podiatric medicine licensed under Chapter 3.5
22 (commencing with Section 1460) by the California Board of
23 Podiatric Medicine may include a statement that he or she is
24 certified or eligible or qualified for certification by a private or
25 public board or parent association, including, but not limited to, a
26 multidisciplinary board or association, if that board or association
27 meets one of the following requirements: (i) is approved by the
28 Council on Podiatric Medical Education, (ii) is a board or
29 association with equivalent requirements approved by the
30 California Board of Podiatric Medicine, or (iii) is a board or
31 association with the Council on Podiatric Medical Education
32 approved postgraduate training programs that provide training in
33 podiatric medicine and podiatric surgery. A doctor of podiatric
34 medicine licensed under Chapter 3.5 (commencing with Section
35 1460) by the California Board of Podiatric Medicine who is
36 certified by a board or association referred to in clause (i), (ii), or
37 (iii) shall not use the term “board certified” unless the full name
38 of the certifying board is also used and given comparable
39 prominence with the term “board certified” in the statement. A
40 doctor of podiatric medicine licensed under Chapter 3.5

1 ~~(commencing with Section 1460) by the California Board of~~
2 ~~Podiatric Medicine who is certified by an organization other than~~
3 ~~a board or association referred to in clause (i), (ii), or (iii) shall not~~
4 ~~use the term “board-certified” in reference to that certification.~~

5 ~~For purposes of this subparagraph, a “multidisciplinary board~~
6 ~~or association” means an educational certifying body that has a~~
7 ~~psychometrically valid testing process, as determined by the~~
8 ~~California Board of Podiatric Medicine, for certifying doctors of~~
9 ~~podiatric medicine that is based on the applicant’s education,~~
10 ~~training, and experience. For purposes of the term “board certified,”~~
11 ~~as used in this subparagraph, the terms “board” and “association”~~
12 ~~mean an organization that is a Council on Podiatric Medical~~
13 ~~Education approved board, an organization with equivalent~~
14 ~~requirements approved by the California Board of Podiatric~~
15 ~~Medicine, or an organization with a Council on Podiatric Medical~~
16 ~~Education approved postgraduate training program that provides~~
17 ~~training in podiatric medicine and podiatric surgery.~~

18 ~~The California Board of Podiatric Medicine shall adopt~~
19 ~~regulations to establish and collect a reasonable fee from each~~
20 ~~board or association applying for recognition pursuant to this~~
21 ~~subparagraph, to be deposited in the State Treasury in the Podiatry~~
22 ~~Fund, pursuant to Section 1499. The fee shall not exceed the cost~~
23 ~~of administering this subparagraph.~~

24 ~~(6) A statement that the practitioner provides services under a~~
25 ~~specified private or public insurance plan or health care plan.~~

26 ~~(7) A statement of names of schools and postgraduate clinical~~
27 ~~training programs from which the practitioner has graduated,~~
28 ~~together with the degrees received.~~

29 ~~(8) A statement of publications authored by the practitioner.~~

30 ~~(9) A statement of teaching positions currently or formerly held~~
31 ~~by the practitioner, together with pertinent dates.~~

32 ~~(10) A statement of his or her affiliations with hospitals or~~
33 ~~clinics.~~

34 ~~(11) A statement of the charges or fees for services or~~
35 ~~commodities offered by the practitioner.~~

36 ~~(12) A statement that the practitioner regularly accepts~~
37 ~~installment payments of fees.~~

38 ~~(13) Otherwise lawful images of a practitioner, his or her~~
39 ~~physical facilities, or of a commodity to be advertised.~~

1 ~~(14) A statement of the manufacturer, designer, style, make,~~
2 ~~trade name, brand name, color, size, or type of commodities~~
3 ~~advertised.~~

4 ~~(15) An advertisement of a registered dispensing optician may~~
5 ~~include statements in addition to those specified in paragraphs (1)~~
6 ~~to (14), inclusive, provided that any statement shall not violate~~
7 ~~subdivision (a), (b), (c), or (e) or any other section of this code.~~

8 ~~(16) A statement, or statements, providing public health~~
9 ~~information encouraging preventative or corrective care.~~

10 ~~(17) Any other item of factual information that is not false,~~
11 ~~fraudulent, misleading, or likely to deceive.~~

12 ~~(i) Each of the healing arts boards and examining committees~~
13 ~~within Division 2 shall adopt appropriate regulations to enforce~~
14 ~~this section in accordance with Chapter 3.5 (commencing with~~
15 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
16 ~~Code.~~

17 ~~Each of the healing arts boards and committees and examining~~
18 ~~committees within Division 2 shall, by regulation, define those~~
19 ~~efficacious services to be advertised by businesses or professions~~
20 ~~under their jurisdiction for the purpose of determining whether~~
21 ~~advertisements are false or misleading. Until a definition for that~~
22 ~~service has been issued, no advertisement for that service shall be~~
23 ~~disseminated. However, if a definition of a service has not been~~
24 ~~issued by a board or committee within 120 days of receipt of a~~
25 ~~request from a licensee, all those holding the license may advertise~~
26 ~~the service. Those boards and committees shall adopt or modify~~
27 ~~regulations defining what services may be advertised, the manner~~
28 ~~in which defined services may be advertised, and restricting~~
29 ~~advertising that would promote the inappropriate or excessive use~~
30 ~~of health services or commodities. A board or committee shall not,~~
31 ~~by regulation, unreasonably prevent truthful, nondeceptive price~~
32 ~~or otherwise lawful forms of advertising of services or~~
33 ~~commodities, by either outright prohibition or imposition of~~
34 ~~onerous disclosure requirements. However, any member of a board~~
35 ~~or committee acting in good faith in the adoption or enforcement~~
36 ~~of any regulation shall be deemed to be acting as an agent of the~~
37 ~~state.~~

38 ~~(j) The Attorney General shall commence legal proceedings in~~
39 ~~the appropriate forum to enjoin advertisements disseminated or~~
40 ~~about to be disseminated in violation of this section and seek other~~

1 appropriate relief to enforce this section. Notwithstanding any
2 other provision of law, the costs of enforcing this section to the
3 respective licensing boards or committees may be awarded against
4 any licensee found to be in violation of any provision of this
5 section. This shall not diminish the power of district attorneys,
6 county counsels, or city attorneys pursuant to existing law to seek
7 appropriate relief.

8 (k) ~~A physician and surgeon licensed pursuant to Chapter 5~~
9 ~~(commencing with Section 2000) by the Medical Board of~~
10 ~~California or a doctor of podiatric medicine licensed pursuant to~~
11 ~~Chapter 3.5 (commencing with Section 1460) by the California~~
12 ~~Board of Podiatric Medicine who knowingly and intentionally~~
13 ~~violates this section may be cited and assessed an administrative~~
14 ~~fine not to exceed ten thousand dollars (\$10,000) per event. Section~~
15 ~~125.9 shall govern the issuance of this citation and fine except that~~
16 ~~the fine limitations prescribed in paragraph (3) of subdivision (b)~~
17 ~~of Section 125.9 shall not apply to a fine under this subdivision.~~

18 SEC. 6. ~~Section 656 of the Business and Professions Code is~~
19 ~~amended to read:~~

20 656. ~~Whenever any person has engaged, or is about to engage,~~
21 ~~in any acts or practices that constitute, or will constitute, a violation~~
22 ~~of this article, the superior court in and for the county wherein the~~
23 ~~acts or practices take place, or are about to take place, may issue~~
24 ~~an injunction, or other appropriate order, restraining the conduct~~
25 ~~on application of the State Board of Optometry, the Medical Board~~
26 ~~of California, the California Board of Podiatric Medicine, the~~
27 ~~Osteopathic Medical Board of California, the Attorney General,~~
28 ~~or the district attorney of the county.~~

29 The proceedings under this section shall be governed by Chapter
30 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
31 of Civil Procedure.

32 The remedy provided for in this section shall be in addition to,
33 and not a limitation upon, the authority provided by any other
34 provision of this code.

35 SEC. 7. ~~Section 683 of the Business and Professions Code is~~
36 ~~amended to read:~~

37 683. (a) ~~A board shall report, within 10 working days, to the~~
38 ~~State Department of Health Care Services the name and license~~
39 ~~number of a person whose license has been revoked, suspended,~~
40 ~~surrendered, made inactive by the licensee, or placed in another~~

1 category that prohibits the licensee from practicing his or her
2 profession. The purpose of the reporting requirement is to prevent
3 reimbursement by the state for Medi-Cal and Denti-Cal services
4 provided after the cancellation of a provider's professional license.

5 (b) "Board," as used in this section, means the Dental Board of
6 California, the Medical Board of California, the Board of
7 Psychology, the State Board of Optometry, the California State
8 Board of Pharmacy, the Osteopathic Medical Board of California,
9 the State Board of Chiropractic Examiners, the Board of Behavioral
10 Sciences, the California Board of Podiatric Medicine, and the
11 California Board of Occupational Therapy.

12 SEC. 8. Section 800 of the Business and Professions Code is
13 amended to read:

14 800. (a) The Medical Board of California, the California Board
15 of Podiatric Medicine, the Board of Psychology, the Dental Board
16 of California, the Dental Hygiene Committee of California, the
17 Osteopathic Medical Board of California, the State Board of
18 Chiropractic Examiners, the Board of Registered Nursing, the
19 Board of Vocational Nursing and Psychiatric Technicians of the
20 State of California, the State Board of Optometry, the Veterinary
21 Medical Board, the Board of Behavioral Sciences, the Physical
22 Therapy Board of California, the California State Board of
23 Pharmacy, the Speech-Language Pathology and Audiology and
24 Hearing Aid Dispensers Board, the California Board of
25 Occupational Therapy, the Acupuncture Board, and the Physician
26 Assistant Board shall each separately create and maintain a central
27 file of the names of all persons who hold a license, certificate, or
28 similar authority from that board. Each central file shall be created
29 and maintained to provide an individual historical record for each
30 licensee with respect to the following information:

31 (1) Any conviction of a crime in this or any other state that
32 constitutes unprofessional conduct pursuant to the reporting
33 requirements of Section 803.

34 (2) Any judgment or settlement requiring the licensee or his or
35 her insurer to pay any amount of damages in excess of three
36 thousand dollars (\$3,000) for any claim that injury or death was
37 proximately caused by the licensee's negligence, error or omission
38 in practice, or by rendering unauthorized professional services,
39 pursuant to the reporting requirements of Section 801 or 802.

~~(3) Any public complaints for which provision is made pursuant to subdivision (b):~~

~~(4) Disciplinary information reported pursuant to Section 805, including any additional exculpatory or explanatory statements submitted by the licensee pursuant to subdivision (f) of Section 805. If a court finds, in a final judgment, that the peer review resulting in the 805 report was conducted in bad faith and the licensee who is the subject of the report notifies the board of that finding, the board shall include that finding in the central file. For purposes of this paragraph, "peer review" has the same meaning as defined in Section 805.~~

~~(5) Information reported pursuant to Section 805.01, including any explanatory or exculpatory information submitted by the licensee pursuant to subdivision (b) of that section.~~

~~(b) (1) Each board shall prescribe and promulgate forms on which members of the public and other licensees or certificate holders may file written complaints to the board alleging any act of misconduct in, or connected with, the performance of professional services by the licensee.~~

~~(2) If a board, or division thereof, a committee, or a panel has failed to act upon a complaint or report within five years, or has found that the complaint or report is without merit, the central file shall be purged of information relating to the complaint or report.~~

~~(3) Notwithstanding this subdivision, the Board of Psychology, the Board of Behavioral Sciences, and the Respiratory Care Board of California shall maintain complaints or reports as long as each board deems necessary.~~

~~(e) (1) The contents of any central file that are not public records under any other provision of law shall be confidential except that the licensee involved, or his or her counsel or representative, shall have the right to inspect and have copies made of his or her complete file except for the provision that may disclose the identity of an information source. For the purposes of this section, a board may protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a comprehensive summary of the substance of the material. Whichever method is used, the board shall ensure that full disclosure is made to the subject of any personal information that could reasonably in any way reflect or convey anything detrimental,~~

1 ~~disparaging, or threatening to a licensee's reputation, rights,~~
2 ~~benefits, privileges, or qualifications, or be used by a board to~~
3 ~~make a determination that would affect a licensee's rights, benefits,~~
4 ~~privileges, or qualifications. The information required to be~~
5 ~~disclosed pursuant to Section 803.1 shall not be considered among~~
6 ~~the contents of a central file for the purposes of this subdivision.~~

7 ~~(2) The licensee may, but is not required to, submit any~~
8 ~~additional exculpatory or explanatory statement or other~~
9 ~~information that the board shall include in the central file.~~

10 ~~(3) Each board may permit any law enforcement or regulatory~~
11 ~~agency when required for an investigation of unlawful activity or~~
12 ~~for licensing, certification, or regulatory purposes to inspect and~~
13 ~~have copies made of that licensee's file, unless the disclosure is~~
14 ~~otherwise prohibited by law.~~

15 ~~(4) These disclosures shall effect no change in the confidential~~
16 ~~status of these records.~~

17 ~~SEC. 9. Section 805 of the Business and Professions Code is~~
18 ~~amended to read:~~

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

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

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

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

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

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

35 ~~(B) "Peer review body" includes:~~

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

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

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

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

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

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

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

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

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

1 ~~(7) “805 report” means the written report required under~~
2 ~~subdivision (b):~~

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

10 ~~(1) A licentiate’s application for staff privileges or membership~~
11 ~~is denied or rejected for a medical disciplinary cause or reason:~~

12 ~~(2) A licentiate’s membership, staff privileges, or employment~~
13 ~~is terminated or revoked for a medical disciplinary cause or reason:~~

14 ~~(3) Restrictions are imposed, or voluntarily accepted, on staff~~
15 ~~privileges, membership, or employment for a cumulative total of~~
16 ~~30 days or more for any 12-month period, for a medical disciplinary~~
17 ~~cause or reason:~~

18 ~~(e) If a licentiate takes any action listed in paragraph (1), (2),~~
19 ~~or (3) after receiving notice of a pending investigation initiated~~
20 ~~for a medical disciplinary cause or reason or after receiving notice~~
21 ~~that his or her application for membership or staff privileges is~~
22 ~~denied or will be denied for a medical disciplinary cause or reason,~~
23 ~~the chief of staff of a medical or professional staff or other chief~~
24 ~~executive officer, medical director, or administrator of any peer~~
25 ~~review body and the chief executive officer or administrator of~~
26 ~~any licensed health care facility or clinic where the licentiate is~~
27 ~~employed or has staff privileges or membership or where the~~
28 ~~licentiate applied for staff privileges or membership, or sought the~~
29 ~~renewal thereof, shall file an 805 report with the relevant agency~~
30 ~~within 15 days after the licentiate takes the action:~~

31 ~~(1) Resigns or takes a leave of absence from membership, staff~~
32 ~~privileges, or employment:~~

33 ~~(2) Withdraws or abandons his or her application for staff~~
34 ~~privileges or membership:~~

35 ~~(3) Withdraws or abandons his or her request for renewal of~~
36 ~~staff privileges or membership:~~

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

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

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

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

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

24 ~~If another peer review body is required to file an 805 report, a~~
25 ~~health care service plan is not required to file a separate report~~
26 ~~with respect to action attributable to the same medical disciplinary~~
27 ~~cause or reason. If the Medical Board of California or a licensing~~
28 ~~agency of another state revokes or suspends, without a stay, the~~
29 ~~license of a physician and surgeon, a peer review body is not~~
30 ~~required to file an 805 report when it takes an action as a result of~~
31 ~~the revocation or suspension. If the California Board of Podiatric~~
32 ~~Medicine or a licensing agency of another state revokes or~~
33 ~~suspends, without a stay, the license of a doctor of podiatric~~
34 ~~medicine, a peer review body is not required to file an 805 report~~
35 ~~when it takes an action as a result of the revocation or suspension.~~

36 ~~(g) The reporting required by this section shall not act as a~~
37 ~~waiver of confidentiality of medical records and committee reports.~~
38 ~~The information reported or disclosed shall be kept confidential~~
39 ~~except as provided in subdivision (e) of Section 800 and Sections~~
40 ~~803.1 and 2027, provided that a copy of the report containing the~~

1 information required by this section may be disclosed as required
2 by Section 805.5 with respect to reports received on or after
3 January 1, 1976.

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

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

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

12 (k) A willful failure to file an 805 report by any person who is
13 designated or otherwise required by law to file an 805 report is
14 punishable by a fine not to exceed one hundred thousand dollars
15 (\$100,000) per violation. The fine may be imposed in any civil or
16 administrative action or proceeding brought by or on behalf of any
17 agency having regulatory jurisdiction over the person regarding
18 whom the report was or should have been filed. If the person who
19 is designated or otherwise required to file an 805 report is a
20 licensed physician and surgeon, the action or proceeding shall be
21 brought by the Medical Board of California. If the person who is
22 designated or otherwise required to file an 805 report is a licensed
23 doctor of podiatric medicine, the action or proceeding shall be
24 brought by the California Board of Podiatric Medicine. The fine
25 shall be paid to that agency but not expended until appropriated
26 by the Legislature. A violation of this subdivision may constitute
27 unprofessional conduct by the licensee. A person who is alleged
28 to have violated this subdivision may assert any defense available
29 at law. As used in this subdivision, "willful" means a voluntary
30 and intentional violation of a known legal duty.

31 (l) Except as otherwise provided in subdivision (k), any failure
32 by the administrator of any peer review body, the chief executive
33 officer or administrator of any health care facility, or any person
34 who is designated or otherwise required by law to file an 805
35 report, shall be punishable by a fine that under no circumstances
36 shall exceed fifty thousand dollars (\$50,000) per violation. The
37 fine may be imposed in any civil or administrative action or
38 proceeding brought by or on behalf of any agency having
39 regulatory jurisdiction over the person regarding whom the report
40 was or should have been filed. If the person who is designated or

1 otherwise required to file an 805 report is a licensed physician and
2 surgeon, the action or proceeding shall be brought by the Medical
3 Board of California. If the person who is designated or otherwise
4 required to file an 805 report is a licensed doctor of podiatric
5 medicine, the action or proceeding shall be brought by the
6 California Board of Podiatric Medicine. The fine shall be paid to
7 that agency but not expended until appropriated by the Legislature.
8 The amount of the fine imposed, not exceeding fifty thousand
9 dollars (\$50,000) per violation, shall be proportional to the severity
10 of the failure to report and shall differ based upon written findings,
11 including whether the failure to file caused harm to a patient or
12 created a risk to patient safety; whether the administrator of any
13 peer review body, the chief executive officer or administrator of
14 any health care facility, or any person who is designated or
15 otherwise required by law to file an 805 report exercised due
16 diligence despite the failure to file or whether they knew or should
17 have known that an 805 report would not be filed; and whether
18 there has been a prior failure to file an 805 report. The amount of
19 the fine imposed may also differ based on whether a health care
20 facility is a small or rural hospital as defined in Section 124840
21 of the Health and Safety Code.

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

30 SEC. 10. Section 805.1 of the Business and Professions Code
31 is amended to read:

32 805.1. (a) The Medical Board of California, the California
33 Board of Podiatric Medicine, the Osteopathic Medical Board of
34 California, and the Dental Board of California shall be entitled to
35 inspect and copy the following documents in the record of any
36 disciplinary proceeding resulting in action that is required to be
37 reported pursuant to Section 805:

38 (1) Any statement of charges.

39 (2) Any document, medical chart, or exhibits in evidence.

40 (3) Any opinion, findings, or conclusions.

1 ~~(4) Any certified copy of medical records, as permitted by other~~
2 ~~applicable law.~~

3 ~~(b) The information so disclosed shall be kept confidential and~~
4 ~~not subject to discovery, in accordance with Section 800, except~~
5 ~~that it may be reviewed, as provided in subdivision (c) of Section~~
6 ~~800, and may be disclosed in any subsequent disciplinary hearing~~
7 ~~conducted pursuant to the Administrative Procedure Act (Chapter~~
8 ~~5 (commencing with Section 11500) of Part 1 of Division 3 of~~
9 ~~Title 2 of the Government Code).~~

10 ~~SEC. 11. Section 805.5 of the Business and Professions Code~~
11 ~~is amended to read:~~

12 ~~805.5. (a) Prior to granting or renewing staff privileges for~~
13 ~~any physician and surgeon, psychologist, podiatrist, or dentist, any~~
14 ~~health facility licensed pursuant to Division 2 (commencing with~~
15 ~~Section 1200) of the Health and Safety Code, any health care~~
16 ~~service plan or medical care foundation, the medical staff of the~~
17 ~~institution, a facility certified to participate in the federal Medicare~~
18 ~~Program as an ambulatory surgical center, or an outpatient setting~~
19 ~~accredited pursuant to Section 1248.1 of the Health and Safety~~
20 ~~Code shall request a report from the Medical Board of California,~~
21 ~~the Board of Psychology, the California Board of Podiatric~~
22 ~~Medicine, the Osteopathic Medical Board of California, or the~~
23 ~~Dental Board of California to determine if any report has been~~
24 ~~made pursuant to Section 805 indicating that the applying physician~~
25 ~~and surgeon, psychologist, podiatrist, or dentist has been denied~~
26 ~~staff privileges, been removed from a medical staff, or had his or~~
27 ~~her staff privileges restricted as provided in Section 805. The~~
28 ~~request shall include the name and California license number of~~
29 ~~the physician and surgeon, psychologist, podiatrist, or dentist.~~
30 ~~Furnishing of a copy of the 805 report shall not cause the 805~~
31 ~~report to be a public record.~~

32 ~~(b) Upon a request made by, or on behalf of, an institution~~
33 ~~described in subdivision (a) or its medical staff the board shall~~
34 ~~furnish a copy of any report made pursuant to Section 805 as well~~
35 ~~as any additional exculpatory or explanatory information submitted~~
36 ~~electronically to the board by the licensee pursuant to subdivision~~
37 ~~(f) of that section. However, the board shall not send a copy of a~~
38 ~~report (1) if the denial, removal, or restriction was imposed solely~~
39 ~~because of the failure to complete medical records, (2) if the board~~
40 ~~has found the information reported is without merit, (3) if a court~~

1 finds, in a final judgment, that the peer review, as defined in
2 Section 805, resulting in the report was conducted in bad faith and
3 the licensee who is the subject of the report notifies the board of
4 that finding, or (4) if a period of three years has elapsed since the
5 report was submitted. This three-year period shall be tolled during
6 any period the licensee has obtained a judicial order precluding
7 disclosure of the report, unless the board is finally and permanently
8 precluded by judicial order from disclosing the report. If a request
9 is received by the board while the board is subject to a judicial
10 order limiting or precluding disclosure, the board shall provide a
11 disclosure to any qualified requesting party as soon as practicable
12 after the judicial order is no longer in force.

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

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

21 SEC. 12. Section 805.6 of the Business and Professions Code
22 is amended to read:

23 805.6. (a) The Medical Board of California, the California
24 Board of Podiatric Medicine, the Osteopathic Medical Board, and
25 the Dental Board of California shall establish a system of electronic
26 notification that is either initiated by the board or can be accessed
27 by qualified subscribers, and that is designed to achieve early
28 notification to qualified recipients of the existence of new reports
29 that are filed pursuant to Section 805.

30 (b) The State Department of Health Services shall notify the
31 appropriate licensing agency of any reporting violations pursuant
32 to Section 805.

33 (c) The Department of Managed Health Care shall notify the
34 appropriate licensing agency of any reporting violations pursuant
35 to Section 805.

36 SEC. 13. Section 810 of the Business and Professions Code is
37 amended to read:

38 810. (a) It shall constitute unprofessional conduct and grounds
39 for disciplinary action, including suspension or revocation of a

1 ~~license or certificate, for a health care professional to do any of~~
2 ~~the following in connection with his or her professional activities:~~

3 ~~(1) Knowingly present or cause to be presented any false or~~
4 ~~fraudulent claim for the payment of a loss under a contract of~~
5 ~~insurance.~~

6 ~~(2) Knowingly prepare, make, or subscribe any writing, with~~
7 ~~intent to present or use the same, or to allow it to be presented or~~
8 ~~used in support of any false or fraudulent claim.~~

9 ~~(b) It shall constitute cause for revocation or suspension of a~~
10 ~~license or certificate for a health care professional to engage in~~
11 ~~any conduct prohibited under Section 1871.4 of the Insurance Code~~
12 ~~or Section 549 or 550 of the Penal Code.~~

13 ~~(c) (1) It shall constitute cause for automatic suspension of a~~
14 ~~license or certificate issued pursuant to Chapter 3.5 (commencing~~
15 ~~with Section 1460), Chapter 4 (commencing with Section 1600),~~
16 ~~Chapter 5 (commencing with Section 2000), Chapter 6.6~~
17 ~~(commencing with Section 2900), Chapter 7 (commencing with~~
18 ~~Section 3000), or Chapter 9 (commencing with Section 4000), or~~
19 ~~pursuant to the Chiropractic Act or the Osteopathic Act, if a~~
20 ~~licensee or certificate holder has been convicted of any felony~~
21 ~~involving fraud committed by the licensee or certificate holder in~~
22 ~~conjunction with providing benefits covered by worker's~~
23 ~~compensation insurance, or has been convicted of any felony~~
24 ~~involving Medi-Cal fraud committed by the licensee or certificate~~
25 ~~holder in conjunction with the Medi-Cal program, including the~~
26 ~~Denti-Cal element of the Medi-Cal program, pursuant to Chapter~~
27 ~~7 (commencing with Section 14000), or Chapter 8 (commencing~~
28 ~~with Section 14200), of Part 3 of Division 9 of the Welfare and~~
29 ~~Institutions Code. The board shall convene a disciplinary hearing~~
30 ~~to determine whether or not the license or certificate shall be~~
31 ~~suspended, revoked, or some other disposition shall be considered,~~
32 ~~including, but not limited to, revocation with the opportunity to~~
33 ~~petition for reinstatement, suspension, or other limitations on the~~
34 ~~license or certificate as the board deems appropriate.~~

35 ~~(2) It shall constitute cause for automatic suspension and for~~
36 ~~revocation of a license or certificate issued pursuant to Chapter~~
37 ~~3.5 (commencing with Section 1460), Chapter 4 (commencing~~
38 ~~with Section 1600), Chapter 5 (commencing with Section 2000),~~
39 ~~Chapter 6.6 (commencing with Section 2900), Chapter 7~~
40 ~~(commencing with Section 3000), or Chapter 9 (commencing with~~

~~Section 4000), or pursuant to the Chiropractic Act or the Osteopathic Act, if a licensee or certificate holder has more than one conviction of any felony arising out of separate prosecutions involving fraud committed by the licensee or certificate holder in conjunction with providing benefits covered by worker's compensation insurance, or in conjunction with the Medi-Cal program, including the Denti-Cal element of the Medi-Cal program pursuant to Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to revoke the license or certificate and an order of revocation shall be issued unless the board finds mitigating circumstances to order some other disposition.~~

~~(3) It is the intent of the Legislature that paragraph (2) apply to a licensee or certificate holder who has one or more convictions prior to January 1, 2004, as provided in this subdivision.~~

~~(4) Nothing in this subdivision shall preclude a board from suspending or revoking a license or certificate pursuant to any other provision of law.~~

~~(5) "Board," as used in this subdivision, means the Dental Board of California, the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, the State Board of Optometry, the California State Board of Pharmacy, the Osteopathic Medical Board of California, and the State Board of Chiropractic Examiners.~~

~~(6) "More than one conviction," as used in this subdivision, means that the licensee or certificate holder has one or more convictions prior to January 1, 2004, and at least one conviction on or after that date, or the licensee or certificate holder has two or more convictions on or after January 1, 2004. However, a licensee or certificate holder who has one or more convictions prior to January 1, 2004, but who has no convictions and is currently licensed or holds a certificate after that date, does not have "more than one conviction" for the purposes of this subdivision.~~

~~(d) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.~~

1 ~~SEC. 14. Chapter 3.5 (commencing with Section 1460) is added~~
2 ~~to Division 2 of the Business and Professions Code, to read:~~

3
4 ~~CHAPTER 3.5. PODIATRIC MEDICINE~~
5

6 ~~1460. (a) There is created within the Department of Consumer~~
7 ~~Affairs a California Board of Podiatric Medicine.~~

8 ~~(b) This section shall remain in effect only until January 1, 2017,~~
9 ~~and as of that date is repealed, unless a later enacted statute, that~~
10 ~~is enacted before January 1, 2017, deletes or extends that date.~~
11 ~~Notwithstanding any other provision of law, the repeal of this~~
12 ~~section renders the California Board of Podiatric Medicine subject~~
13 ~~to review by the appropriate policy committees of the Legislature.~~

14 ~~1460.1. Protection of the public shall be the highest priority~~
15 ~~for the California Board of Podiatric Medicine in exercising its~~
16 ~~licensing, regulatory, and disciplinary functions. Whenever the~~
17 ~~protection of the public is inconsistent with other interests sought~~
18 ~~to be promoted, the protection of the public shall be paramount.~~

19 ~~1461. As used in this chapter:~~

20 ~~(a) "Board" means the California Board of Podiatric Medicine.~~

21 ~~(b) "Podiatric licensing authority" refers to any officer, board,~~
22 ~~commission, committee, or department of another state that may~~
23 ~~issue a license to practice podiatric medicine.~~

24 ~~1462. The board shall consist of seven members, three of whom~~
25 ~~shall be public members. Not more than one member of the board~~
26 ~~shall be a full-time faculty member of a college or school of~~
27 ~~podiatric medicine.~~

28 ~~The Governor shall appoint the four members qualified as~~
29 ~~provided in Section 2463 and one public member. The Senate~~
30 ~~Rules Committee and the Speaker of the Assembly shall each~~
31 ~~appoint a public member.~~

32 ~~1463. Each member of the board, except the public members,~~
33 ~~shall be appointed from persons having all of the following~~
34 ~~qualifications:~~

35 ~~(a) Be a citizen of this state for at least five years next preceding~~
36 ~~his or her appointment.~~

37 ~~(b) Be a graduate of a recognized school or college of podiatric~~
38 ~~medicine.~~

39 ~~(c) Have a valid certificate to practice podiatric medicine in this~~
40 ~~state.~~

~~(d) Have engaged in the practice of podiatric medicine in this state for at least five years next preceding his or her appointment.~~

~~1464. The public members shall be appointed from persons having all of the following qualifications:~~

~~(a) Be a citizen of this state for at least five years next preceding his or her appointment.~~

~~(b) Shall not be an officer or faculty member of any college, school, or other institution engaged in podiatric medical instruction.~~

~~(c) Shall not be a licentiate of the board or of any board under this division or of any board created by an initiative act under this division.~~

~~1465. No person who directly or indirectly owns any interest in any college, school, or other institution engaged in podiatric medical instruction shall be appointed to the board nor shall any incumbent member of the board have or acquire any interest, direct or indirect, in any such college, school, or institution.~~

~~1466. All members of the board shall be appointed for terms of four years. Vacancies shall immediately be filled by the appointing power for the unexpired portion of the terms in which they occur. No person shall serve as a member of the board for more than two consecutive terms.~~

~~1467. (a) The board may convene from time to time as it deems necessary.~~

~~(b) Four members of the board constitute a quorum for the transaction of business at any meeting.~~

~~(c) It shall require the affirmative vote of a majority of those members present at a meeting, those members constituting at least a quorum, to pass any motion, resolution, or measure.~~

~~(d) The board shall annually elect one of its members to act as president and a member to act as vice president who shall hold their respective positions at the pleasure of the board. The president may call meetings of the board and any duly appointed committee at a specified time and place.~~

~~1468. Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).~~

~~1469. Each member of the board shall receive per diem and expenses as provided in Section 2016.~~

1 ~~1470. The board may adopt, amend, or repeal, in accordance~~
2 ~~with the provisions of the Administrative Procedure Act (Chapter~~
3 ~~3.5 (commencing with Section 11340) of Part 1 of Division 1 of~~
4 ~~Title 2 of the Government Code), regulations necessary to enable~~
5 ~~the board to carry into effect the provisions of law relating to the~~
6 ~~practice of podiatric medicine.~~

7 ~~1471. Except as provided by Section 159.5, the board may~~
8 ~~employ, within the limits of the funds received by the board, all~~
9 ~~personnel necessary to carry out this chapter and the provisions~~
10 ~~of Chapter 5 (commencing with Section 2000) relating to podiatric~~
11 ~~medicine.~~

12 ~~1472. (a) The certificate to practice podiatric medicine~~
13 ~~authorizes the holder to practice podiatric medicine.~~

14 ~~(b) As used in this chapter, "podiatric medicine" means the~~
15 ~~diagnosis, medical, surgical, mechanical, manipulative, and~~
16 ~~electrical treatment of the human foot, including the ankle and~~
17 ~~tendons that insert into the foot and the nonsurgical treatment of~~
18 ~~the muscles and tendons of the leg governing the functions of the~~
19 ~~foot.~~

20 ~~(c) A doctor of podiatric medicine shall not administer an~~
21 ~~anesthetic other than local. If an anesthetic other than local is~~
22 ~~required for any procedure, the anesthetic shall be administered~~
23 ~~by another licensed health care practitioner who is authorized to~~
24 ~~administer the required anesthetic within the scope of his or her~~
25 ~~practice.~~

26 ~~(d) (1) A doctor of podiatric medicine may do the following:~~

27 ~~(A) Perform surgical treatment of the ankle and tendons at the~~
28 ~~level of the ankle pursuant to subdivision (c).~~

29 ~~(B) Perform services under the direct supervision of a physician~~
30 ~~and surgeon, as an assistant at surgery, in surgical procedures that~~
31 ~~are otherwise beyond the scope of practice of a doctor of podiatric~~
32 ~~medicine.~~

33 ~~(C) Perform a partial amputation of the foot no further proximal~~
34 ~~than the Chopart's joint.~~

35 ~~(2) Nothing in this subdivision shall be construed to permit a~~
36 ~~doctor of podiatric medicine to function as a primary surgeon for~~
37 ~~any procedure beyond his or her scope of practice.~~

38 ~~(e) A doctor of podiatric medicine may perform surgical~~
39 ~~treatment of the ankle and tendons at the level of the ankle only~~
40 ~~in the following locations:~~

1 ~~(1) A licensed general acute care hospital, as defined in Section~~
2 ~~1250 of the Health and Safety Code.~~

3 ~~(2) A licensed surgical clinic, as defined in Section 1204 of the~~
4 ~~Health and Safety Code, if the doctor of podiatric medicine has~~
5 ~~surgical privileges, including the privilege to perform surgery on~~
6 ~~the ankle, in a general acute care hospital described in paragraph~~
7 ~~(1) and meets all the protocols of the surgical clinic.~~

8 ~~(3) An ambulatory surgical center that is certified to participate~~
9 ~~in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395~~
10 ~~et seq.) of the federal Social Security Act, if the doctor of podiatric~~
11 ~~medicine has surgical privileges, including the privilege to perform~~
12 ~~surgery on the ankle, in a general acute care hospital described in~~
13 ~~paragraph (1) and meets all the protocols of the surgical center.~~

14 ~~(4) A freestanding physical plant housing outpatient services~~
15 ~~of a licensed general acute care hospital, as defined in Section~~
16 ~~1250 of the Health and Safety Code, if the doctor of podiatric~~
17 ~~medicine has surgical privileges, including the privilege to perform~~
18 ~~surgery on the ankle, in a general acute care hospital described in~~
19 ~~paragraph (1). For purposes of this section, a “freestanding physical~~
20 ~~plant” means any building that is not physically attached to a~~
21 ~~building where inpatient services are provided.~~

22 ~~(5) An outpatient setting accredited pursuant to subdivision (g)~~
23 ~~of Section 1248.1 of the Health and Safety Code.~~

24 ~~1474. Any person who uses in any sign or in any advertisement~~
25 ~~or otherwise, the word or words “doctor of podiatric medicine,”~~
26 ~~“doctor of podiatry,” “podiatric doctor,” “D.P.M.,” “podiatrist,”~~
27 ~~“foot specialist,” or any other term or terms or any letters indicating~~
28 ~~or implying that he or she is a doctor of podiatric medicine, or that~~
29 ~~he or she practices podiatric medicine, or holds himself out as~~
30 ~~practicing podiatric medicine or foot correction as defined in~~
31 ~~Section 1472, without having at the time of so doing a valid,~~
32 ~~unrevoked, and unsuspended certificate as provided for in this~~
33 ~~chapter or Chapter 5 (commencing with Section 2000), is guilty~~
34 ~~of a misdemeanor.~~

35 ~~1475. Unless otherwise provided by law, no postgraduate~~
36 ~~trainee, intern, resident postdoctoral fellow, or instructor may~~
37 ~~engage in the practice of podiatric medicine, or receive~~
38 ~~compensation therefor, or offer to engage in the practice of~~
39 ~~podiatric medicine unless he or she holds a valid, unrevoked, and~~
40 ~~unsuspended certificate to practice podiatric medicine issued by~~

1 the board. However, a graduate of an approved college or school
2 of podiatric medicine upon whom the degree doctor of podiatric
3 medicine has been conferred, who is issued a resident's license,
4 which may be renewed annually for up to eight years for this
5 purpose by the board, and who is enrolled in a postgraduate training
6 program approved by the board, may engage in the practice of
7 podiatric medicine whenever and wherever required as a part of
8 that program and may receive compensation for that practice under
9 the following conditions:

10 (a) A graduate with a resident's license in an approved
11 internship, residency, or fellowship program may participate in
12 training rotations outside the scope of podiatric medicine, under
13 the supervision of a physician and surgeon who holds a medical
14 doctor or doctor of osteopathy degree wherever and whenever
15 required as a part of the training program, and may receive
16 compensation for that practice. If the graduate fails to receive a
17 license to practice podiatric medicine under this chapter within
18 three years from the commencement of the postgraduate training,
19 all privileges and exemptions under this section shall automatically
20 cease.

21 (b) Hospitals functioning as a part of the teaching program of
22 an approved college or school of podiatric medicine in this state
23 may exchange instructors or resident or assistant resident doctors
24 of podiatric medicine with another approved college or school of
25 podiatric medicine not located in this state, or those hospitals may
26 appoint a graduate of an approved school as such a resident for
27 purposes of postgraduate training. Those instructors and residents
28 may practice and be compensated as provided in this section, but
29 that practice and compensation shall be for a period not to exceed
30 two years.

31 1475.1. Before a resident's license may be issued, each
32 applicant shall show by evidence satisfactory to the board,
33 submitted directly to the board by the national score reporting
34 institution, that he or she has, within the past 10 years, passed Parts
35 I and II of the examination administered by the National Board of
36 Podiatric Medical Examiners of the United States or has passed a
37 written examination that is recognized by the board to be the
38 equivalent in content to the examination administered by the
39 National Board of Podiatric Medical Examiners of the United
40 States.

1 ~~1475.2.— As used in this chapter, “podiatric residency” means~~
2 ~~a program of supervised postgraduate clinical training, one year~~
3 ~~or more in duration, approved by the board.~~

4 ~~1475.3.— (a) The board shall approve podiatric residency~~
5 ~~programs, as defined in Section 1475.2, in the field of podiatric~~
6 ~~medicine, for persons who are applicants for or have been issued~~
7 ~~a certificate to practice podiatric medicine pursuant to this article.~~

8 ~~(b) The board may only approve a podiatric residency that it~~
9 ~~determines meets all of the following requirements:~~

10 ~~(1) Reasonably conforms with the Accreditation Council for~~
11 ~~Graduate Medical Education’s Institutional Requirements of the~~
12 ~~Essentials of Accredited Residencies in Graduate Medical~~
13 ~~Education: Institutional and Program Requirements.~~

14 ~~(2) Is approved by the Council on Podiatric Medical Education.~~

15 ~~(3) Complies with the requirements of this state.~~

16 ~~1476. Nothing in this chapter or Chapter 5 (commencing with~~
17 ~~Section 2000) shall be construed to prevent a regularly matriculated~~
18 ~~student undertaking a course of professional instruction in an~~
19 ~~approved college or school of podiatric medicine from participating~~
20 ~~in training beyond the scope of podiatric medicine under the~~
21 ~~supervision of a physician and surgeon who holds a medical doctor~~
22 ~~or doctor of osteopathy degree whenever and wherever prescribed~~
23 ~~as part of his or her course of study.~~

24 ~~1477. Nothing in this chapter prohibits the manufacture, the~~
25 ~~recommendation, or the sale of either corrective shoes or appliances~~
26 ~~for the human feet.~~

27 ~~1479. The board shall issue a certificate to practice podiatric~~
28 ~~medicine to each applicant who meets the requirements of this~~
29 ~~chapter. Every applicant for a certificate to practice podiatric~~
30 ~~medicine shall comply with the provisions of Article 4~~
31 ~~(commencing with Section 2080) of Chapter 5 which are not~~
32 ~~specifically applicable to applicants for a physician’s and surgeon’s~~
33 ~~certificate, in addition to the provisions of this chapter and Chapter~~
34 ~~5 (commencing with Section 2000):~~

35 ~~1480. The board shall have full authority to investigate and to~~
36 ~~evaluate each applicant applying for a certificate to practice~~
37 ~~podiatric medicine and to make a determination of the admission~~
38 ~~of the applicant to the examination and the issuance of a certificate~~
39 ~~in accordance with this chapter and Chapter 5 (commencing with~~
40 ~~Section 2000):~~

1 1481. Each applicant who commenced professional instruction
2 in podiatric medicine after September 1, 1959, shall show by an
3 official transcript or other official evidence submitted directly to
4 the board by the academic institution that he or she has completed
5 two years of preprofessional postsecondary education, or its
6 equivalent, including the subjects of chemistry, biology or other
7 biological science, and physics or mathematics, before completing
8 the resident course of professional instruction.

9 1483. (a) Each applicant for a certificate to practice podiatric
10 medicine shall show by an official transcript or other official
11 evidence satisfactory to the board that is submitted directly to the
12 board by the academic institution that he or she has successfully
13 completed a medical curriculum extending over a period of at least
14 four academic years, or 32 months of actual instruction, in a college
15 or school of podiatric medicine approved by the board. The total
16 number of hours of all courses shall consist of a minimum of 4,000
17 hours.

18 The board, by regulation, shall adopt standards for determining
19 equivalent training authorized by this section.

20 (b) The curriculum for all applicants shall provide for adequate
21 instruction related to podiatric medicine in the following:

- 22 (1) Alcoholism and other chemical substance detection
- 23 (2) Local anesthesia
- 24 (3) Anatomy, including embryology, histology, and
25 neuroanatomy
- 26 (4) Behavioral science
- 27 (5) Biochemistry
- 28 (6) Biomechanics-foot and ankle
- 29 (7) Child abuse detection
- 30 (8) Dermatology
- 31 (9) Geriatric medicine
- 32 (10) Human sexuality
- 33 (11) Infectious diseases
- 34 (12) Medical ethics
- 35 (13) Neurology
- 36 (14) Orthopedic surgery
- 37 (15) Pathology, microbiology, and immunology
- 38 (16) Pediatrics
- 39 (17) Pharmacology, including materia medica and toxicology
- 40 (18) Physical and laboratory diagnosis

- 1 ~~(19) Physical medicine~~
- 2 ~~(20) Physiology~~
- 3 ~~(21) Podiatric medicine~~
- 4 ~~(22) Podiatric surgery~~
- 5 ~~(23) Preventive medicine, including nutrition~~
- 6 ~~(24) Psychiatric problem detection~~
- 7 ~~(25) Radiology and radiation safety~~
- 8 ~~(26) Spousal or partner abuse detection~~
- 9 ~~(27) Therapeutics~~
- 10 ~~(28) Women's health~~

11 ~~1484. In addition to any other requirements of this chapter or~~
12 ~~Chapter 5 (commencing with Section 2000), before a certificate~~
13 ~~to practice podiatric medicine may be issued, each applicant shall~~
14 ~~show by evidence satisfactory to the board, submitted directly to~~
15 ~~the board by the sponsoring institution, that he or she has~~
16 ~~satisfactorily completed at least two years of postgraduate podiatric~~
17 ~~medical and podiatric surgical training in a general acute care~~
18 ~~hospital approved by the Council on Podiatric Medical Education.~~

19 ~~1486. The board shall issue a certificate to practice podiatric~~
20 ~~medicine if the applicant has submitted directly to the board from~~
21 ~~the credentialing organizations verification that he or she meets~~
22 ~~all of the following requirements:~~

23 ~~(a) The applicant has graduated from an approved school or~~
24 ~~college of podiatric medicine and meets the requirements of Section~~
25 ~~2483.~~

26 ~~(b) The applicant, within the past 10 years, has passed parts I,~~
27 ~~H, and III of the examination administered by the National Board~~
28 ~~of Podiatric Medical Examiners of the United States or has passed~~
29 ~~a written examination that is recognized by the board to be the~~
30 ~~equivalent in content to the examination administered by the~~
31 ~~National Board of Podiatric Medical Examiners of the United~~
32 ~~States.~~

33 ~~(c) The applicant has satisfactorily completed the postgraduate~~
34 ~~training required by Section 2484.~~

35 ~~(d) The applicant has passed within the past 10 years any oral~~
36 ~~and practical examination that may be required of all applicants~~
37 ~~by the board to ascertain clinical competence.~~

38 ~~(e) The applicant has committed no acts or crimes constituting~~
39 ~~grounds for denial of a certificate under Division 1.5 (commencing~~
40 ~~with Section 475).~~

1 ~~(f) The board determines that no disciplinary action has been~~
2 ~~taken against the applicant by any podiatric licensing authority~~
3 ~~and that the applicant has not been the subject of adverse judgments~~
4 ~~or settlements resulting from the practice of podiatric medicine~~
5 ~~that the board determines constitutes evidence of a pattern of~~
6 ~~negligence or incompetence.~~

7 ~~(g) A disciplinary databank report regarding the applicant is~~
8 ~~received by the board from the Federation of Podiatric Medical~~
9 ~~Boards.~~

10 ~~1488. Notwithstanding any other law, the board shall issue a~~
11 ~~certificate to practice podiatric medicine by credentialing if the~~
12 ~~applicant has submitted directly to the board from the credentialing~~
13 ~~organizations verification that he or she is licensed as a doctor of~~
14 ~~podiatric medicine in any other state and meets all of the following~~
15 ~~requirements:~~

16 ~~(a) The applicant has graduated from an approved school or~~
17 ~~college of podiatric medicine.~~

18 ~~(b) The applicant, within the past 10 years, has passed either~~
19 ~~part III of the examination administered by the National Board of~~
20 ~~Podiatric Medical Examiners of the United States or a written~~
21 ~~examination that is recognized by the board to be the equivalent~~
22 ~~in content to the examination administered by the National Board~~
23 ~~of Podiatric Medical Examiners of the United States.~~

24 ~~(c) The applicant has satisfactorily completed a postgraduate~~
25 ~~training program approved by the Council on Podiatric Medical~~
26 ~~Education.~~

27 ~~(d) The applicant, within the past 10 years, has passed any oral~~
28 ~~and practical examination that may be required of all applicants~~
29 ~~by the board to ascertain clinical competence.~~

30 ~~(e) The applicant has committed no acts or crimes constituting~~
31 ~~grounds for denial of a certificate under Division 1.5 (commencing~~
32 ~~with Section 475).~~

33 ~~(f) The board determines that no disciplinary action has been~~
34 ~~taken against the applicant by any podiatric licensing authority~~
35 ~~and that the applicant has not been the subject of adverse judgments~~
36 ~~or settlements resulting from the practice of podiatric medicine~~
37 ~~that the board determines constitutes evidence of a pattern of~~
38 ~~negligence or incompetence.~~

1 ~~(g) A disciplinary databank report regarding the applicant is~~
2 ~~received by the board from the Federation of Podiatric Medical~~
3 ~~Boards.~~

4 ~~1492. (a) The board shall examine every applicant for a~~
5 ~~certificate to practice podiatric medicine to ensure a minimum of~~
6 ~~entry-level competence at the time and place designated by the~~
7 ~~board in its discretion, but at least twice a year.~~

8 ~~(b) Unless the applicant meets the requirements of Section 1486,~~
9 ~~applicants shall be required to have taken and passed the~~
10 ~~examination administered by the National Board of Podiatric~~
11 ~~Medical Examiners.~~

12 ~~(c) The board may appoint qualified persons to give the whole~~
13 ~~or any portion of any examination as provided in this article, who~~
14 ~~shall be designated as examination commissioners. The board may~~
15 ~~fix the compensation of those persons subject to the provisions of~~
16 ~~applicable state laws and regulations.~~

17 ~~(d) The provisions of Article 9 (commencing with Section 2170)~~
18 ~~of Chapter 5 shall apply to examinations administered by the board~~
19 ~~except where those provisions are in conflict with or inconsistent~~
20 ~~with the provisions of this chapter.~~

21 ~~1493. An applicant for a certificate to practice podiatric~~
22 ~~medicine shall pass an examination in the subjects required by~~
23 ~~Section 1483 in order to ensure a minimum of entry-level~~
24 ~~competence.~~

25 ~~1495. Notwithstanding any other provision of this chapter, the~~
26 ~~board may delegate to officials of the board the authority to~~
27 ~~approve the admission of applicants to the examination and to~~
28 ~~approve the issuance of certificates to practice podiatric medicine~~
29 ~~to applicants who have met the specific requirements therefor in~~
30 ~~routine cases where applicants clearly meet the requirements of~~
31 ~~this chapter.~~

32 ~~1496. In order to ensure the continuing competence of persons~~
33 ~~licensed to practice podiatric medicine, the board shall adopt and~~
34 ~~administer regulations requiring continuing education of those~~
35 ~~licensees. The board shall require those licensees to demonstrate~~
36 ~~satisfaction of the continuing education requirements and one of~~
37 ~~the following requirements at each license renewal:~~

38 ~~(a) Passage of an examination administered by the board within~~
39 ~~the past 10 years.~~

1 ~~(b) Passage of an examination administered by an approved~~
2 ~~specialty certifying board within the past 10 years.~~

3 ~~(c) Current diplomate, board-eligible, or board-qualified status~~
4 ~~granted by an approved specialty certifying board within the past~~
5 ~~10 years.~~

6 ~~(d) Recertification of current status by an approved specialty~~
7 ~~certifying board within the past 10 years.~~

8 ~~(e) Successful completion of an approved residency or~~
9 ~~fellowship program within the past 10 years.~~

10 ~~(f) Granting or renewal of current staff privileges within the~~
11 ~~past five years by a health care facility that is licensed, certified,~~
12 ~~accredited, conducted, maintained, operated, or otherwise approved~~
13 ~~by an agency of the federal or state government or an organization~~
14 ~~approved by the Medical Board of California.~~

15 ~~(g) Successful completion within the past five years of an~~
16 ~~extended course of study approved by the board.~~

17 ~~(h) Passage within the past 10 years of Part III of the~~
18 ~~examination administered by the National Board of Podiatric~~
19 ~~Medical Examiners.~~

20 ~~1497. (a) The board may order the denial of an application~~
21 ~~for, or the suspension of, or the revocation of, or the imposition~~
22 ~~of probationary conditions upon, a certificate to practice podiatric~~
23 ~~medicine for any of the causes set forth in Article 12 (commencing~~
24 ~~with Section 2220) of Chapter 5 in accordance with Section 2222.~~

25 ~~(b) The board may hear all matters, including but not limited~~
26 ~~to, any contested case or may assign any such matters to an~~
27 ~~administrative law judge. The proceedings shall be held in~~
28 ~~accordance with Section 2230. If a contested case is heard by the~~
29 ~~board itself, the administrative law judge who presided at the~~
30 ~~hearing shall be present during the board's consideration of the~~
31 ~~case and shall assist and advise the board.~~

32 ~~1497.5. (a) The board may request the administrative law~~
33 ~~judge, under his or her proposed decision in resolution of a~~
34 ~~disciplinary proceeding before the board, to direct any licensee~~
35 ~~found guilty of unprofessional conduct to pay to the board a sum~~
36 ~~not to exceed the actual and reasonable costs of the investigation~~
37 ~~and prosecution of the case.~~

38 ~~(b) The costs to be assessed shall be fixed by the administrative~~
39 ~~law judge and shall not be increased by the board unless the board~~
40 ~~does not adopt a proposed decision and in making its own decision~~

1 finds grounds for increasing the costs to be assessed, not to exceed
2 the actual and reasonable costs of the investigation and prosecution
3 of the case.

4 (e) ~~When the payment directed in the board's order for payment~~
5 ~~of costs is not made by the licensee, the board may enforce the~~
6 ~~order for payment by bringing an action in any appropriate court.~~
7 ~~This right of enforcement shall be in addition to any other rights~~
8 ~~the board may have as to any licensee directed to pay costs.~~

9 (d) ~~In any judicial action for the recovery of costs, proof of the~~
10 ~~board's decision shall be conclusive proof of the validity of the~~
11 ~~order of payment and the terms for payment.~~

12 (e) (1) ~~Except as provided in paragraph (2), the board shall not~~
13 ~~renew or reinstate the license of any licensee who has failed to pay~~
14 ~~all of the costs ordered under this section.~~

15 (2) ~~Notwithstanding paragraph (1), the board may, in its~~
16 ~~discretion, conditionally renew or reinstate for a maximum of one~~
17 ~~year the license of any licensee who demonstrates financial~~
18 ~~hardship and who enters into a formal agreement with the board~~
19 ~~to reimburse the board within that one-year period for those unpaid~~
20 ~~costs.~~

21 (f) ~~All costs recovered under this section shall be deposited in~~
22 ~~the Board of Podiatric Medicine Fund as a reimbursement in either~~
23 ~~the fiscal year in which the costs are actually recovered or the~~
24 ~~previous fiscal year, as the board may direct.~~

25 1498. (a) ~~The board shall have the responsibility for reviewing~~
26 ~~the quality of podiatric medical practice carried out by persons~~
27 ~~licensed to practice podiatric medicine.~~

28 (b) ~~Each member of the board, or any licensed doctor of~~
29 ~~podiatric medicine appointed by the board, shall additionally have~~
30 ~~the authority to inspect, or require reports from, a general or~~
31 ~~specialized hospital and the podiatric medical staff thereof, with~~
32 ~~respect to the podiatric medical care, services, or facilities provided~~
33 ~~therein, and may inspect podiatric medical patient records with~~
34 ~~respect to the care, services, or facilities. The authority to make~~
35 ~~inspections and to require reports as provided by this section shall~~
36 ~~not be delegated by a member of the board to any person other~~
37 ~~than a doctor of podiatric medicine and shall be subject to the~~
38 ~~restrictions against disclosure described in Section 2263.~~

39 1499. ~~There is in the State Treasury the Board of Podiatric~~
40 ~~Medicine Fund. Notwithstanding Section 2445, the board shall~~

1 report to the Controller at the beginning of each calendar month
2 for the month preceding the amount and source of all revenue
3 received by the board, pursuant to this chapter, and shall pay the
4 entire amount thereof to the Treasurer for deposit into the fund.
5 All revenue received by the board from fees authorized to be
6 charged relating to the practice of podiatric medicine shall be
7 deposited in the fund as provided in this section, and shall be used
8 to carry out this chapter or the provisions of Chapter 5
9 (commencing with Section 2000) relating to the regulation of the
10 practice of podiatric medicine.

11 1499.5. The following fees apply to certificates to practice
12 podiatric medicine. The amount of fees prescribed for doctors of
13 podiatric medicine shall be those set forth in this section unless a
14 lower fee is established by the board in accordance with Section
15 1499.6. Fees collected pursuant to this section shall be fixed by
16 the board in amounts not to exceed the actual costs of providing
17 the service for which the fee is collected.

18 (a) Each applicant for a certificate to practice podiatric medicine
19 shall pay an application fee of one hundred dollars (\$100) at the
20 time the application is filed. If the applicant qualifies for a
21 certificate, he or she shall pay a fee which shall be fixed by the
22 board at an amount not to exceed one hundred dollars (\$100) nor
23 less than five dollars (\$5) for the issuance of the certificate.

24 (b) The oral examination fee shall be seven hundred dollars
25 (\$700), or the actual cost, whichever is lower, and shall be paid
26 by each applicant. If the applicant's credentials are insufficient or
27 if the applicant does not desire to take the examination, and has
28 so notified the board 30 days prior to the examination date, only
29 the examination fee is returnable to the applicant. The board may
30 charge an examination fee for any subsequent reexamination of
31 the applicant.

32 (c) Each applicant who qualifies for a certificate, as a condition
33 precedent to its issuance, in addition to other fees required by this
34 section, shall pay an initial license fee. The initial license fee shall
35 be eight hundred dollars (\$800). The initial license shall expire
36 the second year after its issuance on the last day of the month of
37 birth of the licensee. The board may reduce the initial license fee
38 by up to 50 percent of the amount of the fee for any applicant who
39 is enrolled in a postgraduate training program approved by the
40 board or who has completed a postgraduate training program

1 approved by the board within six months prior to the payment of
2 the initial license fee.

3 ~~(d) The biennial renewal fee shall be nine hundred dollars~~
4 ~~(\$900). Any licensee enrolled in an approved residency program~~
5 ~~shall be required to pay only 50 percent of the biennial renewal~~
6 ~~fee at the time of his or her first renewal.~~

7 ~~(e) The delinquency fee is one hundred fifty dollars (\$150).~~

8 ~~(f) The duplicate wall certificate fee is one hundred dollars~~
9 ~~(\$100).~~

10 ~~(g) The duplicate renewal receipt fee is fifty dollars (\$50).~~

11 ~~(h) The endorsement fee is thirty dollars (\$30).~~

12 ~~(i) The letter of good standing fee or for loan deferment is one~~
13 ~~hundred dollars (\$100).~~

14 ~~(j) There shall be a fee of one hundred dollars (\$100) for the~~
15 ~~issuance of a resident's license under Section 1475.~~

16 ~~(k) The filing fee to appeal the failure of an oral examination~~
17 ~~shall be one hundred dollars (\$100).~~

18 ~~(l) The fee for approval of a continuing education course or~~
19 ~~program shall be two hundred fifty dollars (\$250).~~

20 ~~1499.6. The fees in this chapter shall be fixed by the board in~~
21 ~~accordance with Section 313.1. The fees shall not exceed the~~
22 ~~reasonable regulatory cost.~~

23 ~~1499.7. (a) Certificates to practice podiatric medicine shall~~
24 ~~expire at 12 midnight on the last day of the birth month of the~~
25 ~~licensee during the second year of a two-year term.~~

26 ~~(b) To renew an unexpired certificate, the licensee, on or before~~
27 ~~the date on which the certificate would otherwise expire, shall~~
28 ~~apply for renewal on a form prescribed by the board and pay the~~
29 ~~prescribed renewal fee.~~

30 ~~1499.8. Any licensee who demonstrates to the satisfaction of~~
31 ~~the board that he or she is unable to practice podiatric medicine~~
32 ~~due to a disability may request a waiver of the license renewal fee.~~
33 ~~The granting of a waiver shall be at the discretion of the board and~~
34 ~~may be terminated at any time. Waivers shall be based on the~~
35 ~~inability of a licensee to practice podiatric medicine. A licensee~~
36 ~~whose renewal fee has been waived pursuant to this section shall~~
37 ~~not engage in the practice of podiatric medicine unless and until~~
38 ~~the licensee pays the current renewal fee and does either of the~~
39 ~~following:~~

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

5 ~~(b) Signs an agreement on a form prescribed by the board, signed~~
6 ~~under penalty of perjury, in which the licensee agrees to limit his~~
7 ~~or her practice in the manner prescribed by the reviewing physician.~~

8 ~~SEC. 15.~~

9 ~~SEC. 2.~~ Section 1944 of the Business and Professions Code is
10 amended to read:

11 1944. (a) The committee shall establish by resolution the
12 amount of the fees that relate to the licensing of a registered dental
13 hygienist, a registered dental hygienist in alternative practice, and
14 a registered dental hygienist in extended functions. The fees
15 established by board resolution in effect on June 30, 2009, as they
16 relate to the licensure of registered dental hygienists, registered
17 dental hygienists in alternative practice, and registered dental
18 hygienists in extended functions, shall remain in effect until
19 modified by the committee. The fees are subject to the following
20 limitations:

21 (1) The application fee for an original license and the fee for
22 issuance of an original license shall not exceed two hundred fifty
23 dollars (\$250).

24 (2) The fee for examination for licensure as a registered dental
25 hygienist shall not exceed the actual cost of the examination.

26 (3) The fee for examination for licensure as a registered dental
27 hygienist in extended functions shall not exceed the actual cost of
28 the examination.

29 (4) The fee for examination for licensure as a registered dental
30 hygienist in alternative practice shall not exceed the actual cost of
31 administering the examination.

32 (5) The biennial renewal fee shall not exceed five hundred
33 dollars (\$500).

34 (6) The delinquency fee shall not exceed one-half of the renewal
35 fee. Any delinquent license may be restored only upon payment
36 of all fees, including the delinquency fee, and compliance with all
37 other applicable requirements of this article.

38 (7) The fee for issuance of a duplicate license to replace one
39 that is lost or destroyed, or in the event of a name change, shall

1 not exceed twenty-five dollars (\$25) or one-half of the renewal
2 fee, whichever is greater.

3 (8) The fee for certification of licensure shall not exceed one-half
4 of the renewal fee.

5 (9) The fee for each curriculum review, feasibility study review,
6 and site evaluation for educational programs for dental hygienists
7 who are not accredited by a committee-approved agency shall not
8 exceed two thousand one hundred dollars (\$2,100).

9 (10) The fee for each review or approval of course requirements
10 for licensure or procedures that require additional training shall
11 not exceed seven hundred fifty dollars (\$750).

12 (11) The initial application and biennial fee for a provider of
13 continuing education shall not exceed five hundred dollars (\$500).

14 (12) The amount of fees payable in connection with permits
15 issued under Section 1962 is as follows:

16 (A) The initial permit fee is an amount equal to the renewal fee
17 for the applicant's license to practice dental hygiene in effect on
18 the last regular renewal date before the date on which the permit
19 is issued.

20 (B) If the permit will expire less than one year after its issuance,
21 then the initial permit fee is an amount equal to 50 percent of the
22 renewal fee in effect on the last regular renewal date before the
23 date on which the permit is issued.

24 (b) The renewal and delinquency fees shall be fixed by the
25 committee by resolution at not more than the current amount of
26 the renewal fee for a license to practice under this article nor less
27 than five dollars (\$5).

28 (c) Fees fixed by the committee by resolution pursuant to this
29 section shall not be subject to the approval of the Office of
30 Administrative Law.

31 (d) Fees collected pursuant to this section shall be collected by
32 the committee and deposited into the State Dental Hygiene Fund,
33 which is hereby created. All money in this fund shall, upon
34 appropriation by the Legislature in the annual Budget Act, be used
35 to implement this article.

36 (e) No fees or charges other than those listed in this section shall
37 be levied by the committee in connection with the licensure of
38 registered dental hygienists, registered dental hygienists in
39 alternative practice, or registered dental hygienists in extended
40 functions.

1 (f) The fee for registration of an extramural dental facility shall
2 not exceed two hundred fifty dollars (\$250).

3 (g) The fee for registration of a mobile dental hygiene unit shall
4 not exceed one hundred fifty dollars (\$150).

5 (h) The biennial renewal fee for a mobile dental hygiene unit
6 shall not exceed two hundred fifty dollars (\$250).

7 (i) The fee for an additional office permit shall not exceed two
8 hundred fifty dollars (\$250).

9 (j) The biennial renewal fee for an additional office as described
10 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

11 (k) The initial application and biennial special permit fee is an
12 amount equal to the biennial renewal fee specified in paragraph
13 (6) of subdivision (a).

14 (l) The fees in this section shall not exceed an amount sufficient
15 to cover the reasonable regulatory cost of carrying out this article.

16 SEC. 16. ~~Section 2052.5 of the Business and Professions Code~~
17 ~~is amended to read:~~

18 ~~2052.5.—(a) The proposed registration program developed~~
19 ~~pursuant to subdivision (b) shall provide that, for purposes of the~~
20 ~~proposed registration program:~~

21 ~~(1) A physician and surgeon practices medicine in this state~~
22 ~~across state lines when that person is located outside of this state~~
23 ~~but, through the use of any medium, including an electronic~~
24 ~~medium, practices or attempts to practice, or advertises or holds~~
25 ~~himself or herself out as practicing, any system or mode of treating~~
26 ~~the sick or afflicted in this state, or diagnoses, treats, operates for,~~
27 ~~or prescribes for any ailment, blemish, deformity, disease,~~
28 ~~disfigurement, disorder, injury, or other physical or mental~~
29 ~~condition of any person in this state.~~

30 ~~(2) A doctor of podiatric medicine practices podiatric medicine~~
31 ~~in this state across state lines when that person is located outside~~
32 ~~of this state but, through the use of any medium, including an~~
33 ~~electronic medium, practices or attempts to practice podiatric~~
34 ~~medicine, as defined in Section 1472, in this state.~~

35 ~~(3) The proposed registration program shall not apply to any~~
36 ~~consultation described in Section 2060.~~

37 ~~(b) The board may, at its discretion, develop a proposed~~
38 ~~registration program to permit a physician and surgeon, or a doctor~~
39 ~~of podiatric medicine, located outside this state to register with~~

1 the board to practice medicine or podiatric medicine in this state
2 across state lines.

3 (1) ~~The proposed registration program shall include proposed~~
4 ~~requirements for registration, including, but not limited to, licensure~~
5 ~~in the state or country where the physician and surgeon, or the~~
6 ~~doctor of podiatric medicine, resides, and education and training~~
7 ~~requirements.~~

8 (2) ~~The proposed registration program may also include all of~~
9 ~~the following: (A) standards for confidentiality, format, and~~
10 ~~retention of medical records, (B) access to medical records by the~~
11 ~~board, (C) registration fees, renewal fees, delinquency fees, and~~
12 ~~replacement document fees in an amount not to exceed the actual~~
13 ~~cost of administering the registration program, and (D) provisions~~
14 ~~ensuring that enforcement and consumer education shall be integral~~
15 ~~parts of administering the registration program.~~

16 (3) ~~The proposed registration program may also provide all of~~
17 ~~the following:~~

18 (A) ~~All laws, rules, and regulations that govern the practice of~~
19 ~~medicine or podiatric medicine in this state, including, but not~~
20 ~~limited to, confidentiality and reporting requirements, shall apply~~
21 ~~to a physician and surgeon, or a doctor of podiatric medicine, who~~
22 ~~is registered by the board to practice medicine or podiatric medicine~~
23 ~~in this state across state lines.~~

24 (B) ~~The board may deny an application for registration or may~~
25 ~~suspend, revoke, or otherwise discipline a registrant for any of the~~
26 ~~following: (i) on any ground prescribed by this chapter, (ii) failure~~
27 ~~to possess or to maintain a valid license in the state where the~~
28 ~~registrant resides, or (iii) if the applicant or registrant is not licensed~~
29 ~~by the state or country in which he or she resides, and that state or~~
30 ~~country prohibits the practice of medicine or podiatric medicine~~
31 ~~from that state or country into any other state or country without~~
32 ~~a valid registration or license issued by the state or country in~~
33 ~~which the applicant or registrant practices. Action to deny or~~
34 ~~discipline a registrant shall be taken in the manner provided for in~~
35 ~~this chapter.~~

36 (C) ~~Any of the following shall be grounds for discipline of a~~
37 ~~registrant: (i) to allow any person to engage in the practice of~~
38 ~~medicine or podiatric medicine in this state across state lines under~~
39 ~~his or her registration, including, but not limited to, any nurse,~~
40 ~~physician assistant, medical assistant, or other person, (ii) to fail~~

1 to include his or her registration number on any invoice or other
2 type of billing statement submitted for care or treatment provided
3 to a patient located in this state, (iii) to practice medicine or
4 podiatric medicine in any other state or country without meeting
5 the legal requirements to practice medicine or podiatric medicine
6 in that state or country, or (iv) to fail to notify the board, in a
7 manner prescribed by the board, of any restrictions placed on his
8 or her medical license, or podiatric medical license, in any state.

9 (D) A registration issued pursuant to the registration program
10 shall automatically be suspended upon receipt of a copy, from the
11 state that issued the license, of the surrender, revocation,
12 suspension, or other similar type of action taken by another state
13 or country against a medical license, or podiatric medical license,
14 issued to a registrant. The board shall notify the registrant in writing
15 of the suspension and of the registrant's right to a hearing.

16 (4) Section 2314 shall not apply to the registration program.

17 (e) This section shall not be construed to authorize the board to
18 implement a registration program for physicians and surgeons or
19 doctors of podiatric medicine located outside this state. This section
20 is intended to authorize the board to develop a proposed registration
21 program to be authorized for implementation by future legislation.

22 (d) For purposes of this section, "board" refers to either the
23 Medical Board of California or the California Board of Podiatric
24 Medicine, as applicable.

25 SEC. 17. Section 2423 of the Business and Professions Code
26 is amended to read:

27 2423. (a) Notwithstanding Section 2422:

28 (1) All physician and surgeon's certificates, registrations of
29 spectacle lens dispensers and contact lens dispensers, and
30 certificates to practice midwifery shall expire at 12 midnight on
31 the last day of the birth month of the licensee during the second
32 year of a two-year term if not renewed.

33 (2) Registrations of dispensing opticians will expire at midnight
34 on the last day of the month in which the license was issued during
35 the second year of a two-year term if not renewed.

36 (b) The board shall establish by regulation procedures for the
37 administration of a birth date renewal program, including, but not
38 limited to, the establishment of a system of staggered license
39 expiration dates such that a relatively equal number of licenses
40 expire monthly.

1 ~~(e) To renew an unexpired license, the licensee shall, on or~~
2 ~~before the dates on which it would otherwise expire, apply for~~
3 ~~renewal on a form prescribed by the licensing authority and pay~~
4 ~~the prescribed renewal fee.~~

5 ~~SEC. 18. Article 22 (commencing with Section 2460) of~~
6 ~~Chapter 5 of Division 2 of the Business and Professions Code is~~
7 ~~repealed.~~

8 ~~SEC. 3. Section 2472 of the Business and Professions Code is~~
9 ~~amended to read:~~

10 2472. (a) The certificate to practice podiatric medicine
11 authorizes the holder to practice podiatric medicine.

12 (b) As used in this chapter, “podiatric medicine” means the
13 diagnosis, medical, surgical, mechanical, manipulative, and
14 electrical treatment of the human foot, including the ankle and
15 tendons that insert into the foot and the nonsurgical treatment of
16 the muscles and tendons of the leg governing the functions of the
17 foot.

18 (c) A doctor of podiatric medicine ~~may~~ *shall* not administer an
19 anesthetic other than local. If an anesthetic other than local is
20 required for any procedure, the anesthetic shall be administered
21 by another licensed health care practitioner who is authorized to
22 administer the required anesthetic within the scope of his or her
23 practice.

24 (d) (1) A doctor of podiatric medicine ~~who is ankle certified~~
25 ~~by the board on and after January 1, 1984,~~ may do the following:

26 (A) Perform surgical treatment of the ankle and tendons at the
27 level of the ankle pursuant to subdivision (e).

28 (B) Perform services under the direct supervision of a physician
29 and surgeon, as an assistant at surgery, in surgical procedures that
30 are otherwise beyond the scope of practice of a doctor of podiatric
31 medicine.

32 (C) Perform a partial amputation of the foot no further proximal
33 than the Chopart’s joint.

34 (2) Nothing in this subdivision shall be construed to permit a
35 doctor of podiatric medicine to function as a primary surgeon for
36 any procedure beyond his or her scope of practice.

37 (e) A doctor of podiatric medicine may perform surgical
38 treatment of the ankle and tendons at the level of the ankle only
39 in the following locations:

(1) A licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code.

(2) A licensed surgical clinic, as defined in Section 1204 of the Health and Safety Code, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1) and meets all the protocols of the surgical clinic.

(3) An ambulatory surgical center that is certified to participate in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395 et seq.) of the federal Social Security Act, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1) and meets all the protocols of the surgical center.

(4) A freestanding physical plant housing outpatient services of a licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1). For purposes of this section, a “freestanding physical plant” means any building that is not physically attached to a building where inpatient services are provided.

(5) An outpatient setting accredited pursuant to subdivision (g) of Section 1248.1 of the Health and Safety Code.

SEC. 4. Section 2499.5 of the Business and Professions Code is amended to read:

2499.5. The following fees apply to certificates to practice podiatric medicine. The amount of fees prescribed for doctors of podiatric medicine shall be those set forth in this section unless a lower fee is established by the board in accordance with Section 2499.6. Fees collected pursuant to this section shall be fixed by the board in amounts not to exceed the actual costs of providing the service for which the fee is collected.

(a) Each applicant for a certificate to practice podiatric medicine shall pay an application fee of ~~twenty dollars (\$20)~~ *one hundred dollars (\$100)* at the time the application is filed. If the applicant qualifies for a certificate, he or she shall pay a fee which shall be fixed by the board at an amount not to exceed one hundred dollars (\$100) nor less than five dollars (\$5) for the issuance of the certificate.

(b) The oral examination fee shall be seven hundred dollars (\$700), or the actual cost, whichever is lower, and shall be paid by each applicant. If the applicant's credentials are insufficient or if the applicant does not desire to take the examination, and has so notified the board 30 days prior to the examination date, only the examination fee is returnable to the applicant. The board may charge an examination fee for any subsequent reexamination of the applicant.

(c) Each applicant who qualifies for a certificate, as a condition precedent to its issuance, in addition to other fees required by this section, shall pay an initial license fee. The initial license fee shall be eight hundred dollars (\$800). The initial license shall expire the second year after its issuance on the last day of the month of birth of the licensee. The board may reduce the initial license fee by up to 50 percent of the amount of the fee for any applicant who is enrolled in a postgraduate training program approved by the board or who has completed a postgraduate training program approved by the board within six months prior to the payment of the initial license fee.

(d) The biennial renewal fee shall be nine hundred dollars (\$900). Any licensee enrolled in an approved residency program shall be required to pay only 50 percent of the biennial renewal fee at the time of his or her first renewal.

(e) The delinquency fee is one hundred fifty dollars (\$150).

(f) The duplicate wall certificate fee is ~~forty dollars (\$40)~~ *one hundred dollars (\$100)*.

(g) The duplicate renewal receipt fee is ~~forty dollars (\$40)~~ *fifty dollars (\$50)*.

(h) The endorsement fee is thirty dollars (\$30).

(i) The letter of good standing fee or for loan deferment is ~~thirty dollars (\$30)~~ *one hundred dollars (\$100)*.

(j) There shall be a fee of ~~sixty dollars (\$60)~~ *one hundred dollars (\$100)* for the issuance of a resident's license under Section 2475.

~~(k) The application fee for ankle certification under Section 2472 for persons licensed prior to January 1, 1984, shall be fifty dollars (\$50). The examination and reexamination fee for this certification shall be seven hundred dollars (\$700).~~

~~(l)~~

(k) The filing fee to appeal the failure of an oral examination shall be ~~twenty-five dollars (\$25)~~ *one hundred dollars (\$100)*.

1 ~~(m)~~

2 (l) The fee for approval of a continuing education course or
3 program shall be ~~one hundred dollars (\$100)~~; *two hundred fifty*
4 *dollars (\$250)*.

5 ~~SEC. 19.~~

6 SEC. 5. Section 2546.9 of the Business and Professions Code
7 is repealed.

8 ~~SEC. 20.~~

9 SEC. 6. Section 2546.9 is added to the Business and Professions
10 Code, to read:

11 2546.9. The amount of fees prescribed in connection with the
12 registration of nonresident contact lens sellers is that established
13 by the following schedule:

14 (a) The application fee for a nonresident contact lens seller shall
15 be a minimum of one hundred fifty dollars (\$150) and shall not
16 exceed two hundred dollars (\$200).

17 (b) The initial registration fee shall be a minimum of two
18 hundred dollars (\$200) and shall not exceed three hundred dollars
19 (\$300).

20 (c) The renewal fee shall be a minimum of two hundred dollars
21 (\$200) and shall not exceed three hundred dollars (\$300).

22 (d) The delinquency fee shall be a minimum of fifty dollars
23 (\$50) and shall not exceed seventy-five dollars (\$75).

24 (e) The fee for replacement of a lost, stolen, or destroyed
25 registration shall be twenty-five dollars (\$25).

26 (f) The State Board of Optometry may periodically revise and
27 fix by regulation the fees specified in subdivisions (a), (b), (c), and
28 (d), and these revised fees shall not exceed the reasonable
29 regulatory cost.

30 (g) The fees collected pursuant to this chapter shall be deposited
31 in the Dispensing Opticians Fund, and shall be available, upon
32 appropriation, to the State Board of Optometry for the purposes
33 of this chapter.

34 ~~SEC. 21.~~

35 SEC. 7. Section 2565 of the Business and Professions Code is
36 repealed.

37 ~~SEC. 22.~~

38 SEC. 8. Section 2565 is added to the Business and Professions
39 Code, to read:

1 2565. The amount of fees prescribed in connection with the
2 registration of dispensing opticians shall be as set forth in this
3 section.

4 (a) The application fee for registration shall be a minimum of
5 one hundred fifty dollars (\$150) and shall not exceed two hundred
6 dollars (\$200).

7 (b) The initial registration fee shall be a minimum of two
8 hundred dollars (\$200) and shall not exceed three hundred dollars
9 (\$300).

10 (c) The renewal fee shall be a minimum of two hundred dollars
11 (\$200) and shall not exceed three hundred dollars (\$300).

12 (d) The delinquency fee shall be a minimum of fifty dollars
13 (\$50) and shall not exceed seventy-five dollars (\$75).

14 (e) The fee for replacement of a lost, stolen, or destroyed
15 certificate shall be twenty-five dollars (\$25).

16 (f) The State Board of Optometry may periodically revise and
17 fix by regulation the fees specified in subdivisions (a), (b), (c), and
18 (d), and these revised fees shall not exceed the reasonable
19 regulatory cost.

20 ~~SEC. 23.~~

21 ~~SEC. 9.~~ Section 2566 of the Business and Professions Code is
22 repealed.

23 ~~SEC. 24.~~

24 ~~SEC. 10.~~ Section 2566 is added to the Business and Professions
25 Code, to read:

26 2566. The amount of fees prescribed in connection with
27 certificates for contact lens dispensers is as follows:

28 (a) The application fee for a registered contact lens dispenser
29 shall be a minimum of one hundred fifty dollars (\$150) and shall
30 not exceed two hundred dollars (\$200).

31 (b) The initial registration fee shall be a minimum of two
32 hundred dollars (\$200) and shall not exceed three hundred dollars
33 (\$300).

34 (c) The biennial fee for the renewal of certificates shall be a
35 minimum of two hundred dollars (\$200) and shall not exceed three
36 hundred dollars (\$300).

37 (d) The delinquency fee shall be a minimum of fifty dollars
38 (\$50) and shall not exceed seventy-five dollars (\$75).

1 (e) The division may by regulation provide for a refund of a
2 portion of the application fee to applicants who do not meet the
3 requirements for registration.

4 (f) The State Board of Optometry may periodically revise and
5 fix by regulation the fees specified in subdivisions (a), (b), (c), and
6 (d), and these revised fees shall not exceed the reasonable
7 regulatory cost.

8 (g) The fee for replacement of a lost, stolen, or destroyed
9 certificate is twenty-five dollars (\$25).

10 ~~SEC. 25.~~

11 *SEC. 11.* Section 2566.1 of the Business and Professions Code
12 is repealed.

13 ~~SEC. 26.~~

14 *SEC. 12.* Section 2566.1 is added to the Business and
15 Professions Code, to read:

16 2566.1. The amount of fees prescribed in connection with
17 certificates for spectacle lens dispensers shall be as set forth in this
18 section:

19 (a) The application for registration fee shall be a minimum of
20 one hundred fifty dollars (\$150) and shall not exceed two hundred
21 dollars (\$200).

22 (b) The initial registration fee shall be a minimum of two
23 hundred dollars (\$200) and shall not exceed three hundred dollars
24 (\$300).

25 (c) The renewal fee shall be a minimum of two hundred dollars
26 (\$200) and shall not exceed three hundred dollars (\$300).

27 (d) The delinquency fee shall be a minimum of fifty dollars
28 (\$50) and shall not exceed seventy-five dollars (\$75).

29 (e) The fee for replacement of a lost, stolen or destroyed
30 certificate is twenty-five dollars (\$25).

31 (f) The State Board of Optometry may periodically revise and
32 fix by regulation the fees specified in subdivisions (a), (b), (c), and
33 (d), and these revised fees shall not exceed the reasonable
34 regulatory cost.

35 ~~SEC. 27.~~

36 *SEC. 13.* Section 2733 of the Business and Professions Code
37 is amended to read:

38 2733. (a) (1) (A) Upon approval of an application filed
39 pursuant to subdivision (b) of Section 2732.1, and upon the
40 payment of the fee prescribed by subdivision (k) of Section 2815,

1 the board may issue a temporary license to practice professional
2 nursing, and a temporary certificate to practice as a certified public
3 health nurse for a period of six months from the date of issuance.

4 (B) Upon approval of an application filed pursuant to
5 subdivision (b) of Section 2732.1, and upon the payment of the
6 fee prescribed by subdivision (d) of Section 2838.2, the board may
7 issue a temporary certificate to practice as a certified clinical nurse
8 specialist for a period of six months from the date of issuance.

9 (C) Upon approval of an application filed pursuant to
10 subdivision (b) of Section 2732.1, and upon the payment of the
11 fee prescribed by subdivision (e) of Section 2815.5, the board may
12 issue a temporary certificate to practice as a certified nurse-midwife
13 for a period of six months from the date of issuance.

14 (D) Upon approval of an application filed pursuant to
15 subdivision (b) of Section 2732.1, and upon the payment of the
16 fee prescribed by subdivision (d) of Section 2830.7, the board may
17 issue a temporary certificate to practice as a certified nurse
18 anesthetist for a period of six months from the date of issuance.

19 (E) Upon approval of an application filed pursuant to subdivision
20 (b) of Section 2732.1, and upon the payment of the fee prescribed
21 by subdivision (p) of Section 2815, the board may issue a
22 temporary certificate to practice as a certified nurse practitioner
23 for a period of six months from the date of issuance.

24 (2) A temporary license or temporary certificate shall terminate
25 upon notice thereof by certified mail, return receipt requested, if
26 it is issued by mistake or if the application for permanent licensure
27 is denied.

28 (b) Upon written application, the board may reissue a temporary
29 license or temporary certificate to any person who has applied for
30 a regular renewable license pursuant to subdivision (b) of Section
31 2732.1 and who, in the judgment of the board has been excusably
32 delayed in completing his or her application for or the minimum
33 requirements for a regular renewable license, but the board may
34 not reissue a temporary license or temporary certificate more than
35 twice to any one person.

36 ~~SEC. 28.~~

37 *SEC. 14.* Section 2746.51 of the Business and Professions Code
38 is amended to read:

39 2746.51. (a) Neither this chapter nor any other provision of
40 law shall be construed to prohibit a certified nurse-midwife from

1 furnishing or ordering drugs or devices, including controlled
2 substances classified in Schedule II, III, IV, or V under the
3 California Uniform Controlled Substances Act (Division 10
4 (commencing with Section 11000) of the Health and Safety Code),
5 when all of the following apply:

6 (1) The drugs or devices are furnished or ordered incidentally
7 to the provision of any of the following:

8 (A) Family planning services, as defined in Section 14503 of
9 the Welfare and Institutions Code.

10 (B) Routine health care or perinatal care, as defined in
11 subdivision (d) of Section 123485 of the Health and Safety Code.

12 (C) Care rendered, consistent with the certified nurse-midwife's
13 educational preparation or for which clinical competency has been
14 established and maintained, to persons within a facility specified
15 in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of the
16 Health and Safety Code, a clinic as specified in Section 1204 of
17 the Health and Safety Code, a general acute care hospital as defined
18 in subdivision (a) of Section 1250 of the Health and Safety Code,
19 a licensed birth center as defined in Section 1204.3 of the Health
20 and Safety Code, or a special hospital specified as a maternity
21 hospital in subdivision (f) of Section 1250 of the Health and Safety
22 Code.

23 (2) The drugs or devices are furnished or ordered by a certified
24 nurse-midwife in accordance with standardized procedures or
25 protocols. For purposes of this section, standardized procedure
26 means a document, including protocols, developed and approved
27 by the supervising physician and surgeon, the certified
28 nurse-midwife, and the facility administrator or his or her designee.
29 The standardized procedure covering the furnishing or ordering
30 of drugs or devices shall specify all of the following:

31 (A) Which certified nurse-midwife may furnish or order drugs
32 or devices.

33 (B) Which drugs or devices may be furnished or ordered and
34 under what circumstances.

35 (C) The extent of physician and surgeon supervision.

36 (D) The method of periodic review of the certified
37 nurse-midwife's competence, including peer review, and review
38 of the provisions of the standardized procedure.

39 (3) If Schedule II or III controlled substances, as defined in
40 Sections 11055 and 11056 of the Health and Safety Code, are

1 furnished or ordered by a certified nurse-midwife, the controlled
2 substances shall be furnished or ordered in accordance with a
3 patient-specific protocol approved by the treating or supervising
4 physician and surgeon. For Schedule II controlled substance
5 protocols, the provision for furnishing the Schedule II controlled
6 substance shall address the diagnosis of the illness, injury, or
7 condition for which the Schedule II controlled substance is to be
8 furnished.

9 (4) The furnishing or ordering of drugs or devices by a certified
10 nurse-midwife occurs under physician and surgeon supervision.
11 For purposes of this section, no physician and surgeon shall
12 supervise more than four certified nurse-midwives at one time.
13 Physician and surgeon supervision shall not be construed to require
14 the physical presence of the physician, but does include all of the
15 following:

16 (A) Collaboration on the development of the standardized
17 procedure or protocol.

18 (B) Approval of the standardized procedure or protocol.

19 (C) Availability by telephonic contact at the time of patient
20 examination by the certified nurse-midwife.

21 (b) (1) The furnishing or ordering of drugs or devices by a
22 certified nurse-midwife is conditional on the issuance by the board
23 of a number to the applicant who has successfully completed the
24 requirements of paragraph (2). The number shall be included on
25 all transmittals of orders for drugs or devices by the certified
26 nurse-midwife. The board shall maintain a list of the certified
27 nurse-midwives that it has certified pursuant to this paragraph and
28 the number it has issued to each one. The board shall make the list
29 available to the California State Board of Pharmacy upon its
30 request. Every certified nurse-midwife who is authorized pursuant
31 to this section to furnish or issue a drug order for a controlled
32 substance shall register with the United States Drug Enforcement
33 Administration.

34 (2) The board has certified in accordance with paragraph (1)
35 that the certified nurse-midwife has satisfactorily completed a
36 course in pharmacology covering the drugs or devices to be
37 furnished or ordered under this section. The board shall establish
38 the requirements for satisfactory completion of this paragraph.
39 The board may charge the applicant a fee to cover all necessary
40 costs to implement this section, that shall be not less than four

1 hundred dollars (\$400) nor more than one thousand five hundred
2 dollars (\$1,500) for an initial application, nor less than one hundred
3 fifty dollars (\$150) nor more than one thousand dollars (\$1,000)
4 for an application for renewal. The board may charge a penalty
5 fee for failure to renew a furnishing number within the prescribed
6 time that shall be not less than seventy-five dollars (\$75) nor more
7 than five hundred dollars (\$500).

8 (3) A physician and surgeon may determine the extent of
9 supervision necessary pursuant to this section in the furnishing or
10 ordering of drugs and devices.

11 (4) A copy of the standardized procedure or protocol relating
12 to the furnishing or ordering of controlled substances by a certified
13 nurse-midwife shall be provided upon request to any licensed
14 pharmacist who is uncertain of the authority of the certified
15 nurse-midwife to perform these functions.

16 (5) Certified nurse-midwives who are certified by the board and
17 hold an active furnishing number, who are currently authorized
18 through standardized procedures or protocols to furnish Schedule
19 II controlled substances, and who are registered with the United
20 States Drug Enforcement Administration shall provide
21 documentation of continuing education specific to the use of
22 Schedule II controlled substances in settings other than a hospital
23 based on standards developed by the board.

24 (c) Drugs or devices furnished or ordered by a certified
25 nurse-midwife may include Schedule II controlled substances
26 under the California Uniform Controlled Substances Act (Division
27 10 (commencing with Section 11000) of the Health and Safety
28 Code) under the following conditions:

29 (1) The drugs and devices are furnished or ordered in accordance
30 with requirements referenced in paragraphs (2) to (4), inclusive,
31 of subdivision (a) and in paragraphs (1) to (3), inclusive, of
32 subdivision (b).

33 (2) When Schedule II controlled substances, as defined in
34 Section 11055 of the Health and Safety Code, are furnished or
35 ordered by a certified nurse-midwife, the controlled substances
36 shall be furnished or ordered in accordance with a patient-specific
37 protocol approved by the treating or supervising physician and
38 surgeon.

39 (d) Furnishing of drugs or devices by a certified nurse-midwife
40 means the act of making a pharmaceutical agent or agents available

1 to the patient in strict accordance with a standardized procedure
2 or protocol. Use of the term “furnishing” in this section shall
3 include the following:

4 (1) The ordering of a drug or device in accordance with the
5 standardized procedure or protocol.

6 (2) Transmitting an order of a supervising physician and
7 surgeon.

8 (e) “Drug order” or “order” for purposes of this section means
9 an order for medication or for a drug or device that is dispensed
10 to or for an ultimate user, issued by a certified nurse-midwife as
11 an individual practitioner, within the meaning of Section 1306.03
12 of Title 21 of the Code of Federal Regulations. Notwithstanding
13 any other provision of law, (1) a drug order issued pursuant to this
14 section shall be treated in the same manner as a prescription of the
15 supervising physician; (2) all references to “prescription” in this
16 code and the Health and Safety Code shall include drug orders
17 issued by certified nurse-midwives; and (3) the signature of a
18 certified nurse-midwife on a drug order issued in accordance with
19 this section shall be deemed to be the signature of a prescriber for
20 purposes of this code and the Health and Safety Code.

21 ~~SEC. 29.~~

22 *SEC. 15.* Section 2786.5 of the Business and Professions Code
23 is amended to read:

24 2786.5. (a) An institution of higher education or a private
25 postsecondary school of nursing approved by the board pursuant
26 to subdivision (b) of Section 2786 shall remit to the board for
27 deposit in the Board of Registered Nursing Fund the following
28 fees, in accordance with the following schedule:

29 (1) The fee for approval of a school of nursing shall be fixed
30 by the board at not less than forty thousand dollars (\$40,000) nor
31 more than eighty thousand dollars (\$80,000).

32 (2) The fee for continuing approval of a nursing program
33 established after January 1, 2013, shall be fixed by the board at
34 not less than fifteen thousand dollars (\$15,000) nor more than
35 thirty thousand dollars (\$30,000).

36 (3) The processing fee for authorization of a substantive change
37 to an approval of a school of nursing shall be fixed by the board
38 at not less than two thousand five hundred dollars (\$2,500) nor
39 more than five thousand dollars (\$5,000).

1 (b) If the board determines that the annual cost of providing
2 oversight and review of a school of nursing, as required by this
3 article, is less than the amount of any fees required to be paid by
4 that institution pursuant to this article, the board may decrease the
5 fees applicable to that institution to an amount that is proportional
6 to the board's costs associated with that institution.

7 ~~SEC. 30.~~

8 *SEC. 16.* Section 2811 of the Business and Professions Code
9 is amended to read:

10 2811. (a) Each person holding a regular renewable license
11 under this chapter, whether in an active or inactive status, shall
12 apply for a renewal of his or her license and pay the biennial
13 renewal fee required by this chapter each two years on or before
14 the last day of the month following the month in which his or her
15 birthday occurs, beginning with the second birthday following the
16 date on which the license was issued, whereupon the board shall
17 renew the license.

18 (b) Each such license not renewed in accordance with this
19 section shall expire but may within a period of eight years
20 thereafter be reinstated upon payment of the fee required by this
21 chapter and upon submission of such proof of the applicant's
22 qualifications as may be required by the board, except that during
23 such eight-year period no examination shall be required as a
24 condition for the reinstatement of any such expired license which
25 has lapsed solely by reason of nonpayment of the renewal fee.
26 After the expiration of such eight-year period the board may require
27 as a condition of reinstatement that the applicant pass such
28 examination as it deems necessary to determine his present fitness
29 to resume the practice of professional nursing.

30 (c) A license in an inactive status may be restored to an active
31 status if the licensee meets the continuing education standards of
32 Section 2811.5.

33 ~~SEC. 31.~~

34 *SEC. 17.* Section 2811.5 of the Business and Professions Code
35 is amended to read:

36 2811.5. (a) Each person renewing his or her license under
37 Section 2811 shall submit proof satisfactory to the board that,
38 during the preceding two-year period, he or she has been informed
39 of the developments in the registered nurse field or in any special
40 area of practice engaged in by the licensee, occurring since the

1 last renewal thereof, either by pursuing a course or courses of
2 continuing education in the registered nurse field or relevant to
3 the practice of the licensee, and approved by the board, or by other
4 means deemed equivalent by the board.

5 (b) For purposes of this section, the board shall, by regulation,
6 establish standards for continuing education. The standards shall
7 be established in a manner to ensure that a variety of alternative
8 forms of continuing education are available to licensees, including,
9 but not limited to, academic studies, in-service education, institutes,
10 seminars, lectures, conferences, workshops, extension studies, and
11 home study programs. The standards shall take cognizance of
12 specialized areas of practice, and content shall be relevant to the
13 practice of nursing and shall be related to the scientific knowledge
14 or technical skills required for the practice of nursing or be related
15 to direct or indirect patient or client care. The continuing education
16 standards established by the board shall not exceed 30 hours of
17 direct participation in a course or courses approved by the board,
18 or its equivalent in the units of measure adopted by the board.

19 (c) The board shall audit continuing education providers at least
20 once every five years to ensure adherence to regulatory
21 requirements, and shall withhold or rescind approval from any
22 provider that is in violation of the regulatory requirements.

23 (d) The board shall encourage continuing education in spousal
24 or partner abuse detection and treatment. In the event the board
25 establishes a requirement for continuing education coursework in
26 spousal or partner abuse detection or treatment, that requirement
27 shall be met by each licensee within no more than four years from
28 the date the requirement is imposed.

29 (e) In establishing standards for continuing education, the board
30 shall consider including a course in the special care needs of
31 individuals and their families facing end-of-life issues, including,
32 but not limited to, all of the following:

- 33 (1) Pain and symptom management.
- 34 (2) The psycho-social dynamics of death.
- 35 (3) Dying and bereavement.
- 36 (4) Hospice care.

37 (f) In establishing standards for continuing education, the board
38 may include a course on pain management.

1 (g) This section shall not apply to licensees during the first two
2 years immediately following their initial licensure in California
3 or any other governmental jurisdiction.

4 (h) The board may, in accordance with the intent of this section,
5 make exceptions from continuing education requirements for
6 licensees residing in another state or country, or for reasons of
7 health, military service, or other good cause.

8 ~~SEC. 32.~~

9 *SEC. 18.* Section 2815 of the Business and Professions Code
10 is amended to read:

11 2815. Subject to the provisions of Section 128.5, the amount
12 of the fees prescribed by this chapter in connection with the
13 issuance of licenses for registered nurses under its provisions is
14 that fixed by the following schedule:

15 (a) (1) The fee to be paid upon the filing by a graduate of an
16 approved school of nursing in this state of an application for a
17 licensure by examination shall be fixed by the board at not less
18 than three hundred dollars (\$300) nor more than one thousand
19 dollars (\$1,000).

20 (2) The fee to be paid upon the filing by a graduate of a school
21 of nursing in another state, district, or territory of the United States
22 of an application for a licensure by examination shall be fixed by
23 the board at not less than three hundred fifty dollars (\$350) nor
24 more than one thousand dollars (\$1,000).

25 (3) The fee to be paid upon the filing by a graduate of a school
26 of nursing in another country of an application for a licensure by
27 examination shall be fixed by the board at not less than seven
28 hundred fifty dollars (\$750) nor more than one thousand five
29 hundred dollars (\$1,500).

30 (4) The fee to be paid upon the filing of an application for
31 licensure by a repeat examination shall be fixed by the board at
32 not less than two hundred fifty dollars (\$250) and not more than
33 one thousand dollars (\$1,000).

34 (b) The fee to be paid for taking each examination shall be the
35 actual cost to purchase an examination from a vendor approved
36 by the board.

37 (c) (1) The fee to be paid for application by a person who is
38 licensed or registered as a nurse in another state, district, or territory
39 of the United States for licensure by endorsement shall be fixed

1 by the board at not less than three hundred fifty dollars (\$350) nor
2 more than one thousand dollars (\$1,000).

3 (2) The fee to be paid for application by a person who is licensed
4 or registered as a nurse in another country for licensure by
5 endorsement shall be fixed by the board at not less than seven
6 hundred fifty dollars (\$750) nor more than one thousand five
7 hundred dollars (\$1,500).

8 (d) (1) The biennial fee to be paid upon the filing of an
9 application for renewal of the license shall be not less than one
10 hundred eighty dollars (\$180) nor more than seven hundred fifty
11 dollars (\$750). In addition, an assessment of ten dollars (\$10) shall
12 be collected and credited to the Registered Nurse Education Fund,
13 pursuant to Section 2815.1.

14 (2) The fee to be paid upon the filing of an application for
15 reinstatement pursuant to subdivision (b) of Section 2811 shall be
16 not less than three hundred fifty dollars (\$350) nor more than one
17 thousand dollars (\$1,000).

18 (e) The penalty fee for failure to renew a license within the
19 prescribed time shall be fixed by the board at not more than 50
20 percent of the regular renewal fee, but not less than ninety dollars
21 (\$90) nor more than three hundred seventy-five dollars (\$375).

22 (f) The fee to be paid for approval of a continuing education
23 provider shall be fixed by the board at not less than five hundred
24 dollars (\$500) nor more than one thousand dollars (\$1,000).

25 (g) The biennial fee to be paid upon the filing of an application
26 for renewal of provider approval shall be fixed by the board at not
27 less than seven hundred fifty dollars (\$750) nor more than one
28 thousand dollars (\$1,000).

29 (h) The penalty fee for failure to renew provider approval within
30 the prescribed time shall be fixed at not more than 50 percent of
31 the regular renewal fee, but not less than one hundred twenty-five
32 dollars (\$125) nor more than five hundred dollars (\$500).

33 (i) The penalty for submitting insufficient funds or fictitious
34 check, draft or order on any bank or depository for payment of
35 any fee to the board shall be fixed at not less than fifteen dollars
36 (\$15) nor more than thirty dollars (\$30).

37 (j) The fee to be paid for an interim permit shall be fixed by the
38 board at not less than one hundred dollars (\$100) nor more than
39 two hundred fifty dollars (\$250).

1 (k) The fee to be paid for a temporary license shall be fixed by
2 the board at not less than one hundred dollars (\$100) nor more
3 than two hundred fifty dollars (\$250).

4 (l) The fee to be paid for processing endorsement papers to other
5 states shall be fixed by the board at not less than one hundred
6 dollars (\$100) nor more than two hundred dollars (\$200).

7 (m) The fee to be paid for a certified copy of a school transcript
8 shall be fixed by the board at not less than fifty dollars (\$50) nor
9 more than one hundred dollars (\$100).

10 (n) (1) The fee to be paid for a duplicate pocket license shall
11 be fixed by the board at not less than fifty dollars (\$50) nor more
12 than seventy-five dollars (\$75).

13 (2) The fee to be paid for a duplicate wall certificate shall be
14 fixed by the board at not less than sixty dollars (\$60) nor more
15 than one hundred dollars (\$100).

16 (o) (1) The fee to be paid by a registered nurse for an evaluation
17 of his or her qualifications to use the title “nurse practitioner” shall
18 be fixed by the board at not less than five hundred dollars (\$500)
19 nor more than one thousand five hundred dollars (\$1,500).

20 (2) The fee to be paid by a registered nurse for a temporary
21 certificate to practice as a nurse practitioner shall be fixed by the
22 board at not less than one hundred fifty dollars (\$150) nor more
23 than five hundred dollars (\$500).

24 (3) The fee to be paid upon the filing of an application for
25 renewal of a certificate to practice as a nurse practitioner shall be
26 not less than one hundred fifty dollars (\$150) nor more than one
27 thousand dollars (\$1,000).

28 (4) The penalty fee for failure to renew a certificate to practice
29 as a nurse practitioner within the prescribed time shall be not less
30 than seventy-five dollars (\$75) nor more than five hundred dollars
31 (\$500).

32 (p) The fee to be paid by a registered nurse for listing as a
33 “psychiatric mental health nurse” shall be fixed by the board at
34 not less than three hundred fifty dollars (\$350) nor more than seven
35 hundred fifty dollars (\$750).

36 (q) The fee to be paid for duplicate National Council Licensure
37 Examination for registered nurses (NCLEX-RN) examination
38 results shall be not less than sixty dollars (\$60) nor more than one
39 hundred dollars (\$100).

(r) The fee to be paid for a letter certifying a license shall be not less than twenty dollars (\$20) nor more than thirty dollars (\$30).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

~~SEC. 33.~~

SEC. 19. Section 2815.5 of the Business and Professions Code is amended to read:

2815.5. The amount of the fees prescribed by this chapter in connection with the issuance of certificates as nurse-midwives is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a certificate shall be fixed by the board at not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500).

(b) The biennial fee to be paid upon the application for a renewal of a certificate shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000).

(c) The penalty fee for failure to renew a certificate within the prescribed time shall be 50 percent of the renewal fee in effect on the date of the renewal of the license, but not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

(d) The fee to be paid upon the filing of an application for the nurse-midwife equivalency examination shall be fixed by the board at not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200).

(e) The fee to be paid for a temporary certificate shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500).

~~SEC. 34.~~

SEC. 20. Section 2816 of the Business and Professions Code is amended to read:

2816. The nonrefundable fee to be paid by a registered nurse for an evaluation of his or her qualifications to use the title “public health nurse” shall be equal to the fees set out in subdivision (o) of Section 2815. The fee to be paid upon the application for renewal of the certificate to practice as a public health nurse shall be fixed by the board at not less than one hundred twenty-five dollars (\$125) and not more than five hundred dollars (\$500). All

1 fees payable under this section shall be collected by and paid to
2 the Registered Nursing Fund. It is the intention of the Legislature
3 that the costs of carrying out the purposes of this article shall be
4 covered by the revenue collected pursuant to this section.

5 ~~SEC. 35.~~

6 *SEC. 21.* Section 2830.7 of the Business and Professions Code
7 is amended to read:

8 2830.7. The amount of the fees prescribed by this chapter in
9 connection with the issuance of certificates as nurse anesthetists
10 is that fixed by the following schedule:

11 (a) The fee to be paid upon the filing of an application for a
12 certificate shall be fixed by the board at not less than five hundred
13 dollars (\$500) nor more than one thousand five hundred dollars
14 (\$1,500).

15 (b) The biennial fee to be paid upon the application for a renewal
16 of a certificate shall be fixed by the board at not less than one
17 hundred fifty dollars (\$150) nor more than one thousand dollars
18 (\$1,000).

19 (c) The penalty fee for failure to renew a certificate within the
20 prescribed time shall be 50 percent of the renewal fee in effect on
21 the date of the renewal of the license, but not less than seventy-five
22 dollars (\$75) nor more than five hundred dollars (\$500).

23 (d) The fee to be paid for a temporary certificate shall be fixed
24 by the board at not less than one hundred fifty dollars (\$150) nor
25 more than five hundred dollars (\$500).

26 ~~SEC. 36.~~

27 *SEC. 22.* Section 2836.3 of the Business and Professions Code
28 is amended to read:

29 2836.3. (a) The furnishing of drugs or devices by nurse
30 practitioners is conditional on issuance by the board of a number
31 to the nurse applicant who has successfully completed the
32 requirements of subdivision (g) of Section 2836.1. The number
33 shall be included on all transmittals of orders for drugs or devices
34 by the nurse practitioner. The board shall make the list of numbers
35 issued available to the Board of Pharmacy. The board may charge
36 the applicant a fee to cover all necessary costs to implement this
37 section, that shall be not less than four hundred dollars (\$400) nor
38 more than one thousand five hundred dollars (\$1,500) for an initial
39 application, nor less than one hundred fifty dollars (\$150) nor more
40 than one thousand dollars (\$1,000) for an application for renewal.

1 The board may charge a penalty fee for failure to renew a
2 furnishing number within the prescribed time that shall be not less
3 than seventy-five dollars (\$75) nor more than five hundred dollars
4 (\$500).

5 (b) The number shall be renewable at the time of the applicant's
6 registered nurse license renewal.

7 (c) The board may revoke, suspend, or deny issuance of the
8 numbers for incompetence or gross negligence in the performance
9 of functions specified in Sections 2836.1 and 2836.2.

10 ~~SEC. 37.~~

11 *SEC. 23.* Section 2838.2 of the Business and Professions Code
12 is amended to read:

13 2838.2. (a) A clinical nurse specialist is a registered nurse with
14 advanced education, who participates in expert clinical practice,
15 education, research, consultation, and clinical leadership as the
16 major components of his or her role.

17 (b) The board may establish categories of clinical nurse
18 specialists and the standards required to be met for nurses to hold
19 themselves out as clinical nurse specialists in each category. The
20 standards shall take into account the types of advanced levels of
21 nursing practice that are or may be performed and the clinical and
22 didactic education, experience, or both needed to practice safety
23 at those levels. In setting the standards, the board shall consult
24 with clinical nurse specialists, physicians and surgeons appointed
25 by the Medical Board with expertise with clinical nurse specialists,
26 and health care organizations that utilize clinical nurse specialists.

27 (c) A registered nurse who meets one of the following
28 requirements may apply to become a clinical nurse specialist:

29 (1) Possession of a master's degree in a clinical field of nursing.

30 (2) Possession of a master's degree in a clinical field related to
31 nursing with coursework in the components referred to in
32 subdivision (a).

33 (3) On or before July 1, 1998, meets the following requirements:

34 (A) Current licensure as a registered nurse.

35 (B) Performs the role of a clinical nurse specialist as described
36 in subdivision (a).

37 (C) Meets any other criteria established by the board.

38 (d) (1) A nonrefundable fee of not less than five hundred dollars
39 (\$500), but not to exceed one thousand five hundred dollars
40 (\$1,500) shall be paid by a registered nurse applying to be a clinical

1 nurse specialist for the evaluation of his or her qualifications to
2 use the title “clinical nurse specialist.”

3 (2) The fee to be paid for a temporary certificate to practice as
4 a clinical nurse specialist shall be not less than thirty dollars (\$30)
5 nor more than fifty dollars (\$50).

6 (3) A biennial renewal fee shall be paid upon submission of an
7 application to renew the clinical nurse specialist certificate and
8 shall be established by the board at no less than one hundred fifty
9 dollars (\$150) and no more than one thousand dollars (\$1,000).

10 (4) The penalty fee for failure to renew a certificate within the
11 prescribed time shall be 50 percent of the renewal fee in effect on
12 the date of the renewal of the license, but not less than seventy-five
13 dollars (\$75) nor more than five hundred dollars (\$500).

14 (5) The fees authorized by this subdivision shall not exceed the
15 amount necessary to cover the costs to the board to administer this
16 section.

17 ~~SEC. 38.~~

18 *SEC. 24.* Section 4128.2 of the Business and Professions Code
19 is amended to read:

20 4128.2. (a) In addition to the pharmacy license requirement
21 described in Section 4110, a centralized hospital packaging
22 pharmacy shall obtain a specialty license from the board prior to
23 engaging in the functions described in Section 4128.

24 (b) An applicant seeking a specialty license pursuant to this
25 article shall apply to the board on forms established by the board.

26 (c) Before issuing the specialty license, the board shall inspect
27 the pharmacy and ensure that the pharmacy is in compliance with
28 this article and regulations established by the board.

29 (d) A license to perform the functions described in Section 4128
30 may only be issued to a pharmacy that is licensed by the board as
31 a hospital pharmacy.

32 (e) A license issued pursuant to this article shall be renewed
33 annually and is not transferrable.

34 (f) An applicant seeking renewal of a specialty license shall
35 apply to the board on forms established by the board.

36 (g) A license to perform the functions described in Section 4128
37 shall not be renewed until the pharmacy has been inspected by the
38 board and found to be in compliance with this article and
39 regulations established by the board.

(h) Until July 1, 2017, the fee for issuance or annual renewal of a centralized hospital packaging pharmacy license shall be six hundred dollars (\$600) and may be increased by the board to eight hundred dollars (\$800).

SEC. 39. ~~Section 4170 of the Business and Professions Code is amended to read:~~

~~4170. (a) No prescriber shall dispense drugs or dangerous devices to patients in his or her office or place of practice unless all of the following conditions are met:~~

~~(1) The dangerous drugs or dangerous devices are dispensed to the prescriber's own patient, and the drugs or dangerous devices are not furnished by a nurse or physician attendant.~~

~~(2) The dangerous drugs or dangerous devices are necessary in the treatment of the condition for which the prescriber is attending the patient.~~

~~(3) The prescriber does not keep a pharmacy, open shop, or drugstore, advertised or otherwise, for the retailing of dangerous drugs, dangerous devices, or poisons.~~

~~(4) The prescriber fulfills all of the labeling requirements imposed upon pharmacists by Section 4076, all of the recordkeeping requirements of this chapter, and all of the packaging requirements of good pharmaceutical practice, including the use of childproof containers.~~

~~(5) The prescriber does not use a dispensing device unless he or she personally owns the device and the contents of the device, and personally dispenses the dangerous drugs or dangerous devices to the patient packaged, labeled, and recorded in accordance with paragraph (4).~~

~~(6) The prescriber, prior to dispensing, offers to give a written prescription to the patient that the patient may elect to have filled by the prescriber or by any pharmacy.~~

~~(7) The prescriber provides the patient with written disclosure that the patient has a choice between obtaining the prescription from the dispensing prescriber or obtaining the prescription at a pharmacy of the patient's choice.~~

~~(8) A certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, a nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, a physician assistant who functions pursuant to Section 3502.1, or a~~

1 naturopathic doctor who functions pursuant to Section 3640.5,
2 may hand to a patient of the supervising physician and surgeon a
3 properly labeled prescription drug prepackaged by a physician and
4 surgeon, a manufacturer as defined in this chapter, or a pharmacist.

5 (b) ~~The Medical Board of California, the California Board of~~
6 ~~Podiatric Medicine, the State Board of Optometry, the Bureau of~~
7 ~~Naturopathic Medicine, the Dental Board of California, the~~
8 ~~Osteopathic Medical Board of California, the Board of Registered~~
9 ~~Nursing, the Veterinary Medical Board, and the Physician Assistant~~
10 ~~Committee shall have authority with the California State Board of~~
11 ~~Pharmacy to ensure compliance with this section, and those boards~~
12 ~~are specifically charged with the enforcement of this chapter with~~
13 ~~respect to their respective licensees.~~

14 (c) ~~“Prescriber,” as used in this section, means a person, who~~
15 ~~holds a physician’s and surgeon’s certificate, a license to practice~~
16 ~~optometry, a license to practice naturopathic medicine, a license~~
17 ~~to practice dentistry, a license to practice veterinary medicine, or~~
18 ~~a certificate to practice podiatry, and who is duly registered by the~~
19 ~~Medical Board of California, the California Board of Podiatric~~
20 ~~Medicine, the State Board of Optometry, the Bureau of~~
21 ~~Naturopathic Medicine, the Dental Board of California, the~~
22 ~~Veterinary Medical Board, or the Board of Osteopathic Examiners~~
23 ~~of this state.~~

24 ~~SEC. 40. Section 4175 of the Business and Professions Code~~
25 ~~is amended to read:~~

26 ~~4175. (a) The California State Board of Pharmacy shall~~
27 ~~promptly forward to the appropriate licensing entity, including the~~
28 ~~Medical Board of California, the California Board of Podiatric~~
29 ~~Medicine, the Veterinary Medical Board, the Dental Board of~~
30 ~~California, the State Board of Optometry, the Osteopathic Medical~~
31 ~~Board of California, the Board of Registered Nursing, the Bureau~~
32 ~~of Naturopathic Medicine, or the Physician Assistant Committee,~~
33 ~~all complaints received related to dangerous drugs or dangerous~~
34 ~~devices dispensed by a prescriber, certified nurse-midwife, nurse~~
35 ~~practitioner, naturopathic doctor, or physician assistant pursuant~~
36 ~~to Section 4170.~~

37 ~~(b) All complaints involving serious bodily injury due to~~
38 ~~dangerous drugs or dangerous devices dispensed by prescribers,~~
39 ~~certified nurse-midwives, nurse practitioners, naturopathic doctors,~~
40 ~~or physician assistants pursuant to Section 4170 shall be handled~~

1 by the Medical Board of California, the California Board of
2 Podiatric Medicine, the Dental Board of California, the State Board
3 of Optometry, the Osteopathic Medical Board of California, the
4 Bureau of Naturopathic Medicine, the Board of Registered Nursing,
5 the Veterinary Medical Board, or the Physician Assistant
6 Committee as a case of greatest potential harm to a patient.

7 ~~SEC. 41.~~

8 *SEC. 25.* Section 4400 of the Business and Professions Code
9 is amended to read:

10 4400. The amount of fees and penalties prescribed by this
11 chapter, except as otherwise provided, is that fixed by the board
12 according to the following schedule:

13 (a) The fee for a nongovernmental pharmacy license shall be
14 four hundred dollars (\$400) and may be increased to five hundred
15 twenty dollars (\$520). The fee for the issuance of a temporary
16 nongovernmental pharmacy permit shall be two hundred fifty
17 dollars (\$250) and may be increased to three hundred twenty-five
18 dollars (\$325).

19 (b) The fee for a nongovernmental pharmacy license annual
20 renewal shall be two hundred fifty dollars (\$250) and may be
21 increased to three hundred twenty-five dollars (\$325).

22 (c) The fee for the pharmacist application and examination shall
23 be two hundred dollars (\$200) and may be increased to two
24 hundred sixty dollars (\$260).

25 (d) The fee for regrading an examination shall be ninety dollars
26 (\$90) and may be increased to one hundred fifteen dollars (\$115).
27 If an error in grading is found and the applicant passes the
28 examination, the regrading fee shall be refunded.

29 (e) The fee for a pharmacist license and biennial renewal shall
30 be one hundred fifty dollars (\$150) and may be increased to one
31 hundred ninety-five dollars (\$195).

32 (f) The fee for a nongovernmental wholesaler or third-party
33 logistics provider license and annual renewal shall be seven
34 hundred eighty dollars (\$780) and may be decreased to no less
35 than six hundred dollars (\$600). The application fee for any
36 additional location after licensure of the first 20 locations shall be
37 three hundred dollars (\$300) and may be decreased to no less than
38 two hundred twenty-five dollars (\$225). A temporary license fee
39 shall be seven hundred fifteen dollars (\$715) and may be decreased
40 to no less than five hundred fifty dollars (\$550).

(g) The fee for a hypodermic license and renewal shall be one hundred twenty-five dollars (\$125) and may be increased to one hundred sixty-five dollars (\$165).

(h) (1) The fee for application, investigation, and issuance of a license as a designated representative pursuant to Section 4053, or as a designated representative-3PL pursuant to Section 4053.1, shall be three hundred thirty dollars (\$330) and may be decreased to no less than two hundred fifty-five dollars (\$255).

(2) The fee for the annual renewal of a license as a designated representative or designated representative-3PL shall be one hundred ninety-five dollars (\$195) and may be decreased to no less than one hundred fifty dollars (\$150).

(i) (1) The fee for the application, investigation, and issuance of a license as a designated representative for a veterinary food-animal drug retailer pursuant to Section 4053 shall be three hundred thirty dollars (\$330) and may be decreased to no less than two hundred fifty-five dollars (\$255).

(2) The fee for the annual renewal of a license as a designated representative for a veterinary food-animal drug retailer shall be one hundred ninety-five dollars (\$195) and may be decreased to no less than one hundred fifty dollars (\$150).

(j) (1) The application fee for a nonresident wholesaler or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600).

(2) For nonresident wholesalers or third-party logistics providers that have 21 or more facilities operating nationwide the application fees for the first 20 locations shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars (\$300) and may be decreased to no less than two hundred twenty-five dollars (\$225). A temporary license fee shall be seven hundred fifteen dollars (\$715) and may be decreased to no less than five hundred fifty dollars (\$550).

(3) The annual renewal fee for a nonresident wholesaler license or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600).

1 (k) The fee for evaluation of continuing education courses for
2 accreditation shall be set by the board at an amount not to exceed
3 forty dollars (\$40) per course hour.

4 (l) The fee for an intern pharmacist license shall be ninety dollars
5 (\$90) and may be increased to one hundred fifteen dollars (\$115).
6 The fee for transfer of intern hours or verification of licensure to
7 another state shall be twenty-five dollars (\$25) and may be
8 increased to thirty dollars (\$30).

9 (m) The board may waive or refund the additional fee for the
10 issuance of a license where the license is issued less than 45 days
11 before the next regular renewal date.

12 (n) The fee for the reissuance of any license, or renewal thereof,
13 that has been lost or destroyed or reissued due to a name change
14 shall be thirty-five dollars (\$35) and may be increased to forty-five
15 dollars (\$45).

16 (o) The fee for the reissuance of any license, or renewal thereof,
17 that must be reissued because of a change in the information, shall
18 be one hundred dollars (\$100) and may be increased to one hundred
19 thirty dollars (\$130).

20 (p) It is the intent of the Legislature that, in setting fees pursuant
21 to this section, the board shall seek to maintain a reserve in the
22 Pharmacy Board Contingent Fund equal to approximately one
23 year's operating expenditures.

24 (q) The fee for any applicant for a nongovernmental clinic
25 license shall be four hundred dollars (\$400) and may be increased
26 to five hundred twenty dollars (\$520) for each license. The annual
27 fee for renewal of the license shall be two hundred fifty dollars
28 (\$250) and may be increased to three hundred twenty-five dollars
29 (\$325) for each license.

30 (r) The fee for the issuance of a pharmacy technician license
31 shall be eighty dollars (\$80) and may be increased to one hundred
32 five dollars (\$105). The fee for renewal of a pharmacy technician
33 license shall be one hundred dollars (\$100) and may be increased
34 to one hundred thirty dollars (\$130).

35 (s) The fee for a veterinary food-animal drug retailer license
36 shall be four hundred five dollars (\$405) and may be increased to
37 four hundred twenty-five dollars (\$425). The annual renewal fee
38 for a veterinary food-animal drug retailer license shall be two
39 hundred fifty dollars (\$250) and may be increased to three hundred
40 twenty-five dollars (\$325).

1 (t) The fee for issuance of a retired license pursuant to Section
2 4200.5 shall be thirty-five dollars (\$35) and may be increased to
3 forty-five dollars (\$45).

4 (u) The fee for issuance or renewal of a nongovernmental sterile
5 compounding pharmacy license shall be six hundred dollars (\$600)
6 and may be increased to seven hundred eighty dollars (\$780). The
7 fee for a temporary license shall be five hundred fifty dollars (\$550)
8 and may be increased to seven hundred fifteen dollars (\$715).

9 (v) The fee for the issuance or renewal of a nonresident sterile
10 compounding pharmacy license shall be seven hundred eighty
11 dollars (\$780). In addition to paying that application fee, the
12 nonresident sterile compounding pharmacy shall deposit, when
13 submitting the application, a reasonable amount, as determined by
14 the board, necessary to cover the board's estimated cost of
15 performing the inspection required by Section 4127.2. If the
16 required deposit is not submitted with the application, the
17 application shall be deemed to be incomplete. If the actual cost of
18 the inspection exceeds the amount deposited, the board shall
19 provide to the applicant a written invoice for the remaining amount
20 and shall not take action on the application until the full amount
21 has been paid to the board. If the amount deposited exceeds the
22 amount of actual and necessary costs incurred, the board shall
23 remit the difference to the applicant.

24 (w) This section shall become inoperative on July 1, 2017, and
25 as of January 1, 2018, is repealed.

26 ~~SEC. 42.~~

27 *SEC. 26.* Section 4400 is added to the Business and Professions
28 Code, to read:

29 4400. The amount of fees and penalties prescribed by this
30 chapter, except as otherwise provided, is that fixed by the board
31 according to the following schedule:

32 (a) The fee for a nongovernmental pharmacy license shall be
33 five hundred twenty dollars (\$520) and may be increased to five
34 hundred seventy dollars (\$570). The fee for the issuance of a
35 temporary nongovernmental pharmacy permit shall be two hundred
36 fifty dollars (\$250) and may be increased to three hundred
37 twenty-five dollars (\$325).

38 (b) The fee for a nongovernmental pharmacy license annual
39 renewal shall be six hundred sixty-five dollars (\$665) and may be
40 increased to nine hundred thirty dollars (\$930).

1 (c) The fee for the pharmacist application and examination shall
2 be two hundred sixty dollars (\$260) and may be increased to two
3 hundred eighty-five dollars (\$285).

4 (d) The fee for regrading an examination shall be ninety dollars
5 (\$90) and may be increased to one hundred fifteen dollars (\$115).
6 If an error in grading is found and the applicant passes the
7 examination, the regrading fee shall be refunded.

8 (e) The fee for a pharmacist license shall be one hundred
9 ninety-five dollars (\$195) and may be increased to two hundred
10 fifteen dollars (\$215). The fee for a pharmacist biennial renewal
11 shall be three hundred sixty dollars (\$360) and may be increased
12 to five hundred five dollars (\$505).

13 (f) The fee for a nongovernmental wholesaler or third-party
14 logistics provider license and annual renewal shall be seven
15 hundred eighty dollars (\$780) and may be increased to eight
16 hundred twenty dollars (\$820). The application fee for any
17 additional location after licensure of the first 20 locations shall be
18 three hundred dollars (\$300) and may be decreased to no less than
19 two hundred twenty-five dollars (\$225). A temporary license fee
20 shall be seven hundred fifteen dollars (\$715) and may be decreased
21 to no less than five hundred fifty dollars (\$550).

22 (g) The fee for a hypodermic license shall be one hundred
23 seventy dollars (\$170) and may be increased to two hundred forty
24 dollars (\$240). The fee for a hypodermic license renewal shall be
25 two hundred dollars (\$200) and may be increased to two hundred
26 eighty dollars (\$280).

27 (h) (1) The fee for application, investigation, and issuance of
28 a license as a designated representative pursuant to Section 4053,
29 or as a designated representative-3PL pursuant to Section 4053.1,
30 shall be one hundred fifty dollars (\$150) and may be increased to
31 two hundred ten dollars (\$210).

32 (2) The fee for the annual renewal of a license as a designated
33 representative or designated representative-3PL shall be two
34 hundred fifteen dollars (\$215) and may be increased to three
35 hundred dollars (\$300).

36 (i) (1) The fee for the application, investigation, and issuance
37 of a license as a designated representative for a veterinary
38 food-animal drug retailer pursuant to Section 4053 shall be one
39 hundred fifty dollars (\$150) and may be increased to two hundred
40 ten dollars (\$210).

1 (2) The fee for the annual renewal of a license as a designated
2 representative for a veterinary food-animal drug retailer shall be
3 two hundred fifteen dollars (\$215) and may be increased to three
4 hundred dollars (\$300).

5 (j) (1) The application fee for a nonresident wholesaler or
6 third-party logistics provider license issued pursuant to Section
7 4161 shall be seven hundred eighty dollars (\$780) and may be
8 increased to eight hundred twenty dollars (\$820).

9 (2) For nonresident wholesalers or third-party logistics providers
10 that have 21 or more facilities operating nationwide the application
11 fees for the first 20 locations shall be seven hundred eighty dollars
12 (\$780) and may be increased to eight hundred twenty dollars
13 (\$820). The application fee for any additional location after
14 licensure of the first 20 locations shall be three hundred dollars
15 (\$300) and may be decreased to no less than two hundred
16 twenty-five dollars (\$225). A temporary license fee shall be seven
17 hundred fifteen dollars (\$715) and may be decreased to no less
18 than five hundred fifty dollars (\$550).

19 (3) The annual renewal fee for a nonresident wholesaler license
20 or third-party logistics provider license issued pursuant to Section
21 4161 shall be seven hundred eighty dollars (\$780) and may be
22 increased to eight hundred twenty dollars (\$820).

23 (k) The fee for evaluation of continuing education courses for
24 accreditation shall be set by the board at an amount not to exceed
25 forty dollars (\$40) per course hour.

26 (l) The fee for an intern pharmacist license shall be one hundred
27 sixty-five dollars (\$165) and may be increased to two hundred
28 thirty dollars (\$230). The fee for transfer of intern hours or
29 verification of licensure to another state shall be twenty-five dollars
30 (\$25) and may be increased to thirty dollars (\$30).

31 (m) The board may waive or refund the additional fee for the
32 issuance of a license where the license is issued less than 45 days
33 before the next regular renewal date.

34 (n) The fee for the reissuance of any license, or renewal thereof,
35 that has been lost or destroyed or reissued due to a name change
36 shall be thirty-five dollars (\$35) and may be increased to forty-five
37 dollars (\$45).

38 (o) The fee for the reissuance of any license, or renewal thereof,
39 that must be reissued because of a change in the information, shall

1 be one hundred dollars (\$100) and may be increased to one hundred
2 thirty dollars (\$130).

3 (p) It is the intent of the Legislature that, in setting fees pursuant
4 to this section, the board shall seek to maintain a reserve in the
5 Pharmacy Board Contingent Fund equal to approximately one
6 year's operating expenditures.

7 (q) The fee for any applicant for a nongovernmental clinic
8 license shall be five hundred twenty dollars (\$520) for each license
9 and may be increased to five hundred seventy dollars (\$570). The
10 annual fee for renewal of the license shall be three hundred
11 twenty-five dollars (\$325) for each license and may be increased
12 to three hundred sixty dollars (\$360).

13 (r) The fee for the issuance of a pharmacy technician license
14 shall be one hundred forty dollars (\$140) and may be increased to
15 one hundred ninety-five dollars (\$195). The fee for renewal of a
16 pharmacy technician license shall be one hundred forty dollars
17 (\$140) and may be increased to one hundred ninety-five dollars
18 (\$195).

19 (s) The fee for a veterinary food-animal drug retailer license
20 shall be four hundred thirty-five dollars (\$435) and may be
21 increased to six hundred ten dollars (\$610). The annual renewal
22 fee for a veterinary food-animal drug retailer license shall be three
23 hundred thirty dollars (\$330) and may be increased to four hundred
24 sixty dollars (\$460).

25 (t) The fee for issuance of a retired license pursuant to Section
26 4200.5 shall be thirty-five dollars (\$35) and may be increased to
27 forty-five dollars (\$45).

28 (u) The fee for issuance of a nongovernmental sterile
29 compounding pharmacy license shall be one thousand six hundred
30 forty-five dollars (\$1,645) and may be increased to two thousand
31 three hundred five dollars (\$2,305). The fee for a temporary license
32 shall be five hundred fifty dollars (\$550) and may be increased to
33 seven hundred fifteen dollars (\$715). The annual renewal fee of
34 the license shall be one thousand three hundred twenty-five dollars
35 (\$1,325) and may be increased to one thousand eight hundred
36 fifty-five dollars (\$1,855).

37 (v) The fee for the issuance of a nonresident sterile compounding
38 pharmacy license shall be two thousand three hundred eighty
39 dollars (\$2,380) and may be increased to three thousand three
40 hundred thirty-five dollars (\$3,335). The annual renewal of the

license shall be two thousand two hundred seventy dollars (\$2,270) and may be increased to three thousand one hundred eighty dollars (\$3,180). In addition to paying that application fee, the nonresident sterile compounding pharmacy shall deposit, when submitting the application, a reasonable amount, as determined by the board, necessary to cover the board's estimated cost of performing the inspection required by Section 4127.2. If the required deposit is not submitted with the application, the application shall be deemed to be incomplete. If the actual cost of the inspection exceeds the amount deposited, the board shall provide to the applicant a written invoice for the remaining amount and shall not take action on the application until the full amount has been paid to the board. If the amount deposited exceeds the amount of actual and necessary costs incurred, the board shall remit the difference to the applicant.

(w) The fee for the issuance of a centralized hospital packaging license shall be eight hundred twenty dollars (\$820) and may be increased to one thousand one hundred fifty dollars (\$1,150). The annual renewal of the license shall be eight hundred five dollars (\$805) and may be increased to one thousand one hundred twenty-five dollars (\$1,125).

(x) This section shall become operative on July 1, 2017.

~~SEC. 43.~~

SEC. 27. Section 4830 of the Business and Professions Code is amended to read:

4830. (a) This chapter does not apply to:

(1) Veterinarians while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.

(2) Veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case. The California licensed veterinarian shall maintain a valid veterinarian-client-patient relationship. The veterinarian providing the assistance shall not establish a veterinarian-client-patient relationship with the client by attending the case or at a future time and shall not practice veterinary medicine, open an office, appoint a place to meet patients, communicate with clients who reside within the limits of this state, give orders, or have ultimate authority

1 over the care or primary diagnosis of a patient that is located within
2 this state.

3 (3) Veterinarians called into the state by a law enforcement
4 agency or animal control agency pursuant to subdivision (b).

5 (4) Veterinarians employed by the University of California
6 while engaged in the performance of duties in connection with the
7 College of Agriculture, the Agricultural Experiment Station, the
8 School of Veterinary Medicine, or the agricultural extension work
9 of the university or employed by the Western University of Health
10 Sciences while engaged in the performance of duties in connection
11 with the College of Veterinary Medicine or the agricultural
12 extension work of the university.

13 (5) Students in the School of Veterinary Medicine of the
14 University of California or the College of Veterinary Medicine of
15 the Western University of Health Sciences who participate in
16 diagnosis and treatment as part of their educational experience,
17 including those in off-campus educational programs under the
18 direct supervision of a licensed veterinarian in good standing, as
19 defined in paragraph (1) of subdivision (b) of Section 4848,
20 appointed by the University of California, Davis, or the Western
21 University of Health Sciences.

22 (6) A veterinarian who is employed by the Meat and Poultry
23 Inspection Branch of the California Department of Food and
24 Agriculture while actually engaged and employed in his or her
25 official capacity. A person exempt under this paragraph shall not
26 otherwise engage in the practice of veterinary medicine unless he
27 or she is issued a license by the board.

28 (7) Unlicensed personnel employed by the Department of Food
29 and Agriculture or the United States Department of Agriculture
30 when in the course of their duties they are directed by a veterinarian
31 supervisor to conduct an examination, obtain biological specimens,
32 apply biological tests, or administer medications or biological
33 products as part of government disease or condition monitoring,
34 investigation, control, or eradication activities.

35 (b) (1) For purposes of paragraph (3) of subdivision (a), a
36 regularly licensed veterinarian in good standing who is called from
37 another state by a law enforcement agency or animal control
38 agency, as defined in Section 31606 of the Food and Agricultural
39 Code, to attend to cases that are a part of an investigation of an
40 alleged violation of federal or state animal fighting or animal

1 cruelty laws within a single geographic location shall be exempt
2 from the licensing requirements of this chapter if the law
3 enforcement agency or animal control agency determines that it
4 is necessary to call the veterinarian in order for the agency or
5 officer to conduct the investigation in a timely, efficient, and
6 effective manner. In determining whether it is necessary to call a
7 veterinarian from another state, consideration shall be given to the
8 availability of veterinarians in this state to attend to these cases.
9 An agency, department, or officer that calls a veterinarian pursuant
10 to this subdivision shall notify the board of the investigation.

11 (2) Notwithstanding any other provision of this chapter, a
12 regularly licensed veterinarian in good standing who is called from
13 another state to attend to cases that are a part of an investigation
14 described in paragraph (1) may provide veterinary medical care
15 for animals that are affected by the investigation with a temporary
16 shelter facility, and the temporary shelter facility shall be exempt
17 from the registration requirement of Section 4853 if all of the
18 following conditions are met:

19 (A) The temporary shelter facility is established only for the
20 purpose of the investigation.

21 (B) The temporary shelter facility provides veterinary medical
22 care, shelter, food, and water only to animals that are affected by
23 the investigation.

24 (C) The temporary shelter facility complies with Section 4854.

25 (D) The temporary shelter facility exists for not more than 60
26 days, unless the law enforcement agency or animal control agency
27 determines that a longer period of time is necessary to complete
28 the investigation.

29 (E) Within 30 calendar days upon completion of the provision
30 of veterinary health care services at a temporary shelter facility
31 established pursuant to this section, the veterinarian called from
32 another state by a law enforcement agency or animal control agency
33 to attend to a case shall file a report with the board. The report
34 shall contain the date, place, type, and general description of the
35 care provided, along with a listing of the veterinary health care
36 practitioners who participated in providing that care.

37 (c) For purposes of paragraph (3) of subdivision (a), the board
38 may inspect temporary facilities established pursuant to this
39 section.

1 ~~SEC. 44.~~

2 *SEC. 28.* Section 4999 of the Business and Professions Code
3 is amended to read:

4 4999. “Telephone medical advice service” means any business
5 entity that employs, or contracts or subcontracts, directly or
6 indirectly, with, the full-time equivalent of five or more persons
7 functioning as health care professionals, whose primary function
8 is to provide telephone medical advice, that provides telephone
9 medical advice services to a patient at a California address.
10 “Telephone medical advice service” does not include a medical
11 group that operates in multiple locations in California if no more
12 than five full-time equivalent persons at any one location perform
13 telephone medical advice services and those persons limit the
14 telephone medical advice services to patients being treated at that
15 location.

16 ~~SEC. 45.~~

17 *SEC. 29.* Section 4999.1 of the Business and Professions Code
18 is repealed.

19 ~~SEC. 46.~~

20 *SEC. 30.* Section 4999.2 of the Business and Professions Code
21 is amended to read:

22 4999.2. A telephone medical advice service shall be responsible
23 for complying with the following requirements:

24 (a) (1) Ensuring that all health care professionals who provide
25 medical advice services are appropriately licensed, certified, or
26 registered as a physician and surgeon pursuant to Chapter 5
27 (commencing with Section 2000) or the Osteopathic Initiative Act,
28 as a dentist, dental hygienist, dental hygienist in alternative
29 practice, or dental hygienist in extended functions pursuant to
30 Chapter 4 (commencing with Section 1600), as an occupational
31 therapist pursuant to Chapter 5.6 (commencing with Section 2570),
32 as a registered nurse pursuant to Chapter 6 (commencing with
33 Section 2700), as a psychologist pursuant to Chapter 6.6
34 (commencing with Section 2900), as a naturopathic doctor pursuant
35 to Chapter 8.2 (commencing with Section 3610), as a marriage
36 and family therapist pursuant to Chapter 13 (commencing with
37 Section 4980), as a licensed clinical social worker pursuant to
38 Chapter 14 (commencing with Section 4991), as a licensed
39 professional clinical counselor pursuant to Chapter 16
40 (commencing with Section 4999.10), as an optometrist pursuant

1 to Chapter 7 (commencing with Section 3000), or as a chiropractor
2 pursuant to the Chiropractic Initiative Act, and operating consistent
3 with the laws governing their respective scopes of practice in the
4 state within which they provide telephone medical advice services,
5 except as provided in subdivision (b).

6 (2) Ensuring that all health care professionals who provide
7 telephone medical advice services from an out-of-state location,
8 as identified in paragraph (1), are licensed, registered, or certified
9 in the state within which they are providing the telephone medical
10 advice services and are operating consistent with the laws
11 governing their respective scopes of practice.

12 (b) Ensuring that the telephone medical advice provided is
13 consistent with good professional practice.

14 (c) Maintaining records of telephone medical advice services,
15 including records of complaints, provided to patients in California
16 for a period of at least five years.

17 (d) Ensuring that no staff member uses a title or designation
18 when speaking to an enrollee, subscriber, or consumer that may
19 cause a reasonable person to believe that the staff member is a
20 licensed, certified, or registered health care professional described
21 in paragraph (1) of subdivision (a), unless the staff member is a
22 licensed, certified, or registered professional.

23 (e) Complying with all directions and requests for information
24 made by the department.

25 (f) Notifying the department within 30 days of any change of
26 name, physical location, mailing address, or telephone number of
27 any business, owner, partner, corporate officer, or agent for service
28 of process in California, together with copies of all resolutions or
29 other written communications that substantiate these changes.

30 ~~SEC. 47.~~

31 *SEC. 31.* Section 4999.3 of the Business and Professions Code
32 is repealed.

33 ~~SEC. 48.~~

34 *SEC. 32.* Section 4999.4 of the Business and Professions Code
35 is repealed.

36 ~~SEC. 49.~~

37 *SEC. 33.* Section 4999.5 of the Business and Professions Code
38 is repealed.

1 ~~SEC. 50.~~

2 ~~SEC. 34.~~ Section 4999.5 is added to the Business and
3 Professions Code, to read:

4 4999.5. The respective healing arts licensing boards shall be
5 responsible for enforcing this chapter and any other laws and
6 regulations affecting California licensed health care professionals
7 providing telephone medical advice services.

8 ~~SEC. 51.~~

9 ~~SEC. 35.~~ Section 4999.6 of the Business and Professions Code
10 is repealed.

11 ~~SEC. 52.~~

12 ~~SEC. 36.~~ Section 7137 of the Business and Professions Code
13 is amended to read:

14 7137. The board shall set fees by regulation. These fees shall
15 not exceed the following schedule:

16 (a) The application fee for an original license in a single
17 classification shall not be more than three hundred dollars (\$300).

18 The application fee for each additional classification applied for
19 in connection with an original license shall not be more than
20 seventy-five dollars (\$75).

21 The application fee for each additional classification pursuant
22 to Section 7059 shall not be more than seventy-five dollars (\$75).

23 The application fee to replace a responsible managing officer,
24 responsible managing manager, responsible managing member,
25 or responsible managing employee pursuant to Section 7068.2
26 shall not be more than seventy-five dollars (\$75).

27 (b) The fee for rescheduling an examination for an applicant
28 who has applied for an original license, additional classification,
29 a change of responsible managing officer, responsible managing
30 manager, responsible managing member, or responsible managing
31 employee, or for an asbestos certification or hazardous substance
32 removal certification, shall not be more than sixty dollars (\$60).

33 (c) The fee for scheduling or rescheduling an examination for
34 a licensee who is required to take the examination as a condition
35 of probation shall not be more than sixty dollars (\$60).

36 (d) The initial license fee for an active or inactive license shall
37 not be more than one hundred eighty dollars (\$180).

38 (e) The renewal fee for an active license shall not be more than
39 three hundred sixty dollars (\$360).

1 The renewal fee for an inactive license shall not be more than
2 one hundred eighty dollars (\$180).

3 (f) The delinquency fee is an amount equal to 50 percent of the
4 renewal fee, if the license is renewed after its expiration.

5 (g) The registration fee for a home improvement salesperson
6 shall not be more than seventy-five dollars (\$75).

7 (h) The renewal fee for a home improvement salesperson
8 registration shall not be more than seventy-five dollars (\$75).

9 (i) The application fee for an asbestos certification examination
10 shall not be more than seventy-five dollars (\$75).

11 (j) The application fee for a hazardous substance removal or
12 remedial action certification examination shall not be more than
13 seventy-five dollars (\$75).

14 (k) In addition to any other fees charged to C-10 and C-7
15 contractors, the board may charge a fee not to exceed twenty dollars
16 (\$20), which shall be used by the board to enforce provisions of
17 the Labor Code related to electrician certification.

18 (l) This section shall become inoperative on July 1, 2017, and
19 as of January 1, 2018, is repealed.

20 ~~SEC. 53.~~

21 *SEC. 37.* Section 7137 is added to the Business and Professions
22 Code, to read:

23 7137. The board may set fees by regulation. These fees shall
24 be set according to the following schedule:

25 (a) (1) The application fee for an original license in a single
26 classification shall be three hundred thirty dollars (\$330) and may
27 be increased to not more than three hundred seventy-five dollars
28 (\$375).

29 (2) The application fee for each additional classification applied
30 for in connection with an original license shall not be more than
31 eighty-five dollars (\$85).

32 (3) The application fee for each additional classification pursuant
33 to Section 7059 shall be one hundred fifty dollars (\$150) and may
34 be increased to not more than one hundred seventy-five dollars
35 (\$175).

36 (4) The application fee to replace a responsible managing officer,
37 responsible managing manager, responsible managing member,
38 or responsible managing employee pursuant to Section 7068.2
39 shall be one hundred fifty dollars (\$150) and may be increased to
40 not more than one hundred seventy-five dollars (\$175).

1 (5) The application fee to add personnel, other than a qualifying
2 individual, to an existing license shall be one hundred dollars
3 (\$100) and may be increased to not more than one hundred fifteen
4 dollars (\$115).

5 (b) The fee for rescheduling an examination for an applicant
6 who has applied for an original license, additional classification,
7 a change of responsible managing officer, responsible managing
8 manager, responsible managing member, or responsible managing
9 employee, or for an asbestos certification or hazardous substance
10 removal certification, shall not be more than seventy dollars (\$70).

11 (c) The fee for scheduling or rescheduling an examination for
12 a licensee who is required to take the examination as a condition
13 of probation shall not be more than seventy dollars (\$70).

14 (d) The initial license fee for an active or inactive license shall
15 be two hundred dollars (\$200) and may be increased to not more
16 than two hundred twenty-five dollars (\$225).

17 (e) (1) The renewal fee for an active license shall be four
18 hundred dollars (\$400) and may be increased to not more than four
19 hundred fifty dollars (\$450).

20 (2) The renewal fee for an inactive license shall be two hundred
21 dollars (\$200) and may be increased to not more than two hundred
22 twenty-five dollars (\$225).

23 (f) The delinquency fee is an amount equal to 50 percent of the
24 renewal fee, if the license is renewed after its expiration.

25 (g) The registration fee for a home improvement salesperson
26 shall be eighty-three dollars (\$83) and may be increased to not
27 more than ninety-five dollars (\$95).

28 (h) The renewal fee for a home improvement salesperson
29 registration shall be eighty-three dollars (\$83) and may be increased
30 to not more than ninety-five dollars (\$95).

31 (i) The application fee for an asbestos certification examination
32 shall be eighty-three dollars (\$83) and may be increased to not
33 more than ninety-five dollars (\$95).

34 (j) The application fee for a hazardous substance removal or
35 remedial action certification examination shall be eighty-three
36 dollars (\$83) and may be increased to not more than ninety-five
37 dollars (\$95).

38 (k) In addition to any other fees charged to C-10 and C-7
39 contractors, the board may charge a fee not to exceed twenty dollars

1 (\$20), which shall be used by the board to enforce provisions of
2 the Labor Code related to electrician certification.

3 (l) The board shall, by regulation, establish criteria for the
4 approval of expedited processing of applications. Approved
5 expedited processing of applications for licensure or registration,
6 as required by other provisions of law, shall not be subject to this
7 subdivision.

8 (m) This section shall become operative on July 1, 2017.

9 ~~SEC. 54.~~

10 *SEC. 38.* Section 7153.3 of the Business and Professions Code
11 is amended to read:

12 7153.3. (a) To renew a home improvement salesperson
13 registration, which has not expired, the registrant shall before the
14 time at which the registration would otherwise expire, apply for
15 renewal on a form prescribed by the registrar and pay a renewal
16 fee prescribed by this chapter. Renewal of an unexpired registration
17 shall continue the registration in effect for the two-year period
18 following the expiration date of the registration, when it shall
19 expire if it is not again renewed.

20 (b) An application for renewal of registration is delinquent if
21 the application is not postmarked or received via electronic
22 transmission as authorized by Section 7156.6 by the date on which
23 the registration would otherwise expire. A registration may,
24 however, still be renewed at any time within three years after its
25 expiration upon the filing of an application for renewal on a form
26 prescribed by the registrar and the payment of the renewal fee
27 prescribed by this chapter and a delinquent renewal penalty in the
28 amount of twenty-five dollars (\$25). If a registration is not renewed
29 within three years, the person shall make a new application for
30 registration pursuant to Section 7153.1.

31 (c) The registrar may refuse to renew a registration for failure
32 by the registrant to complete the application for renewal of
33 registration. If a registrant fails to return the application rejected
34 for insufficiency or incompleteness within 90 days from the
35 original date of rejection, the application and fee shall be deemed
36 abandoned. Any application abandoned may not be reinstated.
37 However, the person may file a new application for registration
38 pursuant to Section 7153.1.

39 The registrar may review and accept the petition of a person who
40 disputes the abandonment of his or her renewal application upon

1 a showing of good cause. This petition shall be received within 90
2 days of the date the application for renewal is deemed abandoned.

3 (d) This section shall become inoperative on July 1, 2017, and
4 as of January 1, 2018, is repealed.

5 ~~SEC. 55.~~

6 *SEC. 39.* Section 7153.3 is added to the Business and
7 Professions Code, to read:

8 7153.3. (a) To renew a home improvement salesperson
9 registration, which has not expired, the registrant shall before the
10 time at which the registration would otherwise expire, apply for
11 renewal on a form prescribed by the registrar and pay a renewal
12 fee prescribed by this chapter. Renewal of an unexpired registration
13 shall continue the registration in effect for the two-year period
14 following the expiration date of the registration, when it shall
15 expire if it is not again renewed.

16 (b) An application for renewal of registration is delinquent if
17 the application is not postmarked or received via electronic
18 transmission as authorized by Section 7156.6 by the date on which
19 the registration would otherwise expire. A registration may,
20 however, still be renewed at any time within three years after its
21 expiration upon the filing of an application for renewal on a form
22 prescribed by the registrar and the payment of the renewal fee
23 prescribed by this chapter and a delinquent renewal penalty equal
24 to 50 percent of the renewal fee. If a registration is not renewed
25 within three years, the person shall make a new application for
26 registration pursuant to Section 7153.1.

27 (c) (1) The registrar may refuse to renew a registration for
28 failure by the registrant to complete the application for renewal of
29 registration. If a registrant fails to return the application rejected
30 for insufficiency or incompleteness within 90 days from the
31 original date of rejection, the application and fee shall be deemed
32 abandoned. Any application abandoned may not be reinstated.
33 However, the person may file a new application for registration
34 pursuant to Section 7153.1.

35 (2) The registrar may review and accept the petition of a person
36 who disputes the abandonment of his or her renewal application
37 upon a showing of good cause. This petition shall be received
38 within 90 days of the date the application for renewal is deemed
39 abandoned.

40 (d) This section shall become operative on July 1, 2017.

~~SEC. 56.~~

SEC. 40. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms.

(b) A registered company or licensee shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator employed by a registered company, except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500). The address of an inspection report prepared for use by an attorney for litigation purposes shall not be required to be reported to the board and shall not be assessed a filing fee.

A written inspection report conforming to this section and a form approved by the board shall be prepared and delivered to the person requesting the inspection and the property owner, or to the property owner's designated agent, within 10 business days from the start of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board or the property owner. An inspection report may be a complete, limited, supplemental, or reinspection report, as defined by Section 1993 of Title 16 of the California Code of Regulations. The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all inspection reports, field notes, and activity forms.

Reports shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. All inspection reports or

1 copies thereof shall be submitted to the board upon demand within
2 two business days. The following shall be set forth in the report:

3 (1) The start date of the inspection and the name of the licensed
4 field representative or operator making the inspection.

5 (2) The name and address of the person or firm ordering the
6 report.

7 (3) The name and address of the property owner and any person
8 who is a party in interest.

9 (4) The address or location of the property.

10 (5) A general description of the building or premises inspected.

11 (6) A foundation diagram or sketch of the structure or structures
12 or portions of the structure or structures inspected, including the
13 approximate location of any infested or infected areas evident, and
14 the parts of the structure where conditions that would ordinarily
15 subject those parts to attack by wood destroying pests or organisms
16 exist. Reporting of the infested or infected wood members, or parts
17 of the structure identified, shall be listed in the inspection report
18 to clearly identify them, as is typical in standard construction
19 components, including, but not limited to, siding, studs, rafters,
20 floor joists, fascia, subfloor, sheathing, and trim boards.

21 (7) Information regarding the substructure, foundation walls
22 and footings, porches, patios and steps, air vents, abutments, attic
23 spaces, roof framing that includes the eaves, rafters, fascias,
24 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
25 or other parts subject to attack by wood destroying pests or
26 organisms. Conditions usually deemed likely to lead to infestation
27 or infection, such as earth-wood contacts, excessive cellulose
28 debris, faulty grade levels, excessive moisture conditions, evidence
29 of roof leaks, and insufficient ventilation are to be reported.

30 (8) One of the following statements, as appropriate, printed in
31 bold type:

32 (A) The exterior surface of the roof was not inspected. If you
33 want the water tightness of the roof determined, you should contact
34 a roofing contractor who is licensed by the Contractors' State
35 License Board.

36 (B) The exterior surface of the roof was inspected to determine
37 whether or not wood destroying pests or organisms are present.

38 (9) Indication or description of any areas that are inaccessible
39 or not inspected with recommendation for further inspection if
40 practicable. If, after the report has been made in compliance with

1 this section, authority is given later to open inaccessible areas, a
2 supplemental report on conditions in these areas shall be made.

3 (10) Recommendations for corrective measures.

4 (11) Information regarding the pesticide or pesticides to be used
5 for their control or prevention as set forth in subdivision (a) of
6 Section 8538.

7 (12) The inspection report shall clearly disclose that if requested
8 by the person ordering the original report, a reinspection of the
9 structure will be performed if an estimate or bid for making repairs
10 was given with the original inspection report, or thereafter.

11 An estimate or bid shall be given separately allocating the costs
12 to perform each and every recommendation for corrective measures
13 as specified in subdivision (c) with the original inspection report
14 if the person who ordered the original inspection report so requests,
15 and if the registered company is regularly in the business of
16 performing each corrective measure.

17 If no estimate or bid was given with the original inspection
18 report, or thereafter, then the registered company shall not be
19 required to perform a reinspection.

20 A reinspection shall be an inspection of those items previously
21 listed on an original report to determine if the recommendations
22 have been completed. Each reinspection shall be reported on an
23 original inspection report form and shall be labeled "Reinspection."
24 Each reinspection shall also identify the original report by date.

25 After four months from an original inspection, all inspections
26 shall be original inspections and not reinspections.

27 Any reinspection shall be performed for not more than the price
28 of the registered company's original inspection price and shall be
29 completed within 10 business days after a reinspection has been
30 ordered.

31 (13) The inspection report shall contain the following statement,
32 printed in boldface type:

33
34 "NOTICE: Reports on this structure prepared by various
35 registered companies should list the same findings (i.e. termite
36 infestations, termite damage, fungus damage, etc.). However,
37 recommendations to correct these findings may vary from company
38 to company. You have a right to seek a second opinion from
39 another company."
40

(c) At the time a report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separate report is available pursuant to this subdivision. If a separate report is requested at the time the inspection report is ordered, the registered company or licensee shall separately identify on the report each recommendation for corrective measures as follows:

(1) The infestation or infection that is evident.

(2) The conditions that are present that are deemed likely to lead to infestation or infection.

If a registered company or licensee fails to inform as required by this subdivision and a dispute arises, or if any other dispute arises as to whether this subdivision has been complied with, a separate report shall be provided within 24 hours of the request but, in no event, later than the next business day, and at no additional cost.

(d) When a corrective condition is identified, either as paragraph (1) or (2) of subdivision (c), and the property owner or the property owner's designated agent chooses not to correct those conditions, the registered company or licensee shall not be liable for damages resulting from a failure to correct those conditions or subject to any disciplinary action by the board. Nothing in this subdivision, however, shall relieve a registered company or a licensee of any liability resulting from negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or contractual obligations between the registered company or licensee and the responsible parties.

(e) The inspection report form prescribed by the board shall separately identify the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection. If a separate form is requested, the form shall explain the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection and the difference between those conditions. In no event, however, shall conditions deemed likely to lead to infestation or infection be characterized as actual "defects" or as actual "active" infestations or infections or in need of correction as a precondition to issuing a certification pursuant to Section 8519.

1 (f) The report and any contract entered into shall also state
2 specifically when any guarantee for the work is made, and if so,
3 the specific terms of the guarantee and the period of time for which
4 the guarantee shall be in effect. If a guarantee extends beyond three
5 years, the registered company shall maintain all original inspection
6 reports, field notes, activity forms, and notices of completion for
7 the duration of the guarantee period and for one year after the
8 guarantee expires.

9 (g) For purposes of this section, “control service agreement”
10 means an agreement, including extended warranties, to have a
11 licensee conduct over a period of time regular inspections and
12 other activities related to the control or eradication of wood
13 destroying pests and organisms. Under a control service agreement
14 a registered company shall refer to the original report and contract
15 in a manner as to identify them clearly, and the report shall be
16 assumed to be a true report of conditions as originally issued,
17 except it may be modified after a control service inspection. A
18 registered company is not required to issue a report as outlined in
19 paragraphs (1) to (11), inclusive, of subdivision (b) after each
20 control service inspection. If after control service inspection, no
21 modification of the original report is made in writing, then it will
22 be assumed that conditions are as originally reported. A control
23 service contract shall state specifically the particular wood
24 destroying pests or organisms and the portions of the buildings or
25 structures covered by the contract.

26 (h) A registered company or licensee may enter into and
27 maintain a control service agreement provided the following
28 requirements are met:

29 (1) The control service agreement shall be in writing, signed by
30 both parties, and shall specifically include the following:

31 (A) The wood destroying pests and organisms covered by the
32 control service agreement.

33 (B) Any wood destroying pest or organism that is not covered
34 must be specifically listed.

35 (C) The type and manner of treatment to be used to correct the
36 infestations or infections.

37 (D) The structures or buildings, or portions thereof, covered by
38 the agreement, including a statement specifying whether the
39 coverage for purposes of periodic inspections is limited or full.

1 Any exclusions from those described in the original report must
2 be specifically listed.

3 (E) A reference to the original inspection report.

4 (F) The frequency of the inspections to be provided, the fee to
5 be charged for each renewal, and the duration of the agreement.

6 (G) Whether the fee includes structural repairs.

7 (H) If the services provided are guaranteed, and, if so, the terms
8 of the guarantee.

9 (I) A statement that all corrections of infestations or infections
10 covered by the control service agreement shall be completed within
11 six months of discovery, unless otherwise agreed to in writing by
12 both parties.

13 (2) The original inspection report, the control service agreement,
14 and completion report shall be maintained for three years after the
15 cancellation of the control service agreement.

16 (3) Inspections made pursuant to a control service agreement
17 shall be conducted by a Branch 3 licensee. Section 8506.1 does
18 not modify this provision.

19 (4) A full inspection of the property covered by the control
20 service agreement shall be conducted and a report filed pursuant
21 to subdivision (b) at least once every three years from the date that
22 the agreement was entered into, unless the consumer cancels the
23 contract within three years from the date the agreement was entered
24 into.

25 (5) Under a control service agreement, a written report shall be
26 required for the correction of any infestation or infection unless
27 all of the following conditions are met:

28 (A) The infestation or infection has been previously reported.

29 (B) The infestation or infection is covered by the control service
30 agreement.

31 (C) There is no additional charge for correcting the infestation
32 or infection.

33 (D) Correction of the infestation or infection takes place within
34 45 days of its discovery.

35 (E) Correction of the infestation or infection does not include
36 fumigation.

37 (6) All notice requirements pursuant to Section 8538 shall apply
38 to all pesticide treatments conducted under control service
39 agreements.

1 (i) All work recommended by a registered company, where an
2 estimate or bid for making repairs was given with the original
3 inspection report, or thereafter, shall be recorded on this report or
4 a separate work agreement and shall specify a price for each
5 recommendation. This information shall be provided to the person
6 requesting the inspection, and shall be retained by the registered
7 company with the inspection report copy for three years.

8 ~~SEC. 57.~~

9 *SEC. 41.* Section 8518 of the Business and Professions Code
10 is amended to read:

11 8518. (a) When a registered company completes work under
12 a contract, it shall prepare, on a form prescribed by the board, a
13 notice of work completed and not completed, and shall furnish
14 that notice to the owner of the property or the owner's agent within
15 10 business days after completing the work. The notice shall
16 include a statement of the cost of the completed work and estimated
17 cost of work not completed.

18 (b) The address of each property inspected or upon which work
19 was completed shall be reported on a form prescribed by the board
20 and shall be filed with the board no later than 10 business days
21 after completed work.

22 (c) A filing fee shall be assessed pursuant to Section 8674 for
23 every property upon which work is completed.

24 (d) Failure of a registered company to report and file with the
25 board the address of any property upon which work was completed
26 pursuant to subdivision (b) of Section 8516 or this section is
27 grounds for disciplinary action and shall subject the registered
28 company to a fine of not more than two thousand five hundred
29 dollars (\$2,500).

30 (e) The registered company shall retain for three years all
31 original notices of work completed, work not completed, and
32 activity forms.

33 (f) Notices of work completed and not completed shall be made
34 available for inspection and reproduction to the executive officer
35 of the board or his or her duly authorized representative during
36 business hours. Original notices of work completed or not
37 completed or copies thereof shall be submitted to the board upon
38 request within two business days.

39 (g) This section shall only apply to work relating to wood
40 destroying pests or organisms.

1 SEC. 58.— Section 13401 of the Corporations Code is amended
2 to read:

3 13401. As used in this part:

4 (a) “Professional services” means any type of professional
5 services that may be lawfully rendered only pursuant to a license,
6 certification, or registration authorized by the Business and
7 Professions Code, the Chiropractic Act, or the Osteopathic Act.

8 (b) “Professional corporation” means a corporation organized
9 under the General Corporation Law or pursuant to subdivision (b)
10 of Section 13406 that is engaged in rendering professional services
11 in a single profession, except as otherwise authorized in Section
12 13401.5, pursuant to a certificate of registration issued by the
13 governmental agency regulating the profession as herein provided
14 and that in its practice or business designates itself as a professional
15 or other corporation as may be required by statute. However, any
16 professional corporation or foreign professional corporation
17 rendering professional services by persons duly licensed by the
18 Medical Board of California, the California Board of Podiatric
19 Medicine, the Osteopathic Medical Board of California, the Dental
20 Board of California, the Dental Hygiene Committee of California,
21 the California State Board of Pharmacy, the Veterinary Medical
22 Board, the California Architects Board, the Court Reporters Board
23 of California, the Board of Behavioral Sciences, the
24 Speech-Language Pathology and Audiology Board, the Board of
25 Registered Nursing, or the State Board of Optometry shall not be
26 required to obtain a certificate of registration in order to render
27 those professional services.

28 (c) “Foreign professional corporation” means a corporation
29 organized under the laws of a state of the United States other than
30 this state that is engaged in a profession of a type for which there
31 is authorization in the Business and Professions Code for the
32 performance of professional services by a foreign professional
33 corporation.

34 (d) “Licensed person” means any natural person who is duly
35 licensed under the provisions of the Business and Professions
36 Code, the Chiropractic Act, or the Osteopathic Act to render the
37 same professional services as are or will be rendered by the
38 professional corporation or foreign professional corporation of
39 which he or she is, or intends to become, an officer, director,
40 shareholder, or employee.

1 ~~(e) “Disqualified person” means a licensed person who for any~~
2 ~~reason becomes legally disqualified (temporarily or permanently)~~
3 ~~to render the professional services that the particular professional~~
4 ~~corporation or foreign professional corporation of which he or she~~
5 ~~is an officer, director, shareholder, or employee is or was rendering.~~

6 ~~SEC. 59.~~

7 *SEC. 42.* Section 1348.8 of the Health and Safety Code is
8 amended to read:

9 1348.8. (a) A health care service plan that provides, operates,
10 or contracts for telephone medical advice services to its enrollees
11 and subscribers shall do all of the following:

12 (1) Ensure that the in-state or out-of-state telephone medical
13 advice service complies with the requirements of Chapter 15
14 (commencing with Section 4999) of Division 2 of the Business
15 and Professions Code.

16 (2) Ensure that the staff providing telephone medical advice
17 services for the in-state or out-of-state telephone medical advice
18 service are licensed as follows:

19 (A) For full service health care service plans, the staff hold a
20 valid California license as a registered nurse or a valid license in
21 the state within which they provide telephone medical advice
22 services as a physician and surgeon or physician assistant, and are
23 operating in compliance with the laws governing their respective
24 scopes of practice.

25 (B) (i) For specialized health care service plans providing,
26 operating, or contracting with a telephone medical advice service
27 in California, the staff shall be appropriately licensed, registered,
28 or certified as a dentist pursuant to Chapter 4 (commencing with
29 Section 1600) of Division 2 of the Business and Professions Code,
30 as a dental hygienist pursuant to Article 7 (commencing with
31 Section 1740) of Chapter 4 of Division 2 of the Business and
32 Professions Code, as a physician and surgeon pursuant to Chapter
33 5 (commencing with Section 2000) of Division 2 of the Business
34 and Professions Code or the Osteopathic Initiative Act, as a
35 registered nurse pursuant to Chapter 6 (commencing with Section
36 2700) of Division 2 of the Business and Professions Code, as a
37 psychologist pursuant to Chapter 6.6 (commencing with Section
38 2900) of Division 2 of the Business and Professions Code, as an
39 optometrist pursuant to Chapter 7 (commencing with Section 3000)
40 of Division 2 of the Business and Professions Code, as a marriage

1 and family therapist pursuant to Chapter 13 (commencing with
2 Section 4980) of Division 2 of the Business and Professions Code,
3 as a licensed clinical social worker pursuant to Chapter 14
4 (commencing with Section 4991) of Division 2 of the Business
5 and Professions Code, as a professional clinical counselor pursuant
6 to Chapter 16 (commencing with Section 4999.10) of Division 2
7 of the Business and Professions Code, or as a chiropractor pursuant
8 to the Chiropractic Initiative Act, and operating in compliance
9 with the laws governing their respective scopes of practice.

10 (ii) For specialized health care service plans providing,
11 operating, or contracting with an out-of-state telephone medical
12 advice service, the staff shall be health care professionals, as
13 identified in clause (i), who are licensed, registered, or certified
14 in the state within which they are providing the telephone medical
15 advice services and are operating in compliance with the laws
16 governing their respective scopes of practice. All registered nurses
17 providing telephone medical advice services to both in-state and
18 out-of-state business entities registered pursuant to this chapter
19 shall be licensed pursuant to Chapter 6 (commencing with Section
20 2700) of Division 2 of the Business and Professions Code.

21 (3) Ensure that every full service health care service plan
22 provides for a physician and surgeon who is available on an on-call
23 basis at all times the service is advertised to be available to
24 enrollees and subscribers.

25 (4) Ensure that staff members handling enrollee or subscriber
26 calls, who are not licensed, certified, or registered as required by
27 paragraph (2), do not provide telephone medical advice. Those
28 staff members may ask questions on behalf of a staff member who
29 is licensed, certified, or registered as required by paragraph (2),
30 in order to help ascertain the condition of an enrollee or subscriber
31 so that the enrollee or subscriber can be referred to licensed staff.
32 However, under no circumstances shall those staff members use
33 the answers to those questions in an attempt to assess, evaluate,
34 advise, or make any decision regarding the condition of an enrollee
35 or subscriber or determine when an enrollee or subscriber needs
36 to be seen by a licensed medical professional.

37 (5) Ensure that no staff member uses a title or designation when
38 speaking to an enrollee or subscriber that may cause a reasonable
39 person to believe that the staff member is a licensed, certified, or
40 registered professional described in Section 4999.2 of the Business

1 and Professions Code unless the staff member is a licensed,
2 certified, or registered professional.

3 (6) Ensure that the in-state or out-of-state telephone medical
4 advice service designates an agent for service of process in
5 California and files this designation with the director.

6 (7) Require that the in-state or out-of-state telephone medical
7 advice service makes and maintains records for a period of five
8 years after the telephone medical advice services are provided,
9 including, but not limited to, oral or written transcripts of all
10 medical advice conversations with the health care service plan's
11 enrollees or subscribers in California and copies of all complaints.
12 If the records of telephone medical advice services are kept out of
13 state, the health care service plan shall, upon the request of the
14 director, provide the records to the director within 10 days of the
15 request.

16 (8) Ensure that the telephone medical advice services are
17 provided consistent with good professional practice.

18 (b) The director shall forward to the Department of Consumer
19 Affairs, within 30 days of the end of each calendar quarter, data
20 regarding complaints filed with the department concerning
21 telephone medical advice services.

22 (c) For purposes of this section, "telephone medical advice"
23 means a telephonic communication between a patient and a health
24 care professional in which the health care professional's primary
25 function is to provide to the patient a telephonic response to the
26 patient's questions regarding his or her or a family member's
27 medical care or treatment. "Telephone medical advice" includes
28 assessment, evaluation, or advice provided to patients or their
29 family members.

30 ~~SEC. 60.~~

31 *SEC. 43.* Section 10279 of the Insurance Code is amended to
32 read:

33 10279. (a) Every disability insurer that provides group or
34 individual policies of disability, or both, that provides, operates,
35 or contracts for, telephone medical advice services to its insureds
36 shall do all of the following:

37 (1) Ensure that the in-state or out-of-state telephone medical
38 advice service complies with the requirements of Chapter 15
39 (commencing with Section 4999) of Division 2 of the Business
40 and Professions Code.

(2) Ensure that the staff providing telephone medical advice services for the in-state or out-of-state telephone medical advice service hold a valid California license as a registered nurse or a valid license in the state within which they provide telephone medical advice services as a physician and surgeon or physician assistant and are operating consistent with the laws governing their respective scopes of practice.

(3) Ensure that a physician and surgeon is available on an on-call basis at all times the service is advertised to be available to enrollees and subscribers.

(4) Ensure that the in-state or out-of-state telephone medical advice service designates an agent for service of process in California and files this designation with the commissioner.

(5) Require that the in-state or out-of-state telephone medical advice service makes and maintains records for a period of five years after the telephone medical advice services are provided, including, but not limited to, oral or written transcripts of all medical advice conversations with the disability insurer's insureds in California and copies of all complaints. If the records of telephone medical advice services are kept out of state, the insurer shall, upon the request of the director, provide the records to the director within 10 days of the request.

(6) Ensure that the telephone medical advice services are provided consistent with good professional practice.

(b) The commissioner shall forward to the Department of Consumer Affairs, within 30 days of the end of each calendar quarter, data regarding complaints filed with the department concerning telephone medical advice services.

~~SEC. 61.~~

SEC. 44. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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