

Veterinary Medical Board

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

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**MEETING NOTICE and AGENDA
VETERINARY MEDICAL BOARD**

July 20-21, 2016

1747 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

10:00 a.m. Wednesday, July 20, 2016

1. Call to Order - Establishment of a Quorum
2. Introductions
3. Review and Approval of April 20-21, 2016 Meeting Minutes
4. Proposed Regulations
 - A. Status of Pending Regulations
 - B. Discuss and Consider Commencement of Rulemaking for Animal Control Officer Training Regulations - Section 2039.5 of Title 16 of the California Code of Regulations
 - C. Discuss and Consider Amendments to the Registered Veterinary Technician School Approval Regulations - Sections 2064-2066 of Title 16 of the California Code of Regulations
5. Update on Registered Veterinary Technician School Reporting Pursuant to Section 2064 of title 16 of the California Code of Regulations
6. Discuss the Requirement for Veterinarians to Inform Clients Regarding Pharmaceutical Risks
7. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg
 - A. Review and Consideration of Multidisciplinary Advisory Committee Items and Recommendations ([See Attached Agenda](#))
8. 2016 Legislation Report; Potential Adoption of Positions on Legislative Items
 - A. SB 1193 (Hill) Veterinary Medical Board: executive officer
 - B. SB 945 (Monning) Pet boarding facilities
 - C. AB 2505 (Quirk) Animals: euthanasia
 - D. SB 1039 (Hill) Professions and vocations
 - E. AB 1951 (Salas) Crimes: animal cruelty
 - F. AB 2269 (Waldron) Animal shelters: research animals: prohibitions
 - G. SB 1348 (Canella) Licensure applications: military experience
 - H. SB 1230 (Stone) Pharmacies: compounding
 - I. SB 1182 (Galgiani) Controlled substances
 - J. AB 2419 (Jones) Public postsecondary education: The New University of California
 - K. Pet Lover's License Plate Update
9. Board Chair Report – Dr. Mark Nunez
 - A. Update on the Animal Rehabilitation Task Force
10. Registered Veterinary Technician Report – Jennifer Loreda
11. Public Comment on Items Not on the Agenda

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

12. Recess until July 21, 2016, at 9:00 a.m.

9:00 a.m. Thursday, July 21, 2016

13. Reconvene - Establishment of a Quorum

14. Introductions

15. Petition for Reduction of Penalty – Jennifer Harrison – 9:00 a.m.

16. Petition for Reinstatement – Herbert Ho – 10:00 a.m.

CLOSED SESSION

17. Pursuant to Government Code Section 11126(c)(3), the Board will meet in closed session to deliberate and vote on disciplinary matters including the above petitions, stipulated settlements, and proposed decisions.

RETURN TO OPEN SESSION

18. Executive Officer & Staff Reports

- A. Administrative/Budget
- B. Enforcement
- C. Licensing/Examination
- D. Hospital Inspection

19. Agenda Items and Next Meeting Dates – October 19-20, 2016; Southern California

- A. Agenda Items for Next Meeting
- B. Multidisciplinary Advisory Committee Meetings – October 18, 2016; TBD
- C. Schedule 2017 Meeting Calendar

20. Adjournment

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Times stated are approximate and subject to change. This meeting will conform to the Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment may be limited. Agenda items may be taken out of order.

The Board plans to webcast items 1-16 and items 18-20 at this meeting on its website at www.vmb.ca.gov. Webcast availability cannot, however, be guaranteed due to limitations on resources or technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location.

The meeting locations are accessible to the physically disabled. Other disability-related accommodations or modifications can be provided upon request. Please make your request for disability-related accommodations by contacting the Board at (916) 515-5220 or sending a written request to 1747 N. Market St., Suite 230, Sacramento, CA 95834. Provide at least five (5) business days' notice prior to the meeting to help ensure availability of requested accommodations.

MISSION

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.

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**MEETING MINUTES
VETERINARY MEDICAL BOARD**

April 20-21, 2016

1625 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

9:30 a.m. Wednesday, April 20, 2016

1. Call to Order - Establishment of a Quorum

Dr. Mark Nunez called the Veterinary Medical Board (Board) meeting to order at 9:40 a.m. Executive Officer, Annemarie Del Mugnaio, called roll; seven members of the Board were present and thus a quorum was established. Jennifer Loreda was absent.

2. Introductions

Board Members Present

Mark Nunez, DVM, President
Cheryl Waterhouse, DVM, Vice President
Kathy Bowler, Public Member
Lee Heller, J.D., PhD, Public Member
Judie Mancuso, Public Member
Jaymie Noland, DVM
Richard Sullivan, DVM

Staff Present

Elizabeth Bynum, Associate Enforcement Analyst
Nina Galang, Administrative Program Coordinator
Kurt Hepler, Legal Counsel
Annemarie Del Mugnaio, Executive Officer
Bryce Penny, DCA Webcast
Candace Raney, Enforcement Manager
Diann Sokoloff, Supervising Deputy Attorney General

Guests Present

Karen Atlas, California Association of Animal Physical Therapists
Nicole Billington, Senate Committee on Business, Professions and Economic Development
Jonathan Burke, Department of Consumer Affairs
Stacy DeFoe, California Physical Therapy Association
Nancy Ehrlich, California Registered Veterinary Technician Association
Valerie Fenstermaker, California Veterinary Medical Association
Marilyn Jasper, President of the Humane Society of the Sierra Foothills
Justin Johnson
Jon Klingborg, Multidisciplinary Advisory Committee
Carl London, California Physical Therapy Association
Bruce Max Feldmann, DVM
Eric Mills, Action for Animals
Ken Pawlowski, California Veterinary Medical Association

Kristi Pawlowski, Multidisciplinary Advisory Committee
Cindy Savely, RVT, Sacramento Valley Veterinary Technician Association
Marshall Scott, California Veterinary Medical Association
Dan Segna, California Veterinary Medical Association
Leah Shufelt, California Veterinary Medical Association
Linda Tripp, University of California Davis and Sacramento Valley Veterinary Technician Association,
Vice President

3. Review and Approval of January 20-21, 2016 Meeting Minutes

Dr. Nunez, Dr. Cheryl Waterhouse, and public member, Nancy Ehrlich, made minor corrections.

- Dr. Jaymie Noland motioned and Kathy Bowler seconded the motion to adopt the January 20-21, 2016 meeting minutes as amended. The motion carried 6-0-1. Dr. Heller abstained.

4. Swearing in of New Board Member, Lee Heller, PhD, J.D.

Ms. Del Mugnaio swore in Ms. Lee Heller as a new member on the Board. Ms. Heller provided a brief background of her history within the veterinary community.

5. Board Appointments

A. Multidisciplinary Advisory Committee Appointment

- Judie Mancuso motioned and Dr. Cheryl Waterhouse seconded the motion to reappoint Dr. Allan Drusys to the Multidisciplinary Advisory Committee. The motion carried 7-0.

B. Diversion Evaluation Committee Public Member --Justin Johnson

The Board asked Justin Johnson a list of interview questions.

- Dr. Cheryl Waterhouse motioned and Judie Mancuso seconded the motion to appoint Justin Johnson to the Diversion Evaluation Committee. The motion carried 7-0.

6. Proposed Regulations

A. Status of Pending Regulations

Ms. Del Mugnaio noted that the Civil Penalties for Citation regulations were disapproved by the Office of Administrative Law (OAL) and the Board has 120 days to resubmit. Ms. Del Mugnaio clarified that they are on the agenda to discuss the language, but there is no need for the Board to vote.

Ms. Del Mugnaio added that the Board intends on holding a hearing on the Registered Veterinary Technician (RVT) Alternate Route School Approval regulations.

B. Consideration of Proposed Revisions to Section 2064 of title 16 of the California Code of Regulations Pertaining to Board Approval of Registered Veterinary Technology Schools

Dr. Nunez reviewed the documents in the packet pertaining to Board Approval of California RVT Schools, including the memo and the comparison chart of American Veterinary Medical Association (AVMA) Accreditation standards with California Board Approval requirements. Dr. Nunez agreed that

RVT students need access to passing rates, staffing levels, resource levels, transferability of credits, etc. The Board needs assurance that if an RVT School comes out of compliance with the accreditation standards, it will be reported to the Board.

Dr. Nunez clarified that the AVMA accreditation standards are equivalent to Board approval requirements, but there is currently no mechanism or trigger for AVMA to report to the Board once a RVT school comes out of compliance. To rectify this, Dr. Nunez suggested that a Memorandum of Understanding (MOU) be developed with AVMA to establish a reporting process to the Board, in effort to achieve consumer protection.

Legal Counsel, Kurt Heppler, added that there was a concern raised at the January 2016 meeting regarding the duplication of reporting. Mr. Heppler recommended that the whole regulatory package be reviewed more thoroughly before the Board moves ahead, as periodic renewals are not embraced in the regulations.

Dr. Nunez suggested adding a provision which retains the Board's authority to disapprove and inspect programs.

Ms. Del Mugnaio noted that in terms of renewal, initially accredited programs are required to report to the AVMA every two years and demonstrate compliance with AVMA standards. Any substantive changes are required to be submitted to AVMA within 60 days. Within the first three years of the initial accreditation, the program is required to report to the Committee on Veterinary Technician Education and Activities (CVTEA) at least quarterly. Currently, the only issue is that there is no process in place for notifying the Board of substantive changes.

Ms. Del Mugnaio also noted that California is the only state that retains some form of oversight over accredited RVT programs. Every other state recognizes AVMA accreditation as equivalent to State Board approval.

Ms. Del Mugnaio added that the Board has access to three years' worth of exam scores and we can report the data.

Ms. Ehrlich noted that the average pass rates have not been posted and the public is not notified when it falls below 10 percent of the average.

Ms. Ehrlich requested that the Board send a letter to AVMA schools informing them that California Code of Regulations (CCR) section 2064 is in effect and request the schools to submit an application for Board approval.

Dr. Nunez proposed deferring the regulation amendments to a future meeting until Legal Counsel has the opportunity to gain a full understanding of the MOU to consider exempting requirements and avoid duplicity. Dr. Nunez also proposed directing staff to send a letter to all RVT schools informing them of the requirements in section 2064.

Kathy Bowler suggested developing a timeline for implementation once Legal Counsel has reviewed the MOU.

Ms. Del Mugnaio noted that most schools in California are private and regulated by the Bureau for Private Postsecondary Education. To date, the Board has not received any complaints and AVMA has none on record from California.

Mr. Heppler reminded the Board that they may still reserve disciplinary authority over the RVT Schools.

- Ms. Lee Heller motioned and Judie Mancuso seconded the motion to defer voting on the proposed regulations pertaining to Board approval of RVT Schools, obtain counsel on the Memorandum of Understanding, and direct staff to send letter to all RVT schools informing them of the regulations in section 2064. The motion carried 7-0.

C. Consideration of Revisions to Citation and Fine Regulations Following Disapproval by the Office of Administrative Law

Dr. Nunez stated that the Civil Penalties for Citation regulations were disapproved by OAL on March 8, 2016, providing the Board with 120 days to resubmit language. Any changes must be made available for at least 15 days for public comment.

In introducing the topic, Dr. Nunez said that two sections did not comply with clarity standards of Administrative Procedures Act: CCR 2043 first paragraph and 2043 subsection (g).

Ms. Del Mugnaio reviewed the proposed changes to the language. The changes to the first paragraph have to do with the fact that some citations are issued without a fine. Former subsection (b)/current subsection (a) adds “to an animal patient could result from the violation”.

On the second page, “paragraph” is changed to “subsection” in several places. This is a minor change. In paragraph (c) there are grammatical changes.

Subsection (e) “notwithstanding the foregoing” shows that the Board does not have to go through subsections (a)-(c) to prove unlicensed activity and issue a \$2,000-5,000 fine.

Subsection (g)(1) provides that an individual must demonstrate how they are going to comply with the laws and regulations related to the violation in a written corrective action plan.

Subsection (g)(2) states that individuals must take courses for remediation from a Board approved provider, and the course itself must also be approved by the Board prior to the course being acceptable to cure the citation.

- Judie Mancuso motioned and Kathy Bowler seconded the motion to delegate to the Executive Officer the authority to post a 15-day Notice of Modified Text of the Citation and Fine regulations, and submit the rulemaking file to the Office of Administrative Law, in the absence of any adverse comments. The motion carried 7-0.

7. Discussion and Potential Approval of Sunset Review Background Document and Joint Legislative Committee Recommendations

Dr. Nunez noted that the Board’s Sunset Review Legislative document was submitted to the Legislature in December 2015. The Sunset Review background paper contains the Senate Committee on Business, Professions and Economic Development and Assembly Committee on Business and Professions Joint Legislative (Committee’s) response to the Board’s Supplemental Sunset Review Report.

A. Recreating the Registered Veterinary Technician Committee

Dr. Nunez reviewed the Board's response to Issue #2, RVT issues, that the Board does not support the recreation of Registered Veterinary Technician Committee (RVTC) and instead, proposed including a standing report of RVT issues at each scheduled Board meeting.

Ms. Del Mugnaio reminded the Board that you cannot take action on an item until it is on the agenda; therefore, the RVT report would be a place to discuss current priorities and set priorities for future meetings, similar to how the standing Multidisciplinary Advisory Committee (MDC) agenda item is treated at each scheduled Board meeting.

The recommendation to recreate the RVTC is not within the Sunset Bill, but could be potentially amended into Senate Bill (SB) 1195.

- Judie Mancuso motioned and Dr. Richard Sullivan seconded the motion to approve the Board's proposed response to the Legislature regarding the recreation of the Registered Veterinary Technician Committee. The motion carried 7-0.

B. CaRVTA – Fees Charged by the AAVSB to RVT Candidates

Dr. Nunez reviewed Issue #3 regarding converting the California RVT Law Examination into a mail out examination. The Committee had no recommendations.

The Office of Professional Examination Services (OPES) has determined that RVTs are required to pass the Veterinary Technician National Examination (VTNE) and the California RVT Law Examination.

At the Sunset Review Oversight Hearing on March 14, 2016, California Registered Veterinary Technician Association (CaRVTA) requested the Board to write a letter to American Association of Veterinary State Boards (AAVSB) requesting an evaluation of exam cost of VTNE.

Ms. Del Mugnaio clarified that the California RVT Law Examination covers the law, and also closes the gap regarding content specific to California RVTs that is not on the VTNE.

Mr. Heppler expressed concern that the agenda item addresses the fees charged by the AAVSB to RVT candidates and the discussion was centered on the conversion of the California RVT Law Examination into a mail out examination. Additionally, there has been a separate request to send a letter to the AAVSB requesting an evaluation of the exam cost of the VTNE.

Dr. Nunez requested a motion to approve the Board's response which outlines support for maintaining the California examination as a board administered examination. The request to send a letter to AAVSB may be placed on a future agenda item or the Board's response may be amended to include this.

- Kathy Bowler motioned and Dr. Jaymie Noland seconded the motion to amend the Board's response to the Legislature to include sending a letter to the AAVSB regarding the cost of the VTNE for RVT Candidates in California. The motion carried 7-0.

C. Consider Language to Authorize Veterinarians and RVTs Under Supervision to Compound Drugs

Dr. Nunez reviewed Issue #6 regarding the drug compounding.

Ms. Del Mugnaio updated the Board that there was agreement amongst representatives from the Board, MDC, Board of Pharmacy, the California Veterinary Medical Association (CVMA), stakeholders and VMB Meeting

Legislature to amend SB 1195 to allow a more broad grant of authority for veterinarians to compound drug with a provision that by regulation, the Board and Board of Pharmacy will work together to define the limitations on the drug compounding authority on veterinarians.

Valerie Fenstermaker, CVMA, added that it was not a simple fix to change terms in the existing pharmacy language to apply to veterinary medicine. There is confusion regarding who has authority over veterinary drugs.

Dr. Nunez reviewed the Board's response to work with the Board of Pharmacy, CVMA, and staff to refine the proposed statutory language.

- Lee Heller motioned and Dr. Cheryl Waterhouse seconded the motion to adopt the Board's response with the deletion of the words "more to follow." The motion carried 7-0.

D. Discuss Composition of the Task Force to Examine Goals for Regulating the Practice of Animal Rehabilitation

Dr. Nunez reviewed Issue #7 regarding animal rehabilitation.

Dr. Nunez updated the Board on the outcome on the Sunset Review Oversight Hearing held on March 14, 2016. The Legislature recommended that the Board create a Task Force comprised of stakeholders such as veterinarians, RVTs, animal rehabilitation and related animal industry professions, consumers and representatives from the Legislature and present recommendations to the Board by January 2017.

Dr. Nunez felt it was most fair to identify a list of stakeholders groups by organization and ask the stakeholder groups to select individuals to represent their group in order to prevent an unfair imbalance of representation. Stakeholder groups must submit their representatives by May 15, 2016, which provides for enough time for the Task Force to meet at least twice.

Dr. Nunez read off a list of stakeholders and the number representatives per stakeholder group that the Board has selected to participate in the Animal Rehabilitation Task Force:

- California Physical Therapy Association (CPTA) – *One (1) representative*
- Consumers – *Two (2) representatives*
- Veterinarian specializing in Animal Rehabilitation – *One (1) representative*
- RVT specializing in Animal Rehabilitation – *One (1) representative*
- California Horse Racing Board (CHRB) – *One (1) representative*
- Equine Community – *One (1) representative*
- California Association of Animal Physical Therapists – *One (1) representative*
- Certified Canine Rehabilitation Practitioners – *One (1) representative*
- California Veterinary Medical Association (CVMA) – *One (1) representative*
- California Registered Veterinary Technician Association - *One (1) representative*
- Veterinary Medical Board – *Two (2) representatives*
- Multidisciplinary Advisory Committee – *One (1) representative*
- Legislature – *Appointed by Legislature*
- Legal Counsel – *One (1) representative*
- University of California, Davis – *One (1) representative*
- Western University of Health Sciences – *One (1) representative*

The Board's Sunset response was amended to include that the Board has identified a list of stakeholder organizations to participate in the Task Force and will send a letter requesting organizations to submit the names of the representative(s) by March 15, 2016.

Carl Lunden, California Physical Therapy Association (CPTA), recommended and submitted the name of the CPTA's Past President as a representative.

Karen Atlas, President of the Association of Animal Physical Therapists, inquired about how the Board plans to notice consumers. Dr. Nunez clarified that the Board currently has a list of consumers that have already expressed interest and intends to reach out to them. Additionally, Dr. Nunez clarified that the Certified Canine Rehabilitation Therapist (CCRT) and the Certified Canine Rehabilitation Practitioner (CCRP) will be represented separately.

Ms. Del Mugnaio added that the Task Force will participate in approximately two meetings, most likely held in Sacramento, and the dates of the meeting have yet to be determined. Task Force representatives will not be eligible for travel and per-diem expenses paid for by the Board.

Ms. Del Mugnaio reminded the Board that the discussion is not limited to the Task Force, as the recommendations will come back before the Board for further discussion. If any statutory or regulatory changes were proposed, the Board would hold a public hearing.

Mr. Heppler clarified that if there are three members present from any entity, Board and/or MDC, the meeting must be duly noticed and open to the public. Responses can be limited if managing the discussion becomes difficult.

Dr. Nunez assigned himself and Ms. Heller to represent the Board and assigned Dr. Klingborg as the representative for the MDC. The Chair of the Task Force will be Dr. Nunez.

- Judie Mancuso motioned and Kathy Bowler seconded the motion to create the Animal Rehabilitation Task Force, with the addition of University of California, Davis and Western University of Health Sciences representatives. Once approved, a notice will be sent to the stakeholder groups with a deadline of May 15, 2016 to submit names of the selected representatives. The Task Force will submit their report to the Board by January 1, 2017. The motion carried 7-0.
 - Lee Heller motioned and Kathy Bowler seconded the motion to approve the Board's response in the Sunset Report, with the addition of the identified list of stakeholders and invitation to the forthcoming meeting. The motion carried 7-0.
- E. Discuss Committee Recommendation Authorizing an RVT Under the Supervision of a Veterinarian to be the On-Site Practitioner for Rodeos

Dr. Nunez reviewed Issue #8 regarding animal injuries at rodeo events and stated the Board did not have an official response formulated. Dr. Nunez requested feedback from the Board regarding veterinary care equivalent to an emergency room at the rodeos, which would require the presence of a veterinarian on site, or something equivalent to urgent care, in which case only an RVT would be required to be present on site.

One suggestion is to approach the issue similar to Shelter Medicine by considering developing written protocols for an RVT to perform tasks when a veterinarian is not present, or allow an RVT to be present with a veterinarian on-call, as the Legislature has recommended.

Dr. Noland shared her understanding of the limited number of veterinarians available per county in rural areas and expressed there may not be enough qualified veterinarians or RVTs in the area.

Ms. Mancuso and Ms. Heller inquired about why rodeo events are held if veterinary care is not available. Ms. Del Mugnaio clarified that the Board does not regulate rodeos, as it falls under local jurisdiction. The Board must consider Committee's recommendation and decide whether or not it agrees that by expanding veterinary care to RVTs at rodeos, it will be able to influence on-site care due to access issues. Ms. Del Mugnaio added that the Legislature's recommendation lacks specificity, as it is unclear what an RVT would be authorized to do.

Ms. Mancuso suggested specifying a specific mileage that an on-call veterinarian must be available with respect to a rodeo event.

Regarding the Board's response to the Legislature, Dr. Sullivan recommended that RVTs should be allowed to attend and provide emergency care within their scope, with a veterinarian placed on-call.

Dr. Nunez proposed including Dr. Sullivan's response in the Board's official response to the Legislature and add that it is an issue that requires additional study and will be added to the MDC's priority list.

Eric Mills, coordinator for Action for Animals, provided a brief history of his experience advocating for the better care of animals at rodeo events and presented a number of findings of rodeo injuries that went untreated by a veterinarian, many of which were not reported to the Board. Mr. Mills requested that the Board write a letter of support to ensure there is a veterinarian on-site or an RVT on-site with a veterinarian on call.

Dr. Bruce Max Feldmann, DVM, expressed that the rodeo coordinator should to ensure that there is a veterinarian available. Dr. Feldmann added that if there is no Rodeo Board in existence, then it should be the Board's responsibility to make sure the animals are adequately cared for.

Marilyn Jasper, President of the Humane Society of the Sierra Foothills, agreed with Mr. Mills and Dr. Feldmann and urged the Board to make its recommendation to Legislature stronger. The injuries occurring at rodeos are emergency situation and cannot wait. Ms. Jasper added that there is evidence to suggest that the injuries occurring at rodeos are much greater than what is being reported.

Dr. Marshall Scott, CVMA, shared that he was a former cowboy and on-call veterinarian at rodeos for several years. In 22 years, he was only called three times and by the time he got there, the animal was gone. Dr. Scott expressed support for an RVT on-site and a veterinarian on-call.

- Lee Heller motioned and Judie Mancuso seconded the motion to recommend that RVTs should be allowed to attend rodeo events and provide emergency care within their scope of practice, with a veterinarian placed on-call, and add this item to the MDC's priority list as the Board's official response to the Legislature. The motion carried 7-0.

F. Implementation of SB 361 – Continuing Education Course for the Judicious Use of Medically Important Antimicrobial Drugs

Dr. Nunez reviewed Issue #9 regarding the use of antimicrobial drugs.

At the Sunset Review Oversight Hearing, the Board received confirmation from the author of SB 361, Senator Hill, that the requirement for a licensed veterinarian to complete one hour of continuing

education on the judicious use of medically important antimicrobial drugs every four years as part of the existing 36 hours of continuing education required every two years begins on January 1, 2018. The Board will begin the auditing process in January 1, 2022.

Dr. Nunez noted that Dr. Noland was assigned to the California Department of Food and Agriculture (CDFA) interagency working group that was developed for the implementation of SB 27. Dr. Noland provided a brief summary of the meeting that occurred in the past week. The meeting included a presentation by various entities, including the University of California, Davis (UCD), and a summary of what other entities are doing to regulate the use of antimicrobials and support SB 27. No action items were taken from the meeting and there will be more information to come.

Ms. Del Mugnaio noted that changes to SB 361 are now included in SB 1195 to clarify that the continuing education requirements begins January 1, 2018.

- Kathy Bowler motioned and Judie Mancuso seconded the motion to accept the Board's response to clarify when the requirement begins to complete one hour of continuing education on the judicious use of antimicrobial drugs and when the Board begins its auditing process. The motion carried 7-0.

Dr. Nunez reviewed responses to the Sunset Review background document that were not included in agenda.

Issues #1, 5, and 10 received no comments.

Ms. Del Mugnaio updated the Board on Issue #4 regarding University Licensure. At the Sunset Review Oversight Hearing, the Board went on record supporting the request before Legislature to require veterinarians employed by a California University to obtain a University License. The Board's official response is to support the staff recommendation and the Committee was receptive to including it in the Sunset Review bill as it has been amended into SB 1195. Technical amendments will be addressed in the Legislative section on the agenda.

Ms. Del Mugnaio requested the Board to amend the Board's response to include "to assist with Legislative ongoing technical changes as requested by the Board" to provide the Board with room to make changes later on if it so chooses.

Mr. Heppler clarified that SB 1195 will take effect first on January 1, 2017 if passed. The issuance of the University License will likely commence by September 1, 2017.

Dr. Cheryl Waterhouse inquired about Issue #11, formal discipline is still taking more than two years, regarding why the Board is double-charged when a case is re-assigned to a new Deputy Attorney General. Ms. Del Mugnaio noted that we can elevate this question to leadership at the Office of Attorney General, but added that it is not unique to this Board and occurs with other clients at the Department of Consumer Affairs.

Ms. Sokoloff inquired if the intent of the Board was to authorize RVTs to compound drugs under direct supervision. Ms. Del Mugnaio clarified that it was a policy decision and was vetted with Board of Pharmacy.

Dr. Nunez added that the Committees recommended that the Board's Sunset date be extended by four years.

- Judie Mancuso motioned and Dr. Richard Sullivan seconded the motion to accept the Board's Sunset Review responses and submit to the Legislature. The motion carried 7-0.

8. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg

A. Review and Consideration of Multidisciplinary Advisory Committee Items and Recommendations

Dr. Jon Klingborg reviewed a history of tasks that the MDC has completed since its inception in 2009 including Cite and Fine and Minimum Standards regulations, updating the Veterinary-Client-Patient-Relationship (VCPR), standards for vaccine clinics, prescription re-fill without an examination in an emergency situation, and the hospital inspection handbook.

Dr. Klingborg expressed frustration with the issues brought up by CaRVTA at the Sunset Review Oversight Hearing, adding that in 2013, the MDC became responsible for the duties of the RVTC and many RVT issues were given a high priority.

Dr. Klingborg noted that all Subcommittees are ongoing and provided a summary of the progress on the existing priorities assigned to the MDC.

The Complaint Audit Task Force, consisting of Dr. Grant and Dr. Pollard, met earlier this year to review cases to audit the outcome of the expert witness report and the application of the standard of care. The Task Force will meet again this year and more updates will be available at the next scheduled MDC meeting.

The Expert Witness Review Subcommittee, consisting of Dr. Pollard and Diana Woodward-Hagle, discussed the Expert Witness Training Program in general, and specifically, the Expert Witness Guidelines. The training manual was evaluated and the Subcommittee made recommendations for improvement. The Subcommittee suggested looking at writing samples and asking the Expert Witness questions during the hiring process, and training Expert Witnesses on the Veterinary Medicine Practice Act.

Minimum Standards on Alternate Premises Task Force, consisting of Dr. Klingborg, Dr. Richard Sullivan, and Ms. Del Mugnaio, served on the CVMA Task Force, which held its second meeting in February 2016. The discussion included minimum standards for alternate premises in great length, which will likely result in the development of standards for large animal practice, shelter settings, etc. In particular, the Task Force discussed Shelter Medicine and the concept of written orders for an RVT in the absence of a veterinarian in a shelter environment.

Dr. Allan Drusys and David Johnson captured 20 different aspects of the Practice Act that require clarification as it pertains to Shelter Medicine. Ms. Del Mugnaio, Dr. Drusys, and Mr. Johnson attended a joint meeting of the State Humane Association of California (SHAC) and the California Animal Control Directors' Association (CACDA) in early April 2016 to seek input. In July 2016, the MDC hopes to bring back the results of a survey should capture the number of veterinarians and RVTs on staff at shelters and discuss written orders.

The MDC also intends to have a Stakeholders forum in Southern CA for Shelter Medicine and invite the Stakeholders to speak at the scheduled Board meeting in October 2016. Ms. Mancuso and Ms. Heller requested to be informed of the meeting dates once they have been set.

Regarding the Veterinary Student Exemption, Business and Professions Code (BPC) 4830(a)(5), the MDC discussed what is permissible under direct supervision and what physical settings are covered

under the Veterinary Student Exemption. The MDC also discussed graduates of a recognized veterinary college, who have not yet received their license, being able to practice as unlicensed RVT under CCR section 2027 as it currently written. This was not the intent of CCR section 2027 and Legal Counsel has been requested to review the language and provide an opinion on whether or not it should be changed. Another point to consider is the possibility of an alternate path for junior and senior veterinarian students to be eligible to sit for the RVT examination.

The Extended Duties for RVT Subcommittee, consisting of Mr. Johnson and Ms. Pawlowski, is exploring duties that have historically been performed by a veterinarian that could be performed by an RVT in a shelter setting. Mr. Johnson noted that it is an issue of access that if not addressed could create problems for public health and consumer protection. More research will need to be done and CaRVTA has been asked to weigh in on the issue and provide feedback.

In addition to the existing priorities, Dr. Klingborg reviewed a list of potential future priorities for the MDC:

- Drug Compounding
- CCR section 2027 language
- CCR section 2027, Alternate Route Path for 3rd and 4th year veterinary students to sit for RVT exam
- BPC section 4830.8, regarding veterinary care at rodeo events.

Ms. Del Mugnaio clarified that Drug Compounding will eventually come back to the MDC to develop regulations after legislation becomes effective.

The Board agreed to make CCR section 2027 as a priority on the MDC list.

Ms. Del Mugnaio clarified that the goal for the future meeting regarding Shelter Medicine was to be held at the MDC meeting on October 18, 2016. The proposed site is in Southern California.

Ms. Del Mugnaio added that Erica Hughes from SHAC will send the Shelter Medicine survey to her stakeholder contacts and obtain responses for the Board.

- Dr. Richard Sullivan motioned and Judie Mancuso seconded the motion to accept the Multidisciplinary Advisory Committee report and recommendations. The motion carried 7-0.

9. 2016 Legislation Report; Potential Adoption of Positions on Legislative Items

- A. SB 1195 (Hill) Veterinary Medical Board: executive officer

Dr. Nunez reviewed SB 1195 which incorporates the Board's Sunset Review Report.

Mr. Heppler suggested that the Board add a fourth subdivision which includes language that the person seeking the University License must submit an application, including fingerprints. Additionally, the concept of license fees should be included in the language.

Dr. Waterhouse suggested adding a "graduate veterinarian" to the proposed fourth subdivision and adding "University of California, Davis, School of Veterinary Medicine" to subdivision (a).

The Board discussed defining subdivision (b) to reflect the individual defined in subdivision (a) to resolve the issue of who is eligible to apply for the University License. Mr. Heppler clarified that the

Board could specify by way of regulations that it would be the licensee's responsibility to notify the Board if they are no longer employed by UCD.

The Board discussed the use of the term "DVM" or "veterinarian" if you are unlicensed and not employed with UCD. Ms. Del Mugnaio clarified that there is no title protection in the Practice Act for "DVM," as this is an earned academic degree.

Dr. Jane Sikes, University of California, Davis, expressed support for the proposed changes and thanked the Board for its efforts.

- Dr. Richard Sullivan motioned and Kathy Bowler seconded the motion to allow the Executive Officer to communicate the proposed changes to SB 1195 to the Senate Business Professions and Economic Committee. The motion carried 7-0.
- Lee Heller motioned and Dr. Cheryl Waterhouse seconded the motion to Support SB 1195. The motion carried 7-0.

B. SB 945 (Monning) Pet boarding facilities

Dr. Nunez proposed a Watch position because there are currently veterinary hospitals that board pets.

- Dr. Richard Sullivan motioned and Kathy Bowler seconded the motion to Watch SB 945. The motion carried 7-0.

C. AB 2505 (Quirk) Animals: euthanasia

The Board held a Watch position and Dr. Nunez proposed taking a Support position.

- Judie Mancuso motioned and Kathy Bowler seconded the motion to Support Assembly Bill (AB) 2505. The motion carried 7-0.

D. SB 1039 (Hill) Professions and vocations

Dr. Nunez noted that SB 1039 is an omnibus bill which includes language from CVMA regarding veterinary consultants is supposed to be amended in the bill. Dr. Nunez proposed taking a Support position.

Ms. Fenstermaker, CVMA, provided a brief history of SB 1039 and the language developed by CVMA which closes a loop hole in regards to veterinarians who are brought in from out-of-state to consult on a case, but then continue to practice in California, unlicensed, after the case has closed.

Ms. Del Mugnaio clarified that if the Board would like to conceptually support the language but does not want to support the bill that the Board has not seen yet, it may delegate to the Executive Committee (President and Vice President) to look at the legislation once the language is in the bill and ensure all of the changes are captured.

Mr. Heppler clarified that the Board may conceptually support the bill with the understanding that it will be deferred to the Executive Legislative Committee once the bill has been amended. The Open Meetings Act allows the Board to convene a specialized meeting in 48 hours for the purposes of considering proposed legislation.

- Lee Heller motioned and Dr. Richard Sullivan seconded the motion to direct the Executive Committee to make a determination on the proposed language in SB 1039 once amended, in support with the conceptual agreement of the Board. The motion carried 7-0.

E. AB 1951 (Salas) Crimes: animal cruelty

The Board held a Watch position.

- Judie Mancuso motioned and Dr. Richard Sullivan seconded the motion to Watch AB 1951. The motion carried 7-0.

F. SB 1348 (Canella) Licensure applications: military experience

The Board held a Watch position.

- Dr. Richard Sullivan motioned and Ms. Lee Heller seconded the motion to Watch SB 1348. The motion carried 7-0.

G. SB 1230 (Stone) Pharmacies: compounding

The Board did not hold a current position; however, Dr. Nunez proposed a Track position. Dr. Sullivan proposed a Watch position.

- Dr. Richard Sullivan motioned and Judie Mancuso seconded the motion to Watch SB 1230. The motion carried 7-0.

H. SB 1182 (Galgiani) Controlled substances

The Board did not hold a current position; however, Dr. Nunez proposed tracking SB 1182.

- Dr. Richard Sullivan motioned and Dr. Jaymie Noland seconded the motion to Watch SB 1182. The motion carried 7-0.

I. AB 2419 (Jones) Public postsecondary education: The New University of California

The Board did not hold a current position.

- Dr. Cheryl Waterhouse motioned and Judie Mancuso seconded the motion to Track SB 2419. The motion carried 7-0.

J. Pet Lover's License Plate Legislative Concept

At the January 2016 Board meeting, the Board formed a Subcommittee to develop guidelines for qualified providers and dispersing of funds, as well as delegated the Subcommittee to hold an interested parties workshop to receive input from stakeholders to develop criteria for the selection of the nonprofit to administer the program.

Dr. Nunez noted that since the last meeting, conflict of interest issues have been raised regarding the Board selecting of the nonprofit; therefore, a new sponsoring agency, the CDFA is currently being explored as an agency to oversee the Pet Lovers’ program.

Dr. Nunez proposed directing the Executive Officer to assist in identifying a legislative remedy which authorizes the transfer of the Pet Lover’s License Plate Program to the CDFA.

- Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to direct the Executive Officer to assist in identifying a legislative remedy which authorizes the transfer of the Pet Lover’s License Plate Program to the CDFA. The motion carried 6-0-1. Judie Mancuso recused herself from voting.

K. Other Legislation of Interest

10. Board Chair Report – Dr. Mark Nunez

Dr. Nunez reviewed a list of outreach activities, meetings, and workshops that have occurred this year.

The following is a table of the completed 2016 Board activities to date:

| | |
|--------------------------|--|
| January 22, 2016 | Dr. Nunez presented a Board report at the CVMA Board of Governors Meeting in Newport Beach, CA |
| January 23, 2016 | Ms. Del Mugnaio presented a second Board report and Ethan Mathes gave a BreEZe presentation at the CVMA Board of Governors Meeting in Newport Beach, CA |
| February 4, 2016 | Hearing of the Little Hoover Commission |
| February 10, 2016 | Ms. Del Mugnaio, Dr. Klingborg, and Dr. Sullivan attended the CVMA Task Force on practice types – 2 nd session |
| March 5, 2016 | MDC Shelter Medicine Subcommittee (Dr. Drusys and Mr. Johnson) met with CACDA and SHAC at Annual Care Conference to present the MDC’s exploration of Minimum Standards for Shelter Medicine and Extended Duties for RVTs |
| March 14, 2016 | 2 nd Hearing of the Little Hoover Commission |
| March 15, 2016 | Ms. Bowler attended National Board of Veterinary Medical Examiners (NBVME) Working Group in Chicago, IL |
| April 14, 2016 | Stakeholder Meeting for Drug Compounding Issue with a representative from CVMA and the California Board of Pharmacy to discuss language |
| April 16, 2016 | Ms. Del Mugnaio attended CVMA Board of Governors meeting in Sacramento, CA to present Board report |
| May 4-5, 2016 | Expert Witness Training in Sacramento |
| TBD | Expert Witness Training in Southern California |

Nina Galang will put the NBVME Practice Analysis survey for the North American Veterinary Licensing Examination (NAVLE) on the Board’s social media account.

11. Public Comment on Items Not on the Agenda

There were no comments from public/outside agencies/associations.

12. Recess until April 21, 2016, at 9:00 a.m.

13. Reconvene - Establishment of a Quorum

Dr. Mark Nunez called the Veterinary Medical Board (Board) meeting to order at 9:14 a.m. Executive Officer, Annemarie Del Mugnaio, called roll; seven members of the Board were present and thus a quorum was established. Jennifer Loreda was absent.

14. Introductions

Board Members Present

Mark Nunez, DVM, President
Cheryl Waterhouse, DVM, Vice President
Kathy Bowler, Public Member
Lee Heller, J.D., PhD, Public Member
Judie Mancuso, Public Member
Jaymie Noland, DVM
Richard Sullivan, DVM

Staff Present

Elizabeth Bynum, Associate Enforcement Analyst
Annemarie Del Mugnaio, Executive Officer
Nina Galang, Administrative Program Coordinator
Kurt Heppler, Legal Counsel
Ethan Mathes, Administrative Program Manager
Bryce Penny, DCA Webcast
Candace Raney, Enforcement Manager
Patty Rodriguez, Hospital Inspection Program Analyst
Diann Sokoloff, Supervising Deputy Attorney General

Guests Present

Jonathan Burke, Department of Consumer Affairs
Nancy Ehrlich, California Registered Veterinary Technician Association
Cindy Savely, RVT, Sacramento Valley Veterinary Technician Association

15. Executive Officer & Staff Reports

A. CURES Update

Ms. Del Mugnaio reported on an issue that has been raised within the Board regarding the Controlled Substance Utilization Review and Evaluation System (CURES) 2.0 and practitioners sharing information in order to make a determination when drug diversion or self-administration is suspected. CURES 2.0 contains a history of drugs prescribed, but does not currently include the medical necessity. Without the medical necessity, it is difficult to determine when drug diversion or “drug shopping” has occurred and disclosure is confidential unless a medical release from the client is obtained or information is shared between practitioners consulting on the same patient.

DCA is currently looking at this issue to determine if a practitioner could make a determination whether or not an individual should be prescribed a drug based on the information that is currently available in CURES 2.0.

Mr. Heppler added that he will bring this issue back to those working on the CURES 2.0 guidance document and report the findings at the next scheduled Board meeting.

With regard to Administration, Ms. Del Mugnaio noted that there are a few vacancies. Staff has also been experiencing some operational challenges because of BreEZe, which has impacted licensing timelines. The BreEZe online system has had a number of interface problems and system glitches have impeded processing timelines. The Board is working to resolve the issues and hopes to see progress within the next month.

Ms. Del Mugnaio added that she will attend the CaRVTA conference on July 23-24, 2016 to provide a Board report and answer questions. Efforts are being made to improve the relationship between the Board and CaRVTA, as well as being committed to doing more outreach to the RVT and veterinarian community. Ms. Del Mugnaio asked the Board members to let her know of any other opportunities for outreach.

Ethan Mathes, Administrative Program Manager, noted that DCA has provided a staff member to provide assistance with BreEZe related issues. Mr. Mathes added that critical issues could take six months to a year to resolve.

The Board expressed concerns with the quality of BreEze and noted there is a line item within the Board's budget that is over by \$120,000. Mr. Mathes clarified that the BreEZe costs do not affect staffing and are strictly related to contract costs, operations, and maintenance.

B. Administrative/Budget

Mr. Mathes noted that Attorney General (AG) expenditures, Office of Administrative Hearings (OAH) costs, an increase in in-house consultants, and Hospital Inspections costs all contribute to the low surplus of 0.2 percent. New AG cases have been suspended due to budget constraints and Board staff is working on current cases. Anticipated revenue for the Veterinary Assistant Controlled Substances Permit (VACSP) program will help generate revenue for the Board and will help bolster the Board's fund.

Ms. Del Mugnaio clarified that as of today, we are proceeding with our AG cases. At the end of April, we will then look at our cost appropriation. The AG's office caps the work at \$460,000 and the Board is currently exceeding its costs by \$91,000. This will not impede ongoing cases, but the Board may not be able to file new accusations between May and June in order not to over exceed the budget.

Mr. Mathes noted that the 2016/2017 Budget Change Proposal (BCP) has been approved by the Department of Finance (DOF) and the Board is still waiting on the Governor's budget.

Mr. Mathes added that he is currently recruiting for the vacant Program Technician II position.

C. Enforcement

Enforcement Manager, Candace Raney, noted that due to the BreEZe issues the Board has been experiencing, the statistical profile is unavailable at this time until more accurate data can be reported.

Ms. Raney provided a breakdown of Enforcement activities for the third quarter of the fiscal year including 205 complaints received, 224 cases closed, 12 citations issued, 12 new cases referred to the AG's Office, 13 pleadings filed, and 12 cases closed. A full statistical report of the 2015/2016 Fiscal Year should be available at the scheduled Board meeting in July 2016.

The Board discussed a couple of BreEZe related data conversation problems that have been affecting Enforcement. Ms. Raney noted that the examples given are extreme anomalies and there is a BreEZe reports user group and Enforcement user group that meet regularly to identify gaps and coordinate efforts to work towards a solution.

Mr. Mathes added that there are data elements that exist in BreEZe, but did not exist in the previous data system, CAS, which require manual data entry.

The Director of DCA, Awet Kidane, testified before the Legislature at the Sunset Review hearings on March 9, 2016 on behalf of DCA and the BreEZe program. While the Department applied the lessons learned from Release 1 to Release 2, a big issue the Department is finding is that the data was not clean before it was converted and therefore, it was not converting accurately.

With regard to the Complaint Investigation Unit, Board staff has increased and they are able to process complaints faster and increase outcomes. Additionally, staff has developed a color-coding system to prioritize pending complaints.

The next Expert Witness training is on May 4-5, 2016 and Ms. Raney confirmed that four Board members is the maximum number of Board members that can be in attendance.

The Board anticipates using the entire amount of \$432,881.25 that has been appropriated for formal discipline. Ms. Raney noted that the reason budget appears high, is that the Board now has a full staff and working through a greater number of cases. The Board is experiencing what it costs to operate at full capacity compared to previous years.

Ms. Raney clarified that the number of days to formal resolution of an administrative case is down to 1100 days from an average of 1700 days, which is huge improvement.

With regard to the issuance of conditional RVT licenses, there have been two Statement of Issues filed this year, saving the Board approximately \$5,000 in adjudication costs.

Probation monitoring currently has 95 licenses, 81 of which are active probationers being monitored.

The Enforcement Unit currently has two vacant Office Technician positions, one is a full time position and the other is a 0.8 time base position. Ms. Raney is hoping to schedule interviews for next week.

The Board members may anticipate a Petition for Reinstatement hearing at the July 2016 Board meeting, as well one or two mail votes before the meeting.

D. Licensing/Examination

Mr. Mathes noted that due to the BreEZe issues the Board has been experiencing, some figures on the Licensing/Examination report are shown as "TBD" until more accurate data can be retrieved. The goal for future meetings is to show the number of online application submission versus paper application submissions to show the effects of BreEZe.

The Board is under an Executive Order to track complete applications with no deficiencies and report to the Legislature.

Mr. Mathes has been in contact with San Diego Mesa College regarding the RVT school approval process and an inspection should be scheduled within 60-90 days.

Under Exam Development, the Board is going through the occupational analysis to compare the VTNE examination plan with the tasks, skills and abilities in California to ensure that the test is current.

Ms. Del Mugnaio added that the California and national examination performance statistics by RVT schools (both traditional and alternate route schools) will be reported at the next Board meeting.

E. Hospital Inspection

Ms. Del Mugnaio reported that the Hospital Inspection Program is starting the Inspector recruiting in the Central Valley and Southern California areas. There have been 527 routine inspections assigned and 140 pending inspections should be completed by the end of May 2016. In August, the Hospital Inspection Program will hold its annual inspection training in August for new and returning inspectors.

Ms. Mancuso reminded the Board that, as previously requested in a past Board meeting, she would like to discuss the fact that Hospital Inspections are coming back with a less than one percent compliance rate. Ms. Del Mugnaio noted that the Self Inspection Hospital Checklist is a tool that the Board is looking to disseminate to hospitals. Ms. Bowler noted that after speaking with an inspector during a ride along, the inspector noted that most hospitals reach full compliance at the 30-day response time after initial inspection.

Ms. Del Mugnaio clarified that the Board is making efforts to send hospitals a copy of the minimum standards, the managing licensee's responsibilities, a link to Board's website directing hospitals to the online hospital checklist is, and a hard copy booklet of the Hospital Inspection Checklist in the mail. Ms. Del Mugnaio noted that everything can be found online as well.

F. *North Carolina Board of Dental Examiners v. Federal Trade Commission*: Policy Concepts Update

Mr. Heppler noted that there is a memo in packet that includes language that was not present in SB 1195, which is still expected to evolve. Mr. Heppler added that Director Kidane conceptually proposed fine-tuning the authority to deny regulations that may have an anti-competitive impact, elimination of the requirement of certain Board's requiring that the Executive Officer must be a licensee, and recasting the exemplary and punitive damages to make sure the State will still indemnify the members.

In response to the policy decision to deny regulations that may have an anti-competitive impact, Mr. Heppler shared that the Federal Trade Commission guidance and the AG's opinion suggest that an individual's behavior which may result in a denial or revocation of a license, for example, would not trigger an anti-competitive concern.

Mr. Heppler noted that the significant cause for negligible harm would need to be fully articulated at the Board level regarding any consumer protection concern. The Board may typically override the DCA Director's decision to veto regulations, but based on the proposed change in SB 1195, may not do so with regulations containing anti-competitive behavior.

Dr. Nunez expressed concern regarding what may be considered anti-competitive behavior under the scope of veterinary medicine since the field is constantly evolving.

16. Agenda Items and Next Meeting Dates – July 20-21, 2016; TBD

A. Agenda Items for Next Meeting

Ms. Del Mugnaio noted that the next scheduled Board meeting is on July 20-21, 2016 and either the July or October 2016 meeting will be in Southern California.

Ms. Del Mugnaio reviewed a list of agenda items for discussion at the next meeting:

- RVT School Approval
- Legislative Updates
 - SB 1039
 - SB 1195 including the new University License and Drug Compounding language
 - AB 2505
 - Watch positions on the remaining Bills
- Letter to Current RVT Schools requesting reports pursuant to CCR section 2064
- Animal Rehabilitation Task Force
- Citation and Fine Regulations.

Ms. Del Mugnaio noted that a request came from a public member to discuss allowing training by licensed veterinarians to emergency response individuals to provide Advanced Life Support (ALS) skills to canines in the field.

Dr. Sullivan provided a brief summary of this request that was received at the national level recently. Dr. Sullivan noted that it has been opined that there is existing language which allows individuals to care for animals on an emergency basis without liability and expressed that it is not necessary to write regulations.

Dr. Nunez noted that he will do some research before deciding to add it to the next meeting agenda.

B. Multidisciplinary Advisory Committee Meetings – July 19, 2016; TBD

C. Future Veterinary Medical Board Meeting Dates 2016: October 19-20, 2016; TBD

CLOSED SESSION

17. The Board met in closed session (pursuant to Government Code Section 11126(c)(3) to discuss and vote on disciplinary matters including stipulations and proposed decisions.

AV 2015 22

The Board adopted the stipulated settlement.

IV 2016 9

The Board adopted the stipulated settlement.

BV 2015 38

The Board adopted the stipulated settlement.

AV 2013 13

The Board non-adopted the proposed decision.

RETURN TO OPEN SESSION

18. Adjournment

The Board adjourned at 12:47 p.m.

**STATUS OF PENDING VMB REGULATIONS
JULY 2016**

| Subject | CCR Section(s) | Current Status/Action | Notes |
|--|----------------|-----------------------|---|
| BOARD | | | |
| Civil Penalties for Citation | 2043 | Director Review | 3/20/15 – OAL Publication Date 5/4/15 – End of public comment period May 2015 – Submitted to DCA Legal for Review/Approval November 2015 – Submitted to Agency for Review/Approval February 2016 – Submitted to OAL for Approval March 2016 – Disapproved by OAL, 120 days to resubmit April 2016 – Submit language to Board for review/approval 4/26/16 – Publish 15-day notice of modified text May 19, 2016 –Re-submission package to DCA Director |
| Veterinary Assistant Controlled Substances Permit (VACSP) | 2034 et. seq. | OAL Review | June 2015 – Board approved language 9/4/15 – Published 45-day notice 10/19/15 – End of public comment period 11/5/15 – Published 15-day Notice of Extension of Public Comment Period November 2015 – Submitted to DCA Legal for Review/Approval March 2016 – Approved by DCA Budget Office May 2016 – Approved by Agency June 2016 – Approved by Department of Finance June 17, 2016 - Submitted to OAL for Approval |
| Animal Control Officer Training | 2039.5 | In Progress | July 2014 – Board approved language July 2016 – Submit proposed language as amended to Board for review/approval July 2016 – Publish 45-day notice |
| CPEI (SB 1111) | TBD | Legal Review | October 2014 – Board approved language January 2016 – Submitted to DCA Legal for review/approval September 2016 – Publish 45-day notice |
| Disciplinary Guidelines | 2006 | In Progress | January 2015 – Board approved language May 2015 – Disciplinary Guidelines Committee Meeting July 2015 – Submit language to Board for review/approval October 2015 – Board approved amended language September 2016 – Publish 45-day notice |

| | | | |
|--|------------------------|-------------|--|
| Minimum Standards / Telemedicine | 2032.1 | In Progress | February 2015 – MDC approved amendments to Minimum Standards language April 2015 – Board approved language |
| RVT Alternate Route School Approval | 2068.5 | In Progress | February 2015 – MDC approved amended language and forwarded to Board for discussion. July 2015 – Board approved language |
| RVT Student Exemption (BPC 4841.1) | TBD | In Progress | July 2015 – MDC approved amended language and forwarded to Board for discussion. October 2015 – Board approved language |
| Uniform Standards for Abuse (SB 1441) | 2006, 2006.5, and 2076 | In Progress | October 2014 – Board approved language April 2015 – On hold per Legal March 2016 – Hold removed per Legal, approved to continue with rulemaking file |

| MDC | | | |
|------------------------------|-----|-----|--|
| Shelter Medicine | TBD | TBD | September 2015 – CVMA task force meetings begin |
| Animal Rehabilitation | TBD | TBD | November 2015 – Rulemaking file withdrawn from OAL January 2016 – Discussion on hold per Board pending Sunset Review June 2016 – 1 st Task Force meeting held in Sacramento, CA September 2016 – 2 nd Task Force meeting to be held in Sacramento, CA |



MEMORANDUM

| | |
|----------------|--|
| DATE | June 29, 2016 |
| TO | Veterinary Medical Board |
| FROM | Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board |
| SUBJECT | Animal Control Officer Training Regulations |

Background:

Senate Bill (SB) 1162 became effective January 1, 2013. This bill allows animal control officers to carry controlled substances for purposes of tranquilizing animals but imposes some prerequisite requirements. One of the requirements is that the officers undergo “training approved by the Board.”

The California Veterinary Medical Board (CVMA) prepared and presented the Animal Control and Humane Officer Tranquilizer Administration Training Guidelines (“Guidelines”) at the Board’s October 2013 Meeting.

At its April 2014 Meeting, the Board approved the CVMA’s proposed Guidelines and directed staff to develop proposed regulations in the model of California Code of Regulations (CCR) section 2039.

In July 2014, the Board voted to approve CCR section 2039.5 and the Guidelines with amendments and directed staff to move forward with the rulemaking action.

Issues:

Upon review of the proposed regulatory language, Legal Counsel has identified issues with regard to the Board’s authority over several components contained within the Guidelines. The components that do not fall under the purview of the Veterinary Medical Board include: the firearms component (Penal Code section 832), fingerprinting (Penal Code section 597.1), no alcohol/drug-related convictions (Penal Code section 597.1(a)(2)(E), and various other state and federal laws.

The proposed regulations in CCR section 2039.5 have been amended to remove reference to the Guidelines and include only provisions that fall under the Board’s oversight. As a result, the Guidelines will no longer be used.

Action(s) Requested

Review the regulatory language as amended and consider adopting the proposed regulations.

Attachment(s):

- Animal Control Officer Training – Notice of Proposed Action
- Animal Control Officer Training – Proposed Language
- Animal Control Officer Training – Initial Statement of Reasons

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD**

NOTICE OF PROPOSED CHANGES

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (“Board”) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than 5:00 p.m. on (date)**, or must be received by the Board at the hearing.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person, and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested section 4808 of the Business and Professions Code (BPC), and to implement, interpret, or make specific section 597.1 of the Penal Code, the Board is considering changes to section 2039.5 of Article 4 of Division 20 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC §4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Administrative Procedure Act.

This regulatory proposal will adopt CCR §2039.5.

Specifically, the Board is proposing the following:

- Adopt Section 2039.5 (a) of Article 4 of Division 20 of Title 16 of the CCR
This subsection outlines the high level training requirements needed for licensed veterinarians to provide controlled substances tranquilizer administration training to animal control officers and humane officers.
- Adopt Section 2039.5 (b) of Article 4 of Division 20 of Title 16 of the CCR
This subsection clarifies the terms “licensee” and “agency,” which are used throughout the section. “Licensees” refers to individuals who hold a current and valid license to practice veterinary medicine, issued by the Board, who are authorized to provide tranquilizer administration training to animal control officers and humane officers. “Agency” refers to the organization or public entity employing the animal control or humane officer.
- Adopt Section 2039.5 (c) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires a minimum of four hours of training provided by a licensee, including didactic and hands-on training.
- Adopt Section 2039.5 (d) of Article 4 of Division 20 of Title 16 of the CCR
This subsection outlines the required components of controlled substances tranquilizer administration training as approved by the Board.
- Adopt Section 2039.5 (d)(1) of Article 4 of Division 20 of Title 16 of the CCR
The animal control officer or humane officer will be trained on the definition, weights, measures, and use of each and every controlled substance they are authorized to use by the agency.
- Adopt Section 2039.5 (d)(2) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires controlled substances tranquilizer administration training to cover the various schedules and classifications of controlled substances and any hazards associated with exposure to the substances.
- Adopt Section 2039.5 (d)(3) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires that training on each controlled substances must be accompanied with a Material Safety and Data Sheet (MSDS) and must be reviewed with the animal control officer or humane officer with procedures for handling or working with that substance in a safe manner.
- Adopt Section 2039.5 (d)(4) of Article 4 of Division 20 of Title 16 of the CCR
This subsection provides a basic level of understanding requirements for each drug and administration route available to the animal control or humane officer and for each species that is likely to be tranquilized in the field.
- Adopt Section 2039.5 (d)(4)(A) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the animal control or humane officer to understand the advantages and disadvantages of drug combinations.

- Adopt Section 2039.5 (d)(4)(B) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires an understanding of how various factors may affect the choice of drug(s) and dosage used when administering a tranquilizer.
- Adopt Section 2039.5 (d)(4)(C) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to cover the equipment available to administer drugs and the advantages and disadvantages of each method.
- Adopt Section 2039.5 (d)(4)(D) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to include the advantages and disadvantages of each route of administration covered within the training.
- Adopt Section 2039.5 (d)(5) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to cover how to calculate a drug dosage with the following considerations: the animals' weight, age, condition and temperament.
- Adopt Section 2039.5 (d)(6) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training to cover signs of drug overdose or adverse drug reactions.
- Adopt Section 2039.5 (d)(7) of Article 4 of Division 20 of Title 16 of the CCR
The proposed language covers normal and abnormal signs of behavior of an animal following the administration of a tranquilizer.
- Adopt Section 2039.6 (d)(8) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the safe and proper transportation of animals that have been tranquilized.
- Adopt Section 2039.5 (d)(9) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the identification of signs when an animal's health has declined and requires veterinary care as a result of complications due to tranquilization.
- Adopt Section 2039.5 (d)(10) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the review of applicable state and federal laws and regulations regarding the possession, storage, administration, tracking, and disposal of controlled substances.
- Adopt Section 2039.5 (d)(11) of Article 4 of Division 20 of Title 16 of the CCR
This subsection includes the requirements regarding the level(s) of supervision by a California-licensed veterinarian permitted by the agency under Penal Code section 597.1 (a)(2) and CCR section 2032.1 (a) and 2034 (e) and (f).
- Adopt Section 2039.5 (e) of Article 4 of Division 20 of Title 16 of the CCR
This subsection adds the requirement for the licensee to administer an oral or written examination to the animal control officer or humane officer, which covers the required curriculum and includes a practical component.

- Adopt Section 2039.5 (f) of Article 4 of Division 20 of Title 16 of the CCR
After successful completion of the examination, licensees are required to aware the animal control officer or humane officer with a certificate as proof that they were able to sufficiently demonstrate their understanding and skills performing tranquilizer administration. The certificate will be non-transferable and will only be valid for four (4) years after it is issued. The agency will retain a copy of the certificate for six (6) years after it is issued.
- Adopt Section 2039.5 (g) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires that the licensee review and discuss any controlled substance that was not addressed in the original training.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Policy Statement Overview

The primary mission of the Board is to protect consumers and animals through the development and maintenance of professional standards.

This regulatory proposal promotes the safety of animals and the public in emergency situations by specifying content requirements for tranquilizer administration training in order for animal control officers and humane officers to be granted independent authority to possess and administer controlled substances. Animal control officers and humane officers are often asked to respond to emergency situations in which they must think and react quickly to maintain control of the situation. Without Board approved training, an animal control officer or humane officer may not administer a controlled substance on his or her own authority to subdue a wild animal or dangerous animals without consultation and direction from a licensed veterinarian. However, in an emergency situation in the field, there are times when a licensed veterinarian is not always available for consultation. This proposal provides the training necessary to properly administer controlled substances without the direct or indirect supervision of a licensed veterinarian. This reduces delays while waiting for consultation and direction, which could potentially result in harm or death to the animal or to the public when immediate action is needed.

Anticipated Benefits of Proposed Regulatory Action

The proposed regulations regarding Animal Control and Humane Officer Tranquilizer Administration Training were developed through a joint effort by representatives of the California Animal Control Directors Association, State Humane Association of California, and the California Veterinary Medical Association. Each section was carefully categorized to clarify key areas that are required to be covered during the training. The intention was for the training requirements to be comprehensive and balance the concerns for public safety with input from all constituencies.

The Board anticipates that the proposed regulations will provide licensed veterinarians with the specific training requirements to properly train and educate animal control and humane officers on the administration of tranquilizers containing a controlled substance. Completion of such training would grant independent authority to animal control and humane officers to administer controlled substances in emergency situations.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has determined that these are the only regulations that deal with the subject area of the Board's Animal Control and Humane Officer Tranquilizer Administration Training. The Board has evaluated this regulatory proposal and found that it is neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

None

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

By adopting CCR section 2039.5 the Board is establishing requirements to licensed veterinarians to provide Board approved controlled substances tranquilizer administration training to animal control officers and humane officers.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations only pertain to animal control officers, humane officers, and California licensed veterinarians providing Animal Control and Humane Officer Tranquilizer Administration Training. The proposed regulations adopt CCR §2039.5.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and state's environment by improving the consistency and transparency of penalties as related to the degree of harm caused by violation of the Veterinary Medicine Practice Act.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Nina Galang, Administrative Program Coordinator
Address: Veterinary Medical Board
1747 North Market Blvd., Suite 230
Sacramento, CA 95834
Telephone No.: 916-515-5238
Fax No.: 916-928-6849
E-Mail Address: Nina.Galang@dca.ca.gov

The backup contact person is:

Name: Ethan Mathes, Administrative Program Manager
Address: Veterinary Medical Board
1747 North Market Blvd., Suite 230
Sacramento, CA 95834
Telephone No.: 916-515-5220
Fax No.: 916-928-6849
E-Mail Address: Ethan.Mathes@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.vmb.ca.gov.

Veterinary Medical Board

Proposed Language

- (1) **Adopt Section 2039.5 of Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:**

§2039.5 Animal Control Officer and Humane Officer Training

- (a) For purposes of compliance with section 597.1 of the Penal Code, training for animal control or humane officers that meets the requirements of subdivisions (b), (c) and (d) of this section shall be deemed approved by the Board.
- (b) For the purposes of this section, the term “licensee” means an individual who holds a current and valid license to practice veterinary medicine, as issued by the Board and the term “agency” means the organization or public entity employing the animal control or humane officer.
- (c) The training, which shall be a minimum of four hours, shall be provided by a licensee and shall include didactic and hands-on training.
- (d) The training shall include the following components:
 - (1) Definitions, weights and measures, and use of each and every controlled substance authorized by the agency for use in the chemical capture and immobilization of animals.
 - (2) Various schedules and classifications of controlled substances and any hazards associated with exposure to the substances.
 - (3) Review of applicable Material Safety and Data Sheet (MSDS) for each controlled substance authorized for use by the agency, such that each animal control or humane officer is familiar with the proper procedures for handling or working with that substance in a safe manner.
 - (4) The appropriate administration route and methods of administration available to the animal control or humane officer and for each species that is likely to be tranquilized in the field, including:
 - A. Common drug combinations/mixtures
 - B. Factors that may affect the choice of the controlled substances to be administered and the appropriate dosage
 - C. Equipment available to administer the controlled substances, and advantages and disadvantages of each method
 - D. Drug administration and the advantages and disadvantages of each route of administration.
 - (5) Calculation of the proper dosages for each controlled substance for species likely to be tranquilized, including how to calculate a dosage with the following considerations: animal’s weight, age, condition, and temperament.
 - (6) Identification of drug overdose or adverse drug reactions
 - (7) Normal and abnormal signs and behavior of an animal following the administration of a tranquilizer
 - (8) The proper care and transport of an animal tranquilized in the field.

- (9) Identification when an animal requires veterinary care as a result of complications due to tranquilization.
- (10) Review of applicable state and federal laws and regulations regarding the possession, storage, administration, tracking, and disposal of controlled substances.
- (11) The level of licensee supervision established by the agency for an animal control or humane officer to administer controlled substances.
- (e) At the conclusion of the training, the licensee shall administer an oral or written examination by the licensed veterinarian, which shall cover the required curriculum and shall include a practical component.
- (f) Upon an officer's successful completion of the course, as determined by the licensee, the agency or its designee shall issue a signed certificate verifying that the animal control or humane officer completed the course, and the certificate, which is not transferable, shall be valid for four (4) after issuance., The agency shall retain a copy of a certificate for six (6) years after its issuance.
- (g) An agency that seeks to have an animal control or humane officer administer a controlled substance that was not addressed in the original training shall have the licensee review and discuss with the agency's officers the information specified in subsections (3), (5), (6) and (7) of subdivision (b) and both the content and the date of the review shall be documented and retained by the agency for six (6) years.

NOTE: Authority cited: Section 4808, Business and Professions Code, Section 597.1, Penal Code.

Reference: Section 597.1, Penal Code.

**VETERINARY MEDICAL BOARD
INITIAL STATEMENT OF REASONS**

Hearing Date: The Veterinary Medical Board ('Board') has not scheduled a hearing on the proposed changes. However, a hearing will be scheduled upon request by any interested party if the request is received no later than 15 days prior to the close of the written comment period.

Subject Matter of Proposed Regulations: Animal Control and Humane Officer Tranquilizer Administration Training

Sections Affected: Title 16, Division 20, California Code of Regulations (CCR) §2039.5.

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

Under Penal Code §597.1, California law states that an animal control officer or humane officer may seize an animal when reasonably necessary to protect the safety of an animal or the public, but may not administer a controlled substance on his or her own authority to subdue wild or dangerous animals without consultation and direction from a licensed veterinarian.

In an emergency situation in the field, there are times when a licensed veterinarian is not always available for consultation when immediate action is needed. Additionally, controlled substances are generally kept in a central location and must be brought into the field, causing unnecessary and dangerous delays. If an animal cannot be subdued without a controlled substance on hand, it could jeopardize the safety and well-being of the animal, as well as the public. Furthermore, without the availability of drugs in an emergency, the only option an animal control or humane officer may have is to kill a potentially dangerous animal. Therefore, it is necessary that animal control officers and humane officers should receive Board approved training by a licensed veterinarian in order to be granted independent authority to administer controlled substances in emergency situations.

The regulations proposed in this rulemaking action would establish requirements for licensed veterinarians providing Board approved training to animal control and humane officers on the administration of tranquilizers containing a controlled substance. The intent is to provide minimum training and testing requirements that comply with the requirements set forth in §597.1(a)(2)(A) of the Penal Code. Compliance with the laws and regulations governing veterinary medicine serves to protect animal patients and promotes public safety throughout California.

Statutory Authority for Rulemaking: Business and Professions Code (BPC) §4808, Penal Code §597.1(a)(2)(A).

Background and Introduction:

In accordance with the provisions of the Administrative Procedures Act, BPC §4808 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry into effect the provisions of Chapter 11 of Division 2 of the BPC.

Penal Code §597.1(a)(2)(A) authorizes the Board to approve tranquilizer administration training for animal control officers and humane officers, to be provided by California licensed veterinarians.

2. Purpose, Anticipated Benefit, and Rationale for this Regulatory Action:

Adopt Section 2039.5 of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

The Board is proposing to adopt CCR §2039.5 concerning the inclusion of Board approved training for animal control officers and humane officers on the administration of tranquilizers containing a controlled substance.

CCR §2039.5 was developed in order to comply with the requirements set forth in section 597.1(a)(2)(A) of the Penal Code.

Anticipated Benefit/Rationale:

By providing specific requirements for training, animal control officers and humane officers can be properly trained and educated on tranquilizer administration in order to be granted independent authority to administer controlled substances in emergency situations.

The proposed regulations regarding Animal Control and Humane Officer Tranquilizer Administration Training were developed through a joint effort by representatives of the California Animal Control Directors Association, State Humane Association of California, and the California Veterinary Medical Association. Each section was carefully categorized to clarify the key areas that are required to be covered during the training. The intention was for the training requirements to be comprehensive and balance the concerns for public safety with input from all constituencies.

Section 2039.5 (a) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

CCR section 2039.5 (a) outlines the high level training requirements needed for licensed veterinarians to provide controlled substances tranquilizer administration training to animal control officers and humane officers.

Anticipated Benefit/Rationale:

The Board approved Animal Control and Humane Officer Tranquilizer Administration Training was developed through a joint effort by representatives of the California Animal Control Directors Association, State Humane Association of California, and the California Veterinary Medical Association. Each component was carefully selected to identify the key areas that are required to be covered during the training.

Section 2039.5 (b) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection clarifies the terms “licensee” and “agency,” which are used throughout the section. “Licensees” refer to individuals who hold a current and valid license to practice veterinary medicine, issued by the Board, who are authorized to provide tranquilizer administration training to animal control officers and humane officers. “Agency” refers to the organization or public entity employing the animal control or humane officer.

Anticipated Benefit/Rationale:

The Board approved training must be provided by a California licensed veterinarian in good standing because the Board only has jurisdiction over veterinarians licensed in California. Therefore, all veterinarians practicing in California and those animal control officers or humane officers employed to perform controlled substance tranquilization services under the California licensed veterinarian must comply with California laws and regulations.

The California licensed veterinarian providing the Board approved training is required to cover all requirements in CCR section 2039.5, as each subsection has been determined by the Board as essential to providing controlled substances tranquilizer administration training.

Animal control officers and humane officers must be employed by an Agency in order to receive Board approved controlled substances tranquilizer administration training by a California licensed veterinarian.

Section 2039.5 (c) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection requires a minimum of four hours of training provided by a licensee, including didactic and hands-on training.

Anticipated Benefit/Rationale:

A minimum of four hours of didactic and hands-on training is required to give animal control officers and humane officers the opportunity to ask questions, experience live demonstration, and practice what they have learned in their lessons in front of a licensed veterinarian. This also provides the opportunity for the licensed veterinarian as trainer to evaluate the practice of tranquilizer administration training and provide constructive criticism for areas needing improvement.

Section 2039.5 (d) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection outlines the required components of controlled substances tranquilizer administration training as approved by the Board.

The training components outlined in this subsection include: what information must be learned about each controlled substance authorized by the agency, schedules, classifications, and hazards of controlled substances, MSDS, advantages and disadvantages of various routes and methods of administration, calculating proper dosages, overdose or adverse drug reactions, normal and abnormal signs of behavior of a tranquilized animal, proper care and transport of a tranquilized animal, and identification when an animal requires veterinary care as a result of complications due to tranquilization.

Additionally, the training components include the review of applicable state and federal laws and regulations regarding controlled substances and the level of licensee supervision established by the agency for an animal control or humane officer to administer controlled substances.

Anticipated Benefit/Rationale:

The Board anticipates that this subsection will benefit licensed veterinarians by setting clear standards and expectations of the separate and distinct areas of training that must be covered.

Section 2039.5 (d)(1) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

The animal control officer or humane officer will be trained on the definitions, weights and measures, and use of each and every controlled substance they are authorized to use by the agency.

Anticipated Benefit/Rationale:

It is anticipated that animal control officers and humane officers receiving this training will understand that they will not be authorized to use every controlled substance, but only those authorized by the agency and of which they have received training. While many drugs have a useful and legitimate medical purpose, not all drugs are appropriate for any given situation. For the purposes of animal tranquilization, animal control officers and humane officers will only be authorized to handle and administer specific schedules of drugs. Within those schedules of drugs, the licensed veterinarian may determine that only a few specific drugs are necessary to carry out the task at hand.

Drugs may be labeled in different units of measure and it is important to understand how they relate to one another in the event that one unit of measure must be converted to different unit of measure, i.e. 1 ml = 1 cc.

Section 2039.5 (d)(2) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection requires controlled substances tranquilizer administration training to cover the various schedules and classifications of controlled substances and any hazards associated with exposure to the substances.

Anticipated Benefit/Rationale:

The Controlled Substance Act (CSA) establishes a statutory framework through which the federal government regulates the lawful use of controlled substances for legitimate medical, scientific, research, and industrial purposes, and prevents these substances from being diverted for illegal purposes. The State legislature must create drug laws that are in compliance with the CSA. State laws may be narrower than federal drug laws, but may not override them or be in conflict with them. Knowing State and Federal laws helps animal control officers and humane officers understand how to remain in compliance with State and Federal mandates in order to avoid penalties and/or criminal prosecution.

This subsection requires a clear understanding of the different schedules of drugs that controlled substances are classified under and the schedule of drugs they are authorized to use. The CSA assigns controlled substances to one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability. The order of the schedules reflects substances that are progressively less dangerous and addictive. The penalties for drug crimes typically depend on which schedule the drug falls into. By understanding that the penalties for the improper use of controlled substances vary depending on the schedule of drugs, it emphasizes the importance of being responsible when handling controlled substances to avoid hefty fines or prison time.

It is expected that animal control and humane officers will be able to understand what drug is a “controlled substance” and how they are scheduled in Federal Law. For the safety of animals and the public, animal control and humane officers should become familiar with the CSA and how it is regulated within their profession. Being unable to identify or demonstrate this understanding can be extremely dangerous, potentially causing harm or death to the animal and threatening public safety if the drugs are not handled or administered correctly. Additionally, it is important that animal control officers and humane officers are educated on State and Federal laws in order to avoid their own penalties or criminal prosecution.

Section 2039.5 (d)(3) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

All controlled substances used by the agency and reviewed during the training must be accompanied by the appropriate Material Safety and Data Sheet (MSDS). A MSDS is a document that contains information on the potential hazards (health, fire, reactivity and environmental) and how to work safely with the chemical product. It also contains information on the use, storage, handling, and emergency procedures related to the hazards of the material. It is intended to tell what the hazards of the product are, how to use the product safely, what to expect if the recommendations are not followed, what to do if accidents occur, how to recognize symptoms of overexposure, and what to do if such incidents occur. Each MSDS must be reviewed with the animal control officer and/or humane officer with procedures for handling or working with that substance in a safe manner.

Anticipated Benefit/Rationale:

An MSDS is accompanied by each controlled substance reviewed during training because each MSDS contains, among other information, a description of the chemical/substance/drug, safety precautions, and what to do in the event of exposure. Cal/OSHA requires that businesses maintain an SDS on all chemicals that are used or stored on premises and that the SDS documents are stored in a location that all employees can access. Cal/OSHA also requires employers to conduct training sessions for their employees including where the SDS documents are stored and how to read them.

Lastly, the animal control officer and humane officer must be able to demonstrate their ability to identify the correct bottles and containers that hold the controlled substances and be aware of expiration dates. Being able to read information on the bottle or container correctly is a vital step in ensuring that the appropriate drug and dosage is used.

Section 2039.5 (d)(4) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

CCR section 2039.5 (d)(4) provides the basic level of understanding requirements for each drug and administration route available to the animal control or humane officer and for each species that is likely to be tranquilized in the field. Specifically, this subsection outlines the basic level of understanding requirements in the following areas: a) common drug combinations/mixtures, b) factors that may affect the choice of the controlled substances to be administered and the appropriate dosage, c) equipment available to administer the controlled substances, and advantages and disadvantages of each method, and d) drug administration and the advantages and disadvantages of each route of administration.

Anticipated Benefit/Rationale:

The proposed language require training in various areas specifically relating to tranquilizer administration in order for animal control and humane officers to assess what drug is appropriate to administer in various situations and for a variety of species. Not all animal control situations are alike and individualizing the dosage based on a variety of factors is essential to preventing a negative outcome.

The following are the anticipated benefits of each required area:

A) Common drug combinations/mixtures

Purpose:

This subsection requires the animal control or humane officer to understand the advantages and disadvantages of drug combinations.

Anticipated Benefit/Rationale:

Each drug has its own set of properties, and by combining two or more drugs, the properties, and how the drugs react with an animal, can change. Administering one drug or a combination of drugs can create varying induction times, levels of sedation, and effectiveness, which is especially important during emergency situations where an animal may need tranquilization to protect itself or the safety of the public.

This knowledge helps ensure that animal control officers and humane officers understand that there are advantages and disadvantages of various combinations which can lead to altered or enhanced effects when drugs are mixed. Administering the correct combination of drugs serves to prevent any unnecessary harm or death to the animal.

B) Factors that may affect the choice of the controlled substances to be administered and the appropriate dosage

Purpose:

This subsection requires an understanding of how various factors may affect the choice of drug(s) and dosage used when administering a tranquilizer.

Anticipated Benefit/Rationale:

An animal control officer or humane officer may need to use a different controlled substance and/or level of sedation based on the situation and species. Each drug has its own set of properties and each has its own expected effects. The choice of drug used when administering a tranquilizer is partially dependent on the desired effect, but there are many other factors.

A weaker dosage may be needed to simply keep an animal calm during a thunder storm, compared with a situation in which an animal is injured, must be handled gently, and a stronger dosage would likely be needed in order to prevent an animal from moving excessively and furthering the injury.

Understanding various factors in choosing the correct sedation that each situation and species may require a different drug or combination of drugs serves to prevent an animal from undergoing a level of sedation under or beyond what is necessary and serves to protect the animal from any unnecessary harm.

C) Equipment available to administer the controlled substances, and advantages and disadvantages of each method

Purpose:

This subsection requires the tranquilizer administration training to cover the equipment available to administer drugs and the advantages and disadvantages of each method.

Anticipated Benefit/Rationale:

Animal control officers and humane officers must be familiar with syringes and darts used for delivery of controlled substances in order to know how to use them and to understand that each tool has a different carrying capacity. It is also important to understand the importance of maintaining sterility so as not to contaminate the syringe or dart and to minimize the chance of infection.

D) drug administration and the advantages and disadvantages of each route of administration

Purpose:

This subsection requires the tranquilizer administration training to include the advantages and disadvantages of each route of administration covered within the training.

Anticipated Benefit/Rationale:

The most appropriate method and route of administration when tranquilizing an animal is determined based on what is safest for the animal and officer, and the qualities of the drug. Animal control and humane officers must understand the advantages and disadvantages of each route of administration, how animals of different species may require a different method that is more appropriate, and they must understand any potential complications that come with each method and the route of drug administration. Animals of differing sizes and species may require certain methods and techniques for administering sedation. When performed correctly and appropriate to the situation, it should not result in harm or death to the animal.

Section 2039.5 (d)(5) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection requires the tranquilizer administration training to cover how to calculate a drug dosage with the following considerations: the animal's weight, age, condition and temperament.

Anticipated Benefit/Rationale:

To be able to calculate the proper drug dosage, the animal control officer or humane officer must consider the following: the animal's weight, age, physical condition, and temperament. A variety of factors may cause drugs or combinations of drugs to react differently, potentially leading to adverse drug reactions or a drug overdose. For example, if an animal is malnourished or stressed, it will cause the drug to react differently than how it would with an animal in a healthy, relaxed state. An animal control officer must also be able to quickly determine the animal's weight, age, and condition prior to determining dosage. The proper dosage must then be adjusted based on this situation in order to safely tranquilize the animal.

It is important that animal control officers and humane officers understand the effects of the drugs and drug combinations based on a given situation in order to prevent complications due to tranquilization.

Section 2039.5 (d)(6) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection requires training to cover signs of drug overdose or adverse drug reactions.

Anticipated Benefit:

The safety of the tranquilized animal is paramount, and there is always the potential for an animal to adversely react to the tranquilizer that has been administered. It is important to be able to recognize when an animal is showing signs of drug overdose or adverse drug reactions to a tranquilizer in the event that emergency response care must be provided and the animal requires immediate veterinary care when complications arise.

Section 2039.5 (d)(7) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

The proposed language covers normal and abnormal signs of behavior of an animal following the administration of a tranquilizer.

Anticipated Benefit/Rationale:

Different species of animals behave unlike one another, especially in a situation where the animal may be undergoing abnormal circumstances. Animal control officers and humane officers must be knowledgeable of what to expect after administering a tranquilizer to know if the tranquilization was performed correctly and in a manner that does not harm the animal.

By understanding what is normal or abnormal behavior in tranquilized animals, animal control officers and humane officers will be able to determine if the tranquilizer was administered correctly and that no corrections need to be made to the dosage. If an animal's health has been compromised, they will be aware of any behavioral cues that are outside of the expected outcome and recognize when to notify a veterinarian.

Section 2039.5 (d)(8) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection requires training in the safe and proper transportation of animals that have been tranquilized.

Anticipated Benefit/Rationale:

Treatment and care of the animal must continue even after an animal has been tranquilized. Normal supportive care involves temperature control, maintaining an open airway, and protecting the eyes of the tranquilized animal. Being trained in each of these areas provides animal control officers and humane officers with the skills necessary to provide an animal with the proper care it needs while the animal is sedated.

Additionally, tranquilized animals should be transported safely, in a manner that avoids physical trauma and minimizes stress. Improper care of the animal during transportation could lead to new or worsening injuries or symptoms, which may require further and/or immediate medical attention. It is best to prevent or minimize harm as much as possible by providing protection and safety during transportation, until the animal may be seen by a licensed veterinarian.

Section 2039.5 (d)(9) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection requires training in the identification of signs when an animal's health has declined and requires veterinary care as a result of complications due to tranquilization.

Anticipated Benefit/Rationale:

Without a veterinarian present, animal control and humane officers are responsible for both the tranquilization of the animal and providing normal supportive care after the animal has been tranquilized. If the animal is not cared for after the tranquilization, the drugs administered may cause the health of the animal to decline or the animal may become deceased. Under tranquilization, an animal may not be able to sustain an appropriate temperature or breathe easily, and may not be able to protect its eyes from harm. An animal control officer must recognize these signs of distress and know when an animal requires veterinary care.

Section 2039.5 (d)(10) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection requires training in the review of applicable state and federal laws and regulations regarding the possession, storage, administration, tracking, and disposal of controlled substances.

Anticipated Benefit/Rationale:

It is important for animal control officers and humane officers to understand federal law, as well as state law. The Supremacy Clause is a clause within Article VI of the United States (U.S.) Constitution which dictates that federal law is the "supreme law of the land." It provides that

federal law is the highest form of law in the U.S. legal system, and mandates that all state judges must follow federal law when a conflict arises between federal law and either a state constitution or state law of any state. Animal control officers will need to understand they are held to these higher order laws when pertaining to controlled substances and will be held liable for violations of these laws. Knowing these laws and regulations helps animal control officers and humane officers understand how to remain in compliance with state and federal mandates and avoid penalties and/or criminal prosecution.

Possession / Administration

By clearly listing each type of person authorized to possess and administer tranquilizers containing controlled substances, it prevents the controlled substances from unknowingly falling into the wrong hands. Animal control officers or humane officers could seriously injure or kill animal patients, the public, or themselves if they have not been properly trained to administer tranquilizers containing a controlled substance. It makes clear that animal control officers or humane officers must have successfully completed the required training in order to receive authorization.

The authorization to possess and administer controlled substances shall only be granted to individuals who do not have a history of past controlled substance related criminal convictions or have not, at any time, had an application for DEA registration denied, revoked or surrendered. The controlled substances that an animal control officer or humane officer will be exposed to contain a high potential for abuse and also carry a high risk for diversion. Therefore, strict access must be granted to only those do not possess a history of controlled substance related criminal convictions and a denied, revoked, or surrendered DEA registration application status.

Storage

Schedule I drugs are too dangerous for the purposes of animal tranquilization and therefore, animal control officers and humane officers will only be authorized to handle controlled substances in Schedules II-V. Consequently, animal control officers and humane officers must understand how to properly store these drugs. Drug diversion is a prevalent issue that results in misuse of controlled substances other than their intended purpose by those not authorized to use them. Safety is the number one priority and the misuse of controlled substances can lead to permanent injury or illness, and even death. By understanding how to properly store controlled substances, it keeps the drugs safe and prevents them from being diverted.

Tracking

Every drop or pill must be accounted for in order to track scheduled drugs that have the risk of being diverted elsewhere to persons not authorized to use or possess them, and for purposes outside of the original intent. Animal control officers and humane officers must practice an in/out inventory, which manages each time a drug is checked out of the locked cabinet and every time a drug is returned back to the locked cabinet.

If there is a significant difference in the actual amount of drugs on hand versus the amount of drugs that were indicated on the log, it could be evidence of drug diversion. Per federal regulations, animal control officers and humane officers must notify the DEA and local police any time there is a significant loss. Failure to notify could be viewed as negligence or purposeful withholding of information and could result in penalties or criminal prosecution. To ensure accurate recordkeeping, corrections must be made to log entries any time there are measurement errors.

Disposal

Excess drugs must be placed in labeled containers and stored in an injection bottle, vial or ampule that is specifically used for that purpose and labeled as "Waste Controlled Substance." It is important that all drug containers are labeled in order to clearly separate them from drugs that are still in use in order to eliminate confusion regarding the contents and their expiration date. Excess drugs cannot simply be thrown away because every drop or pill of controlled substances must be accounted for and should be disposed of properly, as not to make the drugs available to those not authorized to possess or administer them.

Section 2039.5 (d)(11) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

CCR section 2039.5 (d)(11) includes the requirements regarding the level(s) of supervision by a California-licensed veterinarian permitted by the agency under Penal Code §597.1(a)(2) and CCR §§2032.1(a) and 2034(e) and (f).

Anticipated Benefit/Rationale:

Animal control officers and humane officers permitted to administer controlled substances must be directly or indirectly supervised by a California-licensed veterinarian. This level of supervision is determined by the supervising California-licensed veterinarian pursuant to Penal Code §597.1(a)(2) and CCR §§2032.1(a) and 2034(e) and (f).

Additionally, this section notes that each agency should clearly state within the agency's official policy the level of supervision provided to each animal control officer or humane officer permitted to administer controlled substances, or if the level of supervision will be determined on a case-by-case basis. This is important to document because once it has been documented, it becomes clear, not only to the animal control officer or humane officer and their supervisor, but also to other licensed veterinarians employed by the same animal health care facility who may be working above or alongside unlicensed staff persons who are authorized to administer controlled substances.

Section 2039.5 (e) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection adds the requirement for the licensee to administer an oral or written examination to the animal control officer or humane officer, which covers the required curriculum and includes a practical component.

Anticipated Benefit/Rationale:

By administering an exam upon completion of the curriculum, it provides the opportunity for the animal control officer or humane officer to demonstrate what he/she has learned, and provides the opportunity for the California licensed veterinarian to evaluate the knowledge and skills of the animal control officer or humane officer with respect to controlled substances and appropriately determine the level of competency.

Section 2039.5 (f) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

After successful completion of the examination, licensees are required to award the animal control officer or humane officer with a certificate as proof to the Board that they were able to sufficiently demonstrate their understanding and skills performing tranquilizer administration. The certificate will be non-transferable and will only be valid for four (4) years after it is issued. The agency will retain a copy of the certificate for six (6) years after it is issued.

Anticipated Benefit/Rationale:

The signed certificate of training completion may serve as proof to veterinary staff and/or the public of an animal control officer or humane officer's authority to possess and administer controlled substances.

Section 2039.5 (g) of Article 4 of Division 20 of Title 16 of the CCR

Purpose:

This subsection requires that the licensee review and discuss any controlled substance that was not addressed in the original training.

Anticipated Benefit/Rationale:

After the initial tranquilizer administration training has been completed, the licensed veterinarian may determine that a new and/or different drug is more appropriate to carry out the required task to be performed by the animal control or humane officer. It is important to continue training

on each new and/or different drug they will be authorized to use, as each drug has different properties and may have different effects, especially if used in combination with other drugs.

Underlying Data

- Veterinary Medical Board Disciplinary Guidelines, May 2002 Edition
- Economic Impact Assessment

Business Impact

This regulation will not have a significant adverse economic impact on businesses. By adopting CCR §2039.5, the Board is establishing requirements to licensed veterinarians to provide controlled substances tranquilizer administration training.

Economic Impact Assessment

This regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California because the proposed regulations are requirements for any animal control or humane officer seeking the authority to independently administer controlled substances to subdue an animal while out in the field.

It will not create new business or eliminate existing businesses within the State of California because the proposed regulations affect animal control and humane officers only and place no requirements or restrictions upon businesses.

It will not affect the expansion of businesses currently doing business within the State of California because the proposed regulations affect animal control and humane officers only and place no requirements or restrictions upon businesses.

This regulatory proposal benefits the health and welfare of California residents because the proposal outlines requirements to licensed veterinarians of the Board approved controlled substances tranquilizer administration training for animal control officers and humane officers. This, in turn, provides increases protection to the health and welfare to the public by ensuring the Board's requirements for training are consistent.

This regulatory proposal is specific to providing guidance to the Board members, Administrative Law Judges and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act and has no impact on worker safety.

This regulatory proposal provides requirements to licensed veterinarians of the Board's approved tranquilizer administration training and does not affect the state's environment.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

Pursuant to authority vested by BPC §§4808 and 4883 and to implement, interpret or make specific §597.1 of the Penal Code and the Board considered changes to CCR §2039.5.

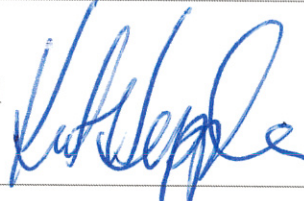
No reasonable alternative to the regulatory proposal is available to the Board in administering its authority to implement, interpret or make specific the Penal Code. No reasonable alternative would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set for below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not adopt the regulations. This alternative was rejected because it would not grant independent authority to possess and administer controlled substances to animal control officers and humane officers. Therefore, by not adopting the regulations, it would not provide additional protection from potential harm to animals and the public during emergency situations where immediate action is needed by the animal control officer or humane officer.
2. Adopt the regulations. Penal Code §597.1(a)(2)(A) requires the Board to develop and approve a training program in the administration of tranquilizers to be provided by a licensed veterinarian. The Board has determined that this alternative is the most feasible because adopting the regulations allows the Board to remain in compliance with State mandates.



MEMORANDUM

| | |
|---------|---|
| DATE | June 28, 2016 |
| TO | Members, Veterinary Medical Board |
| FROM | Kurt Heppler, Supervising Counsel Division of Legal Affairs Department of Consumer Affairs  |
| SUBJECT | Approval of RVT Schools |

This memo addresses an inquiry from the Veterinary Medical Board (Board) regarding the approval of those educational institutions providing veterinary technology curriculum. Specifically, the Board's initial question was one of reporting, as there was a concern that these institutions may be burdened by duplicate or perhaps even more excessive reporting requirements. However, upon further discussion, the question was revised slightly to address whether the Board can rely wholly on an institution's accreditation by the American Veterinary Medical Association (AVMA) as satisfying its approval criteria.

To answer this question, we must first address the Board's statutory scheme. The Board is obligated to approve schools providing curriculum for training registered veterinary technicians (RVTs). (See Bus. & Prof. Code, § 4843.)

To specify the approval criteria, the Board promulgated a comprehensive set of regulations. (See Cal. Code Regs. tit. 16, §§ 2064 -- 2066.) The purpose of regulation is to implement, interpret, or make specific statute. (See Gov. Code, 11342.600.) Whenever the Board exercises its licensing, disciplinary, or regulatory functions, protection of the public is the highest priority. (See Bus. & Prof. Code, § 4800.1.) The Board adopted section 2064 of title 16 as follows:

“All schools or degree programs accredited by the American Veterinary Medical Association (AVMA) shall be deemed by the board to have met the minimum requirements of section 2065(a), (b), (d), and (e). Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval,

continue to apply and must be demonstrated in the school's or degree program's application for board approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.” (Emphasis added.)

This section clearly provides that AVMA accreditation satisfies most of the Board’s approval criteria; however, accreditation does not satisfy all the approval criteria. Accredited schools still must apply and have their application and supporting information and documents evaluated. The Board cannot simply deem an accredited school approved without application and review because an agency is bound by its own regulations. Additionally, it is not clear that the existing regulation is operationally aligned with the Board’s practices. Accordingly, the Board may wish to make some programmatic changes.

OPTION 1

The Board may wish to consider some alternatives to the existing regulatory structure. If it so choose, it could seek to amend section 2064 to provide that an AVMA accredited school is deemed approved. Of course, if the school is a private institution, approval by the Bureau for Private Postsecondary Education would also be required. However, this solution, while elegantly simple, may be somewhat infirm in that the Legislature may not have given sufficient direction to the Board in this area. Consequently, a proposed regulation of this type may be viewed as improper delegation of legislative power.

The proposed regulation could look something like this:

All schools or degree programs fully accredited ~~accredited~~ by the American Veterinary Medical Association (AVMA) shall be deemed approved by board for the purposes of section 4843 of the Code. ~~by the board to have met the minimum requirements of section 2065(a), (b), (d), and (e). Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board.~~ ~~All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board approval.~~ Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.”

As mentioned above, consumer protection is the paramount priority in this endeavor. Board staff recently conducted the attached comparison of the approval standards to the accreditation requirements and Board members may wish to review the chart to determine if there is any appreciable loss in consumer protection. A preliminary review indicates there is not.

OPTION 2

The second alternative would be for the Board to consider a legislative proposal that would establish some parameters to act in this area. By way of example, a statute that would allow a school to be approved by the Board if it was accredited by a national or regional accrediting body recognized by the United States Department of Education. By way of example, section 3513 of the Business and Professions Code provides:

“The board shall recognize the approval of training programs for physician assistants approved by a national accrediting organization. Physician assistant training programs accredited by a national accrediting agency approved by the board shall be deemed approved by the board under this section. If no national accrediting organization is approved by the board, the board may examine and pass upon the qualification of, and may issue certificates of approval for, programs for the education and training of physician assistants that meet board standards.”

Accordingly, the Board may want to consider a proposal similar to the following.

Section 4843 is amended to read:

- (a) The board shall approve all schools or institutions offering a curriculum for training registered veterinary technicians. Application forms for schools requesting approval shall be furnished by the board. Approval by the board shall be for a two-year period. Reapplication for approval by the board shall be made at the end of the expiration date.
- (b) The board shall recognize the approval of training programs for veterinary technicians approved by a national accrediting organization. Veterinary technicians training programs accredited by a national accrediting agency approved by the board shall be deemed approved by the board under this section.

Note the broader scope of this approach, which would require regulations to implement.

I look forward to discussing this item at the meeting.

Attachment – Comparison Chart

Comparison Chart for CA RVT School Approval/AVMA Accreditation

| CCR Section | Description | AVMA Accreditation | AVMA Standards of Accreditation Section |
|-------------|--|--------------------|---|
| 2065 | Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements: | N/A | N/A |
| 2065(c) | Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or institution shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or institution shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection. | X | IV. 10d |
| 2065 (f)(1) | The faculty shall include a California licensed veterinarian employed by the school or degree program as an advisor, administrator, or instructor. Instructors shall include but need not be limited to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified. | X | IV. 9e |
| 2065 (f)(2) | Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each instructor shall have or currently be receiving training in current teaching methods. Each school or degree program effectively evaluate the teaching ability of each instructor. | X | IV. 9b |
| 2065 (f)(3) | An approved program shall have a director who meets the requirements of subdivision (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration. | X | IV. 9c-9d |

Comparison Chart for CA RVT School Approval/AVMA Accreditation

| | | | |
|------------|--|-----|---|
| 2065(f)(4) | In the absence of a director, the school or degree program may appoint an interim director. The interim director shall meet the requirements of (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The school or degree program shall not have an interim director for a period exceeding eighteen months. | X | AVMA does not allow for an unlicensed director or interim. IV. 9c |
| 2065(g) | The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education. When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated. | X | IV. 8a |
| 2065(h) | All students admitted shall possess a high school diploma or its equivalent. | X | IV. 7b |
| 2065(i) | The school or degree program shall be part of an institution which is approved by the Department of Consumer Affairs, Bureau of Private Postsecondary and Vocational Education, or its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education. | N/A | Regulated by BPPE |
| 2065(j) | Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto. | X | IV. 9b |
| 2065(k) | Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853. | N/A | Only facilities treating client-owned animals or offering its own externship require a premises permit. |
| 2065(l) | The schools or degree programs shall provide all prospective students, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the students proposed enrollment and a description of the requirements for registration as a registered veterinary technician. | X | VI. C, Reporting to the Community |

Comparison Chart for CA RVT School Approval/AVMA Accreditation

| | | | |
|--------------|--|---|--|
| 2065(m) | The schools or degree programs shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information. | X | IV. 7d; 10g |
| 2065.7(a) | Where either provisional or full approval has been granted, the Board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section. | X | VI. C (10) |
| 2065.7(b) | The board may conduct an on-site inspection of a school or degree program which offers a registered veterinary technician curriculum in accordance with section 2065 where: | X | |
| 2065.7(b)(1) | It believes the school or degree program has substantially deviated from the standards for approval. | X | VI. C (7, 8, 10) |
| 2065.7(b)(2) | For a period of two years the approved school's or degree program's yearly average pass rate on the registration examination falls below 10 percentage points of the state average pass rate for the first time candidates for the registered veterinary technician examination. | X | IV, 11a; VI. C, Reporting to the Community |
| 2065.7(b)(3) | There has been a change of director in charge of the curriculum for training registered veterinary technicians. | X | VI. C, Substantive Change |
| 2065.7(c) | School or degree programs accredited by the American Veterinary Medical Association shall be exempt from the initial inspection. Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board. | X | VI. C |
| 2065.9 | Every school shall be required to submit to the board within sixty (60) days after the close of the schools fiscal year a current course catalog with a letter outlining the following: | X | |
| 2065.9(1) | Any courses added/deleted or significantly changed from the previous years' curriculum; | X | IV. 3d; VI. C Substantive Change (4) |
| 2065.9(2) | Any changes in faculty, administration, or governing body; and | X | IV. 3d; VI. C, Substantive Change (2-3) |
| 2065.9(3) | Any major change in the schools facility. | X | VI. C, Substantive Change (1-10) |

Comparison Chart for CA RVT School Approval/VMA Accreditation

Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board

§ 2064. Approval of Schools Accredited by the American Veterinary Medical Association

All schools or degree programs accredited by the American Veterinary Medical Association (AVMA) shall be deemed by the board to have met the minimum requirements of section 2065(a), (b), (d), and (e). Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065. Minimum Requirements for Approved Schools or Degree Programs.

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements:

- (a) The curriculum shall consist of:
 - (1) a minimum of 600 hours of classroom instruction,
 - (2) a minimum of 200 hours of clinical instruction, and
 - (3) an externship consisting of at least 200 hours.
- (b) The curriculum shall cover applicable safety training in all coursework. Coursework shall include the following:
 - (1) Principles of anatomy and physiology,
 - (2) Biology and chemistry,
 - (3) Applied mathematics,
 - (4) Orientation to the vocation of veterinary technology,
 - (5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,
 - (6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,
 - (7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,
 - (8) Animal nutrition and feeding,
 - (9) Client communication,
 - (10) Dental care of companion and laboratory animals including prophylaxis and extractions,
 - (11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,
 - (12) Emergency and critical care nursing,

- (13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,
 - (14) Imaging to include radiography, basic endoscopy, ultrasound principles, and radiation safety principles,
 - (15) Medical terminology,
 - (16) Medical office management including medical record keeping and drug control,
 - (17) Basic necropsy techniques including specimen collection and handling,
 - (18) Pharmacology, and
 - (19) Surgical nursing and assisting including instrumentation, suturing, bandaging and splinting.
- (c) Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or degree program shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or degree program shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.
- (d) The library facilities of the school or degree program must be adequate for the conducting of the educational program.
- (e) The physical plant and equipment used for instruction in the academic teaching shall be adequate for the purposes intended.
- (f)(1) The faculty shall include a California licensed veterinarian employed by the school or degree program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.
- (2) Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each instructor shall have or currently be receiving training in current teaching methods. The school or degree program shall effectively evaluate the teaching ability of each instructor.
- (3) The school or degree program shall have a director who meets the requirements of subdivision (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.
- (4) In the absence of a director, the school or degree program may appoint an interim director. The interim director shall meet the requirements of (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The school or degree program shall not have an interim director for a period exceeding eighteen months.
- (g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education. When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.
- (h) All students admitted shall possess a high school diploma or its equivalent.
- (i) The school or degree program shall be part of an institution that is approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.
- (j) Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.

(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853.

(l) The schools or degree programs shall provide each prospective student, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(m) The schools or degree programs shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4830, 4841.5, 4843 and 4853, Business and Professions Code.

§ 2065.5. School or Degree Program Approval.

(a) A school or degree program seeking board approval of its registered veterinary technician curriculum and facilities shall submit an application to the board on a form provided by the board.

(b) When the application for approval or re-approval of a registered veterinary technician curriculum includes an onsite inspection by the board or its designee, the school or degree program shall pay for the board's actual costs associated with conducting the onsite inspection, including, but not limited to, the inspection team's travel, food and lodging expenses.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5, 4842.5 and 4843, Business and Professions Code.

§ 2065.6. School and Degree Program Approval Process

The following procedures shall be applicable to a school or degree program applying to the board for initial approval of its registered veterinary technician curriculum in accordance with section 2065 of these rules:

(a) The board shall conduct a qualitative review and assessment of the school's or degree program's registered veterinary technician curriculum through a comprehensive onsite review process, performed by an inspection team impaneled by the board for that purpose.

(b) After reviewing the inspection team's evaluation report and recommendations, the board shall take one of the following actions:

(1) Grant provisional approval for a period not to exceed two years. An additional two-year provisional approval may be granted by the board for good cause.

(2) Disapprove the application.

(c) For a school or degree program that does not have AVMA accreditation, but offers a registered veterinary technician curriculum in accordance with section 2065, the board shall not grant full approval until the curriculum has been in operation under provisional approval for at

least two years and the board has determined that the curriculum is in full compliance with the provisions of section 2065.

(d) For a school or degree program that has AVMA accreditation, if the board grants approval, it shall be full approval.

(e) For a school or degree program that has provisional or probationary AVMA accreditation, the board shall grant provisional approval on the same terms as all other schools or degree programs until such time as the AVMA grants full accreditation, at which time the board may grant the school or degree program full approval subject to compliance with section 2064.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.7. Inspections

(a) Where either provisional or full approval has been granted, the board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section.

(b) The board may conduct an on-site inspection of a school or degree program which offers a registered veterinary technician curriculum in accordance with section 2065 where:

(1) It believes the school or degree program has substantially deviated from the standards for approval,

(2) For a period of two years the approved school's or degree program's yearly average pass rate on the registration examination falls below 10 percentage points of the state average pass rate for first time candidates for the registered veterinary technician examination.

(3) There has been change of director in charge of the curriculum for training registered veterinary technicians.

(c) Schools and degree programs accredited by the American Veterinary Medical Association shall be exempt from the initial inspection. Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8. Probation

(a) The board may place a school or degree program on probation for a prescribed period of time not to exceed 2 years, in the following circumstances:

(1) The board determines that an approved school or degree program is not maintaining the standards for approval required by the board.

(2) For a period of two years the approved school's or degree program's yearly average pass rate for the first time candidates who have taken the registration examination falls below 10 percentage points of the state average pass rate for first time candidates who have taken the registered veterinary technician examination during the same time period.

(3) The use of false or misleading advertising.

(4) Aiding or abetting in any acts that are in violation of any of the provisions of this division or any provision of the Veterinary Medicine Practice Act.

(b) During the period of probation, the school or degree program shall be subject to special monitoring. The conditions for probation may include the submission of periodic reports as prescribed by the board and special visits by authorized representatives of the board to determine progress toward total compliance.

(c) The board may extend the probationary period for good cause.

(d) The school or degree program shall notify in writing all current and prospective students and employees of the probationary status.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8.1. Withdrawal of Approval

The board may withdraw its approval of any school or degree program in the following circumstances:

(a) The employment of fraud, misrepresentation, or deception in obtaining approval.

(b) If, at the end of a probationary period, the school or degree program has not eliminated the cause or causes for its probation to the satisfaction of the board.

(c) The board determines that the school or degree program has engaged in activities that are a danger to the health and safety of its students, staff, or animals.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8.2. Procedures for Probation or Withdrawal of Approval

Prior to taking any action to place a school or degree program on probation or withdrawing of the board's approval, the board shall provide the school or degree program due notice and an opportunity to be heard.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8.3. Director Notification

(a) Every approved school or degree program shall be required to notify the board in writing of the departure of the director or interim director within 15 working days, and shall notify the board in writing of the appointment of any director or interim director within 15 working days.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.9. Reporting

Every school or degree program shall be required to submit to the board within sixty (60) days after the close of the school's or degree program's fiscal year a current course catalog with a letter outlining the following:

- (1) Any courses added/deleted or significantly changed from the previous year's curriculum;
- (2) Any changes in faculty, administration, or governing body; and
- (3) Any major change in the school's or degree program's facility.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2066. Out of State Schools.

(a) Candidates who have completed a course of study at a school or a degree program located outside of California and accredited by the AVMA shall be deemed to have completed the equivalent of a two-year curriculum in veterinary technology.

(b) Candidates seeking to apply to the board to take the exam in accordance with section 2010 and who have obtained their minimum educational requirements from a school or degree program located outside of California and not approved by the board shall demonstrate to the board, (1) that the education they have received is equivalent to educational requirements of section 2065(a) and (b), and, (2) that the school or degree program has been approved by a licensing body in the U.S. state, Canadian province or U.S. or Canadian territory. The burden to demonstrate educational equivalency is upon the candidate.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2066.1 Unapproved In-State Schools

No candidate who has completed his or her course of study at a school or degree program located within the state that has not sought and been granted board approval shall be permitted to take either the national or state Veterinary Technician exams unless that candidate also meets the requirements of section 2068.5

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.



MEMORANDUM

| | |
|----------------|---|
| DATE | July 5, 2016 |
| TO | Veterinary Medical Board |
| FROM | Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board |
| SUBJECT | Registered Veterinary Technician School Reporting Pursuant to Section 2064 of Title 16 of the California Code of Regulations |

Background:

In January 2006, the Registered Veterinary Technician Committee (RVTC) began discussions regarding using American Veterinary Medical Association (AVMA) approval criteria as a standard for California veterinary technician school approval. Former Executive Officer, Sue Geranen, noted that Committee members should review the AVMA approval criteria to assure that California schools are meeting a standard that is acceptable to the RVTC and one that is not duplicative with current AVMA processes. The Committee agreed that regulations would need to be developed in order recognize the AVMA accreditation and to maintain oversight over AVMA accredited, California approved veterinary schools, with regards to notification of new schools, reporting pass rates to students, and being placed on probation when necessary.

Previous Legal Counsel, noted that the change to CCR section 2064 is not an across the board exemption, and that the Board still requires AVMA-accredited schools to submit applications to the Board in order for the Board to be notified of the program's existence, as well as to comply with reporting requirements. Ms. Barker also opined that the Board does not have legal authority to defer the Board's approval of a school to another non-governmental agency.

On December 7, 2012, the Board noticed proposed regulatory changes to the California Code of Regulations (CCR), sections 2064-2066.1, that make specific that RVT educational programs accredited by the American Veterinary Medical Association (AVMA) are deemed California Board approved. The proposed regulations also exempt AVMA accredited schools from undergoing separate inspections as AVMA already performs facility inspections.

No public comments were received, the modified language and rulemaking file was approved by the Office of Administrative Law and the Secretary of State, and the regulations took effect January 1, 2015.

The Board discussed at its January 2016 meeting potential amendments to CCR section 2064 that would exempt California veterinary technician schools from both AVMA and Board review and approval. Legal counsel suggested staff further research for comparison the AVMA and California accreditation requirements for equivalency and consumer protection.

At the April 2016 meeting the Board continued its discussion regarding Board approval of California AVMA veterinary technician schools including its review and comparison of AVMA and California veterinary technician school approval requirements. The Board proposed development of a Memorandum of Understand between California and the AVMA to address accreditation reporting. They also requested legal counsel consider amendments to CCR

section 2064 that would remove duplicative requirements between the two approval bodies. The Board determined California AVMA veterinary technician school approval is currently required in accordance with CCR section 2064 and directed staff to draft a school approval application to send to all California AVMA registered veterinary programs.

The Board continues to discuss potential amendments to CCR section 2064 that would address any concerns related to duplicative veterinary technician school approval requirements.

Issue/Update:

Following the April 2016 meeting, Board staff met with counsel to review and approve the *AVMA Accredited RVT Program Application*. The Application was mailed to all California AVMA accredited veterinary technician programs on May 31, 2016; programs were required to submit their application along with any supplemental material to the Board within 60 days of receipt of Application.

Once received, staff will review the Application and any supplemental material and provide its determination within 60 days upon the Board's receipt of the Application. Staff anticipates it will have a full report of California AVMA accredited veterinary technician programs status at the Board's October 2016 meeting.

Attachment(s):

- AVMA Accredited RVT Program Application



Veterinary Medical Board California Registered Veterinary Technician Program Approval

AVMA Accredited RVT Program Application

Review the California registered veterinary technician program requirements below and provide the following information indicating the Programs compliance with these requirements.

This form intends for the Program to demonstrate compliance with Board approval requirements for AVMA accredited RVT Programs. Programs are required to provide a statement or documentary evidence demonstrating compliance with each of the sections numbered below:

| | |
|---|---|
| 1. Program Information | |
| PROGRAM NAME | |
| PROGRAM DIRECTOR | DIRECTOR LICENSE NUMBER (if applicable) |
| CURRENT STUDENT ENROLLMENT | |
| <i>California Code of Regulations section 2064</i> | |
| 2. AVMA Accreditation | |
| Provide evidence of American Veterinary Medical Association Accreditation (AVMA) including initial accreditation date, accreditation expiration date, and date and outcome of last AVMA inspection. | |
| <i>California Code of Regulations section 2064</i> | |
| 3. AVMA Reporting | |
| Provide most recent annual/biennial report submitted to the AVMA per AVMA accreditation standards. | |
| <i>California Code of Regulations section 2064</i> | |
| 4. Student Externship - Supervision | |
| Provide evidence of registered veterinary technician (RVT) student externship/clinical rotation supervision by a veterinarian or registered veterinary technician. | |
| <u>Additional Information/Requirements:</u> The supervising veterinarian or RVT is required to be located at the site of the externship or clinical rotation. | |
| <i>California Code of Regulations section 2065(c)</i> | |

Provide evidence of written agreement with RVT student externship/clinical rotation site.

Additional Information/Requirements: The written agreement shall specify the expectations and responsibility of the parties.

California Code of Regulations section 2065(c)

Provide evidence of initial externship/clinical rotation site inspection prior beginning of the externship/clinical rotation.

Additional Information/Requirements: A site visit shall occur at least once annually following the initial inspection.

California Code of Regulations section 2065(c)

Provide evidence a California licensed veterinarian is employed by the RVT program as an advisor, administrator, or instructor.

Provide evidence that RVT program instructors include California registered veterinary technicians.

Additional Information/Requirements: Program instructors shall include, but do not need to be limited to California RVTs.

California Code of Regulations section 2065(f)(1)

Provide evidence the Program instructors are knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching.

Additional Information/Requirements: Program instructors shall have or currently be receiving training in current teaching methods.

The Program shall effectively evaluate the teaching ability of each instructor.

California Code of Regulations section 2065(f)(2)

Provide evidence the Program director holds a current active California veterinary license or registration as an RVT with a minimum of three years' experience.

Additional Information/Requirements: The Program director experience shall include one year in teaching, administration, or clinical supervision or a combination within the last five years.

The Program director shall have completed or be receiving course work in administration.

California Code of Regulations section 2065(f)(3)

10. Program Faculty – Interim Director (if applicable)

If applicable, in absence of a Program director, provide evidence the interim Program director holds a current active California veterinary license or registration as an RVT with a minimum of three years' experience OR has applied for veterinary licensure or registration as an RVT.

Additional Information/Requirements: The Program shall not have an interim director for a period exceeding eighteen (18) months.

California Code of Regulations section 2065(f)(4)

11. Program Instruction – Ratios

Provide evidence the number of students enrolled in the Program are at a ratio to the number of faculty and size of the facilities which are not detrimental to the quality of education, including instruction ratios that includes animal patients.

Additional Information/Requirements: Instruction ratios which include animal patients shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.

California Code of Regulations section 2065(g)

12. Student Admittance

Provide evidence all Program students admitted possess a high school diploma or its equivalent.

California Code of Regulations section 2065(h)

13. Institutional Approval

Provide evidence the Program is shall be part of an institution that is approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.

California Code of Regulations section 2065(i)

14. Compliance with Laws

Provide evidence the Program is in compliance with all laws regulating the practice of veterinary medicine.

California Code of Regulations section 2065(j)

15. Student Disclosures – Pass Rates

Provide evidence the Program provides each prospective student, prior to enrollment, with literature that discloses the Program's pass rate for first time candidates and the State average pass rate for first time candidates on the Board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment.

Provide evidence the Program provides a description of the requirements for registration as a registered veterinary technician.

California Code of Regulations section 2065(l)

Provide evidence the Program provides each prospective student, prior to enrollment, written information regarding transferability of the units they receive in the courses taken at the Program.

Additional Information/Requirements: The Program must post information regarding transferability at all times in a conspicuous location at its facility so that there is ample opportunity for the students to read the information.

California Code of Regulations section 2065(n)

I certify, under penalty of perjury under the laws of the State of California, that all information provided in connection with this application is true, correct, and complete. Providing false information or omitting required information is grounds for denial of program approval in California.

All items in this application are mandatory; none are voluntary, unless indicated. Failure to provide any of the requested information will result in the application being deemed incomplete. The information provided will be used to determine qualification for approval of the California American Veterinary Medical Association accredited registered veterinary technician program. Programs have the right to review their application subject to the provisions of the Information Practice Act. The Executive Officer is custodian of records.

SIGNATURE

DATE:

CHIEF CONSULTANT
BILL GAGE

CONSULTANTS
SARAH HUCHEL
SARAH MASON
MARK MENDOZA

COMMITTEE ASSISTANT
KRIMILDA MCKENZIE

California Legislature

SENATE COMMITTEE ON BUSINESS, PROFESSIONS & ECONOMIC DEVELOPMENT

SENATOR JERRY HILL, CHAIR

MEMBERS

PATRICIA C. BATES
VICE CHAIR

TOM BERRYHILL
MARTY BLOCK
CATHLEEN GALGIANI
ED HERNANDEZ, O.D.
HANNAH-BETH JACKSON
TONY MENDOZA
BOB WIECKOWSKI



Dear Ms. Annemarie DelMugnaio,

On March 14, 2016, the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions conducted a joint oversight hearing during which the Veterinary Medical Board was reviewed. During the public testimony of this hearing, a member of the public, Mr. Salomon Stupp, raised concern about a lack of consistent, written pharmaceutical information provided to pet owners when medications are dispensed for the treatment of an animal. I believe that this presents a consumer protection issue and that pet owners have a right to know basic pharmaceutical and drug interaction information for their animals.

As such, I request that the Veterinary Medical Board take up this item for discussion at its next regularly scheduled meeting, develop recommendation for action, and report this recommendation to the applicable consultants of the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions.

Regards,

A handwritten signature in black ink, appearing to read "Jerry Hill", written over the typed name "Senator Jerry Hill".

Senator Jerry Hill

Cc: Assemblymember Rudy Salas Jr., Chair, Assembly Business and Professions Committee
Salomon Stupp, member of the public
Mark Nunez, DVM, Veterinary Medical Board President
Bill Gage and Nicole Billington, Consultants, Senate Business, Professions and
Economic Development Committee
Elissa Silva, Consultant, Assembly Business and Professions Committee



WHEN PETS ARE YOUR FAMILY

RECEIVED
JUN 09 2016
VMB/RVTC

June 7, 2016

The Honorable Jerry Hill, Chair,
Senate Committee on Business, Professions and Economic Development
State Capitol, Room 2053
Sacramento, CA 95814

Dear Senator Hill,

Thank you very much for your letter to the Veterinary Medical Board in which you support my testimony that inconsistent supply of pharmaceutical information to the veterinary consumer is a consumer protection issue and that consumers "have a right to know basic pharmaceutical and drug interaction information for their animals."

I am grateful for your request that the Veterinary Medical Board discuss this issue at their next scheduled meeting, and that they develop recommendations for action and report their recommendations to the applicable consultants of the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions. I hope the Veterinary Medical Board will develop protocol to consistently inform the consumer about pharmaceutical risks and honor what Congress recognized by passing the Pets Evacuation and Transportation Standards (Pets) Act: That we, the people, feel that pets and service animals are members of the family.

Best regards,

Salomon Stupp
P. O. Box 2215
San Anselmo, CA 94979
lizzieinitiative@aol.com
(415)-816-4630

Cc: Assemblymember Rudy Salas Jr., Chair, Assembly Business and Professions Committee
Bill Gage and Nicole Billington, Consultants, Senate Business, Professions and Economic Development Committee
Elissa Silva, Consultant, Assembly Business and Professions Committee
Mark Nunez, DVM, Veterinary Medical Board President
Ms. Annemarie Teglia Del Mugnaio, Veterinary Medical Board Executive Officer

Multidisciplinary Advisory Committee Assignments

July 2016

EXISTING PRIORITIES – Currently being addressed by MDC

- 1) **Evaluate Structure and Audit Enforcement Case Outcomes**
Complaint Process/Audit Taskforce
a. Expert Witness Subcommittee
- 2) **Develop minimum standards for alternate premises (large animal, equine mobile, public and private shelter medicine, ambulatory, etc.)**
 - a. **Shelter Medicine Subcommittee**
- 3) **Review Business and Professions Code Section 4830(5) regarding veterinary student exemption, duties and supervision at a California veterinary university. (*Off –site surgery programs- should they be limited to 3rd/4th year students?*)**
 - (a) CCR Section 2027 Alternate pathway for Junior/Senior Students to obtain the RVT License
- 4) **Pursue "extended duty" for Registered Veterinary Technicians.**
- 5) **Develop regulations to implement the authorization for Veterinarians and RVTs under direct supervision to compound drugs.**
- 6) **Develop standards for on-site veterinary care at Rodeos.**

FUTURE PRIORITIES

- 7) **Develop Minimum Standards for Spay and Neuter Clinics**

Legislation

A. SB 1193 (HILL) – VETERINARY MEDICAL BOARD: EXECUTIVE OFFICER

AMENDED: 6/21/16

STATUS: Re-referred to Assembly Committee on Appropriations

BOARD POSITION: Support

This bill would remove these provisions.

(2) The Veterinary Medicine Practice Act provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs, and authorizes the board to appoint an executive officer, as specified.

Existing law repeals the provisions establishing the board and authorizing the board to appoint an executive officer as of January 1, 2017.

This bill would extend the operation of the board and the authorization of the board to appoint an executive officer until January 1, 2021. The bill would authorize a veterinarian or registered veterinary technician who is under the direct supervision of a licensed veterinarian to compound a drug for animal use pursuant to federal law and regulations promulgated by the board and would require those regulations to, at a minimum, address the storage of drugs, the level and type of supervision required for compounding drugs by a registered veterinary technician, and the equipment necessary for safe compounding of drugs.

The Veterinary Medicine Practice Act exempts certain persons from the requirements of the act, including a veterinarian employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties. That act requires all premises where veterinary medicine, dentistry, and surgery is being practiced to register with the board.

The bill would instead require veterinarians engaged in the practice of veterinary medicine employed by the University of California or by the Western University of Health Sciences and engaged in the performance of specified duties to be licensed as a veterinarian in the state or be issued a university license, as specified. The bill would authorize an individual to apply for and be issued a university license if he or she meets certain requirements, including paying an application and license fee. The bill would require a university license, among other things, to automatically cease to be valid upon termination or cessation of employment by the University of California or the Western University of Health Sciences. The bill would also prohibit a premise registration that is not renewed within 5 years after its expiration from being renewed, restored, reissued, or reinstated; however, the bill would authorize a new premise registration to be issued to an applicant if no fact, circumstance, or condition exists that would justify the revocation or suspension of the registration if the registration was issued and if specified fees are paid.

The Veterinary Medicine Practice Act requires all fees collected on behalf of the board to be deposited into the Veterinary Medical Board Contingent Fund, which continuously appropriates fees deposited into the fund.

This bill would provide that the Veterinary Medical Board Contingent Fund is available for expenditure only upon an appropriation by the Legislature.

(3) The Pharmacy Law makes a violation of any of its provisions punishable as an infraction if no other penalty is provided. The Veterinary Medicine Practice Act makes a violation of any of its provisions punishable as a misdemeanor.

By placing new requirements on a pharmacy, this bill would expand an existing crime and would, therefore, impose a state-mandated local program. The bill would also expand the definition of an existing crime and, therefore, result in a state-mandated local program by requiring additional persons to be licensed under the act that were previously exempt.

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.

B. SB 945 (MONNING) – PET BOARDING FACILITIES

AMENDED: 6/9/16

STATUS: Re-referred to Assembly Committee on Appropriations

BOARD POSITION: Watch

Existing law regulates the care and maintenance of animals in the care of a pet store.

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment devices or activities, health of the pet, and safety. The bill would specifically authorize a city, county, or city and county to adopt ordinances that establish additional standards and requirements for a pet boarding facility. The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

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.

C. AB 2505 (QUIRK) – ANIMALS; EUTHANASIA

INTRODUCED: 2/19/16

STATUS: Ordered to Consent Calendar

BOARD POSITION: Support

Existing law prohibits a person from killing an animal by using carbon monoxide gas or intracardiac injection of a euthanasia agent on a conscious animal, except as specified. With respect to the killing of a dog or cat, existing law prohibits a person from using a high-altitude decompression chamber or nitrogen gas. Under existing law, a violation of these provisions is a misdemeanor.

This bill would, with respect to the killing of a dog or cat, additionally prohibit a person from using carbon dioxide gas. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

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.

D. SB 1039 (HILL) – PROFESSIONS AND VOCATIONS

AMENDED: 6/30/16

STATUS: Re-referred to Assembly Committee on Appropriations

BOARD POSITION: Support

Omnibus Bill

- Veterinary Consultant Language
- Other related provisions

(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, 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.

**See page 79 in section 4830(a)(2) – new language*

(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.

E. AB 1951 (SALAS) – CRIMES: ANIMAL CRUELTY

AMENDED: 4/13/16

STATUS: In Assembly Appropriations Committee: Held under submission

BOARD POSITION: Watch

Existing law makes it a crime to maliciously and intentionally maim, mutilate, torture, or wound a living animal, or maliciously and intentionally kill an animal. Existing law also makes it a crime to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, drink, or shelter, cruelly beat, mutilate, or cruelly kill an animal. Existing law makes these crimes punishable as a felony by imprisonment in the county jail for 16 months, 2, or 3 years, or as a misdemeanor punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than \$20,000, or by both that fine and either imprisonment. Existing law requires a defendant granted probation for a conviction of the above crimes to also complete counseling unless the violation involved police dogs or police horses.

This bill would require defendants granted probation for a violation of the above provisions involving police dogs or police horses to also receive counseling.

Existing law makes it a crime to own, possess, keep, or train any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog. Existing law additionally makes it a crime to, for amusement or gain, cause any dog to fight with another dog, or cause any dog to injure another dog. Existing law also makes it a crime for a person to permit either of these acts to be done on premises under his or her charge or control, or to aid or abet either act. Existing law additionally makes it a crime to willfully and maliciously and with no legal justification take specified actions, including strike, beat, and hurl or project objects at, any horse or dog under the supervision of a peace officer in the discharge or attempted discharge of his or her duties. Existing law further makes any person who intentionally causes injury to or the death of any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by a fine of not more than \$10,000, or by both a fine and that imprisonment.

This bill would require defendants granted probation for a conviction under the above crimes to additionally participate in and successfully complete counseling, as specified. By imposing additional duties on local governments, this bill would create a state-mandated local program.

Existing law makes it a crime to commit various forms of animal abuse, including, among other things, causing bulls or bears to fight, keeping birds with intent that they be used for an exhibition of fighting, or willfully abandoning an animal.

This bill would require, upon conviction of specified types of animal abuse but prior to sentencing, the court to order the person convicted to submit to a psychiatric or psychological examination, to be provided by and paid for by the court. The bill would require the court to consider the result of the examination in determining a sentence.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

F. AB 2269 (WALDRON) – ANIMAL SHELTERS: RESEARCH ANIMALS: PROHIBITIONS

AMENDED: 4/21/16

STATUS: In Senate Judiciary Committee. Set, first hearing. Hearing canceled at the request of the author.

BOARD POSITION: Propose Support as Amended?

(1) Existing law requires a pound or animal regulation department of a public or private agency where animals are turned over dead or alive to a biological supply facility or a research facility to post a statement to this effect, as specified, and requires that this statement and other information also be included on owner surrender forms.

This bill would revise these provisions to apply them only to an animal shelter entity, as defined, where dead animals are turned over to a biological supply facility or a research facility. The bill would revise the posted statement and owner surrender forms to refer to euthanized animals. The bill would prohibit a person or animal shelter entity that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility or animal dealer. The bill would also prohibit a research facility or animal dealer from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of medical or biological teaching, research, or study, or any other kind of experimentation, if that animal is transferred from, or received from, an animal shelter. The bill would prohibit a person or animal shelter entity from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer. The bill would except from these prohibitions specified procedures performed by, or under the direct supervision of, a licensed veterinarian, subject to certain conditions. A violation of these provisions would be subject to a civil penalty of \$1,000. By creating new conditions affecting the operations of local, public animal service entities, this bill would impose a state-mandated local program.

(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

G. SB 1348 (CANELLA) – LICENSURE APPLICATIONS: MILITARY EXPERIENCE

INTRODUCED: 2/19/16

STATUS: To consent calendar. Re-referred to Committee on Appropriations.

BOARD POSITION: Watch

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires each board to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

This bill would require each board, with a governing law authorizing veterans to apply military experience and training towards licensure requirements, to post information on the board's Internet Web site about the ability of veteran applicants to apply their military experience and training towards licensure requirements.

H. SB 1230 (STONE) – PHARMACIES: COMPOUNDING

INTRODUCED: 2/18/16

STATUS: Second hearing, set for April 18, canceled at the request of the author.

BOARD POSITION: Watch

Under the Pharmacy Law, a violation of which is a crime, the California State Board of Pharmacy licenses and regulates the practice of pharmacy. That law authorizes a pharmacy to furnish prescription drugs only to certain entities, including specific health care entities, and individual patients either pursuant to prescription or as otherwise authorized by law.

This bill would authorize a pharmacy that provides compounding services to provide to a clinic commercial products that are unique or otherwise unavailable to the clinic, if the compounding pharmacy and the clinic have entered into a professional compounding services agreement to provide nonpatient-specific compounded medications that cannot be planned for prospectively. The bill would require the board to adopt regulations for establishing a professional compounding services agreement.

I. SB 1182 (GALGIANI) – CONTROLLED SUBSTANCES

INTRODUCED: 2/18/16

STATUS: Re-referred to Committee on Appropriations

BOARD POSITION: Watch

(1) Existing law generally provides that the possession of Ketamine, gamma hydroxybutyric acid (GHB), and flunitrazepam is a misdemeanor, punishable by imprisonment in the county jail for not more than one year.

This bill would make it a felony, punishable by imprisonment in the county jail for 16 months, or 2 or 3 years, to possess Ketamine, flunitrazepam, or GHB, with the intent to commit sexual assault, as defined for these purposes to include, among other acts, rape, sodomy, and oral copulation. By creating a new crime, this bill would impose a state-mandated local program.

(2) 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.

J. AB 2419 (JONES) – PUBLIC POSTSECONDARY EDUCATION: THE NEW UNIVERSITY OF CALIFORNIA

INTRODUCED: 2/19/16

STATUS: In Assembly on Higher Education. Set, first hearing. Failed passage. Reconsideration granted.

BOARD POSITION: Watch

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public postsecondary education in this state.

This bill would establish The New University of California as a 4th segment of public postsecondary education in this state. The university would provide no instruction, but rather would issue credit and degrees to persons who pass its examinations. The bill would establish an 11-member Board of Trustees of The New University of California as the governing body of the university, and specify the membership and appointing authority for the board of trustees. The bill would provide for the appointment of a Chancellor of The New University of California as the chief executive officer of the university.

SB 1193 (HILL) – VETERINARY MEDICAL BOARD: EXECUTIVE OFFICER

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

SEC. 26.

Section 4800 of the Business and Professions Code is amended to read:

4800.

(a) There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board consists of the following members:

- (1) Four licensed veterinarians.
- (2) One registered veterinary technician.
- (3) Three public members.

(b) This section shall remain in effect only until January 1, ~~2017~~, 2018, and as of that date is ~~repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~ *repealed.*

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to those issues identified by the appropriate policy committees of the Legislature and shall not involve the preparation or submission of a sunset review document or evaluative questionnaire.

SEC. 27.

Section 4804.5 of the Business and Professions Code is amended to read:

4804.5.

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

This section shall remain in effect only until January 1, ~~2017~~, 2021, and as of that date is ~~repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~ *repealed.*

SEC. 28.

Section 4826.5 is added to the Business and Professions Code, to read:

4826.5.

Notwithstanding any other law, a licensed veterinarian or a registered veterinary technician under the supervision of a licensed veterinarian may compound drugs for animal use pursuant to Section 530 of Title 21 of the Code of Federal Regulations and in accordance with regulations promulgated by the board. The regulations promulgated by the board shall, at a minimum, address the storage of drugs, the level and type of supervision required for compounding drugs by a registered veterinary technician, and the equipment necessary for the safe compounding of

drugs. Any violation of the regulations adopted by the board pursuant to this section shall constitute grounds for an enforcement or disciplinary action.

SEC. 29.

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) Regularly licensed veterinarians in actual consultation from other states.

(3) Regularly licensed veterinarians actually called from other states to attend cases in this state, but who do not open an office or appoint a place to do business within this state.

~~(4) Veterinarians employed by the University of California while engaged in the performance of duties in connection with the College of Agriculture, the Agricultural Experiment Station, the School of Veterinary Medicine, or the agricultural extension work of the university or employed by the Western University of Health Sciences while engaged in the performance of duties in connection with the College of Veterinary Medicine or the agricultural extension work of the university.~~

~~(5)~~

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

~~(6)~~

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

~~(7)~~

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

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

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

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

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

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

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

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

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

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

SEC. 30.

Section 4846.5 of the Business and Professions Code is amended to read:

4846.5.

(a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.

(b) (1) Notwithstanding any other law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:

(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.

(B) Accredited colleges or universities offering programs relevant to veterinary medicine.

- (C) The American Veterinary Medical Association.
 - (D) American Veterinary Medical Association recognized specialty or affiliated allied groups.
 - (E) American Veterinary Medical Association's affiliated state veterinary medical associations.
 - (F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.
 - (G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.
 - (H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.
 - (I) Federal, state, or local government agencies.
 - (J) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.
- (2) Continuing education credits shall be granted to those veterinarians taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings. The taking of these courses shall be limited to no more than six hours biennially.
- (3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).
- (A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).
- (B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.
- (4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.
- (5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian's continuing education requirement under this section.
- (c) Every person renewing his or her license issued pursuant to Section 4846.4, or any person applying for relicensure or for reinstatement of his or her license to active status, shall submit proof of compliance with this section to the board certifying that he or she is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.

- (d) This section shall not apply to a veterinarian's first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.
- (e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.
- (f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on a form provided by the board. In order to restore an inactive license to active status, the veterinarian shall have completed a minimum of 36 hours of continuing education within the last two years preceding application. The inactive license status of a veterinarian shall not deprive the board of its authority to institute or continue a disciplinary action against a licensee.
- (g) Knowing misrepresentation of compliance with this article by a veterinarian constitutes unprofessional conduct and grounds for disciplinary action or for the issuance of a citation and the imposition of a civil penalty pursuant to Section 4883.
- (h) The board, in its discretion, may exempt from the continuing education requirement any veterinarian who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a form provided by the board.
- (i) The administration of this section may be funded through professional license and continuing education provider fees. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.
- (j) For those continuing education providers not listed in paragraph (1) of subdivision (b), the board or its recognized national approval agent shall establish criteria by which a provider of continuing education shall be approved. The board shall initially review and approve these criteria and may review the criteria as needed. The board or its recognized agent shall monitor, maintain, and manage related records and data. The board may impose an application fee, not to exceed two hundred dollars (\$200) biennially, for continuing education providers not listed in paragraph (1) of subdivision (b).
- (k) (1) ~~On or after~~ *Beginning* January 1, 2018, a licensed veterinarian who renews his or her license shall complete a minimum of one credit hour of continuing education on the judicious use of medically important antimicrobial drugs every four years as part of his or her continuing education requirements.
- (2) For purposes of this subdivision, "medically important antimicrobial drug" means an antimicrobial drug listed in Appendix A of the federal Food and Drug Administration's Guidance for Industry #152, including critically important, highly important, and important antimicrobial drugs, as that appendix may be amended.

SEC. 31.

Section 4848.1 is added to the Business and Professions Code, to read:

4848.1.

(a) A veterinarian engaged in the practice of veterinary medicine, as defined in Section 4826, employed by the University of California and engaged in the performance of duties in connection with the School of Veterinary Medicine or employed by the Western University of Health Sciences and engaged in the performance of duties in connection with the College of Veterinary Medicine shall be issued a university license pursuant to this section or hold a license to practice veterinary medicine in this state.

(b) An individual may apply for and be issued a university license if all of the following are satisfied:

(1) He or she is currently employed by the University of California or Western University of Health Sciences, as defined in subdivision (a).

(2) He or she passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to subparagraph (C) of paragraph (2) of subdivision (a) of Section 4848.

(3) He or she successfully completes the approved educational curriculum described in paragraph (5) of subdivision (b) of Section 4848 on regionally specific and important diseases and conditions.

(4) He or she completes and submits the application specified by the board and pays the application fee, pursuant to subdivision (g) of Section 4905, and the initial license fee, pursuant to subdivision (h) of Section 4905.

(c) A university license:

(1) Shall be numbered as described in Section 4847.

(2) Shall automatically cease to be valid upon termination or cessation of employment by the University of California or by the Western University of Health Sciences.

(3) Shall be subject to the license renewal provisions in Section 4846.4 and the payment of the renewal fee pursuant to subdivision (i) of Section 4905.

(4) Shall be subject to denial, revocation, or suspension pursuant to Sections 480, 4875, and 4883.

(5) Authorizes the holder to practice veterinary medicine only at the educational institution described in subdivision (a) and any locations formally affiliated with those institutions.

(d) An individual who holds a university license is exempt from satisfying the license renewal requirements of Section 4846.5.

SEC. 32.

Section 4853.7 is added to the Business and Professions Code, to read:

4853.7.

A premise registration that is not renewed within five years after its expiration may not be renewed and shall not be restored, reissued, or reinstated thereafter. However, an application for a new premise registration may be submitted and obtained if both of the following conditions are met:

(a) No fact, circumstance, or condition exists that, if the premise registration was issued, would justify its revocation or suspension.

(b) All of the fees that would be required for the initial premise registration are paid at the time of application.

SEC. 33.

Section 4904 of the Business and Professions Code is amended to read:

4904.

All fees collected on behalf of the board and all receipts of every kind and nature shall be reported each month for the month preceding to the State Controller and at the same time the entire amount shall be paid into the State Treasury and shall be credited to the Veterinary Medical Board Contingent Fund. This contingent fund shall be *available, upon appropriation by the Legislature*, for the use of the Veterinary Medical ~~Board and out of it and not otherwise shall be paid all expenses of the board.~~ *Board.*

SEC. 34.

Section 4905 of the Business and Professions Code is amended to read:

4905.

The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).

(b) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).

(c) The fee for the Veterinary Medicine Practice Act examination shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).

(d) The initial license fee shall be set by the board not to exceed five hundred dollars (\$500) except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board ~~at~~ not to exceed two hundred fifty dollars (\$250). The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(e) The renewal fee shall be set by the board for each biennial renewal period in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed five hundred dollars (\$500).

(f) The temporary license fee shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed two hundred fifty dollars (\$250).

(g) The fee for filing an application for a university license shall be one hundred twenty-five dollars (\$125), which may be revised by the board in regulation but shall not exceed three hundred fifty dollars (\$350).

(h) The initial license fee for a university license shall be two hundred ninety dollars (\$290), which may be revised by the board in regulation but shall not exceed five hundred dollars (\$500).

(i) The biennial renewal fee for a university license shall be two hundred ninety dollars (\$290), which may be revised by the board in regulation but shall not exceed five hundred dollars (\$500).

~~(g)~~

(j) The delinquency fee shall be set by the board, not to exceed fifty dollars (\$50).

~~(h)~~

(k) The fee for issuance of a duplicate license is twenty-five dollars (\$25).

~~(i)~~

(l) Any charge made for duplication or other services shall be set at the cost of rendering the service, except as specified in subdivision ~~(h)~~ (k).

~~(j)~~

(m) The fee for failure to report a change in the mailing address is twenty-five dollars (\$25).

~~(k)~~

(n) The initial and annual renewal fees for registration of veterinary premises shall be set by the board in an amount not to exceed four hundred dollars (\$400) annually.

~~(l)~~

(o) If the money transferred from the Veterinary Medical Board Contingent Fund to the General Fund pursuant to the Budget Act of 1991 is redeposited into the Veterinary Medical Board Contingent Fund, the fees assessed by the board shall be reduced correspondingly. However, the reduction shall not be so great as to cause the Veterinary Medical Board Contingent Fund to have a reserve of less than three months of annual authorized board expenditures. The fees set by the board shall not result in a Veterinary Medical Board Contingent Fund reserve of more than 10 months of annual authorized board expenditures.

AMENDED IN ASSEMBLY JUNE 9, 2016

AMENDED IN SENATE APRIL 25, 2016

AMENDED IN SENATE MARCH 29, 2016

AMENDED IN SENATE MARCH 7, 2016

SENATE BILL

No. 945

Introduced by Senator Monning

February 3, 2016

An act to add Chapter 11 (commencing with Section 122380) to Part 6 of Division 105 of the Health and Safety Code, relating to pet boarding facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, Monning. Pet boarding facilities.

Existing law regulates the care and maintenance of animals in the care of a pet store.

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment ~~devices~~, *devices or activities*, health of the pet, and safety. ~~The bill would also prohibit a person convicted of an offense related to the welfare of animals, as specified, from operating a pet boarding facility or from being employed as an employee of a pet boarding facility.~~ The bill would specifically authorize a city, county, or city and county to adopt ordinances that establish additional standards and requirements for a pet boarding facility. The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

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: no. Fiscal committee: yes.
 State-mandated local program: yes.

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

1 SECTION 1. Chapter 11 (commencing with Section 122380)
 2 is added to Part 6 of Division 105 of the Health and Safety Code,
 3 to read:

4
 5 CHAPTER 11. PET BOARDING FACILITIES
 6

7 122380. As used in this chapter, the following definitions apply:

8 (a) "Person" means an individual, partnership, firm, limited
 9 liability company, joint-stock company, corporation, association,
 10 trust, estate, or other legal entity.

11 (b) "Pet" means any nonhuman animal housed in the pet
 12 boarding facility, including, but not limited to, mammals, birds,
 13 reptiles, ~~amphibians, and fish.~~ *and amphibians.* However, "pet"
 14 does not include a horse.

15 (c) "Pet boarding facility" means any lot, building, structure,
 16 enclosure, or premises whereupon four or more dogs, cats, or other
 17 pets in any combination are boarded for compensation. However,
 18 "pet boarding facility" does not include a city, county, or city and
 19 county animal control agency, society for the prevention of cruelty
 20 to animals, or humane society that contracts for the care of stray
 21 or abandoned animals, or the premises of a veterinary facility that
 22 is registered pursuant to Section 4853 of the Business and
 23 Professions Code.

24 (d) "Pet boarding facility operator" or "operator" means a person
 25 who owns or operates, or both, a pet boarding facility.

26 (e) ~~Primary~~ "Permanent or fixed enclosure" means a structure,
 27 including, but not limited to, an exercise run, kennel, or room,
 28 used to restrict a pet, that provides for the effective separation of
 29 a pet from the pet's waste products.

1 (f) ~~(1)~~ “Temporary enclosure” means a structure used to restrict
2 a pet, including, but not limited to, a crate or cage, that does not
3 provide for the effective separation of a pet from the pet’s waste
4 products.

5 ~~(2)~~ A pet may be contained in a temporary enclosure for a period
6 not to exceed four hours during the day and 12 hours at night or
7 the length of time that is humane for that particular pet, whichever
8 is less. However, the pet shall remain outside the temporary
9 enclosure for no less than the amount of time needed for the pet
10 to eliminate its waste.

11 ~~(3)~~ A temporary enclosure shall allow the pet to turn about
12 freely, stand easily, and sit or lie in a comfortable position.

13 122381. Each pet boarding facility operator shall be responsible
14 for all of the following:

15 (a) Ensuring that the entire pet boarding ~~facility~~ *facility*,
16 *including all equipment therein*, is structurally sound and
17 maintained in good repair, ~~including, but not limited to, heating~~
18 ~~and cooling systems, drying cages, flooring, and door latches and~~
19 ~~locks.~~ *repair.*

20 (b) Ensuring that pests do not inhabit any part of the pet boarding
21 facility in a number large enough to be harmful, threatening, or
22 annoying to the pets.

23 (c) Ensuring the containment of pets within the pet boarding
24 facility, and, in the event that a pet escapes, ~~being responsible for~~
25 ~~reporting this fact immediately to the local agency responsible for~~
26 ~~animal control and to the owner and making reasonable efforts to~~
27 ~~immediately capture the escaped pet.~~ *making reasonable efforts*
28 *to immediately capture the escaped pet.*

29 (d) *If an escaped pet has not been captured despite reasonable*
30 *efforts, ensuring that all material facts regarding the pet’s escape*
31 *are reported to the local agency for animal control and to the*
32 *owner.*

33 ~~(d)~~

34 (e) Ensuring that the pet boarding facility’s interior building
35 surfaces, including walls and floors, are constructed in a manner
36 that permits them to be readily cleaned and sanitized.

37 ~~(e)~~

38 (f) Ensuring that light, by natural or artificial means, is
39 distributed in a manner that permits routine inspection and cleaning,
40 and the proper care and maintenance of the pets.

1 ~~(f) When pet~~

2 (g) *If pet grooming services are offered by a pet boarding*
3 *facility, separating the grooming work area from the pet boarding*
4 *facility's primary enclosures, pet food storage areas, and isolation*
5 *areas for housing sick pets. The grooming area shall be permanent*
6 *or fixed and temporary enclosures and ensuring that the grooming*
7 *areas is cleaned and sanitized at least once daily.*

8 (h) *Storing food in an area separate from permanent or fixed*
9 *enclosures or temporary enclosures.*

10 (i) *Maintaining an area for isolating sick pets from healthy pets.*

11 122382. (a) Each ~~primary permanent or fixed~~ and temporary
12 enclosure shall comply with all of the following standards:

13 (1) Be structurally sound and maintained in good repair to
14 protect the enclosed pet from injury, to contain the pet, to keep
15 other animals out, and to promote the health and well-being of the
16 pet.

17 (2) Be maintained in a comfortable and sanitary manner. When
18 being cleaned in a manner or with a substance that is or may be
19 harmful to a pet within the enclosure, that pet shall be removed
20 from the enclosure.

21 (3) Be constructed of material suitable for regular cleaning and
22 sanitizing.

23 (4) As needed to ensure the comfort and well-being of the pet,
24 provide heating, cooling, lighting, ventilation, shade, and protection
25 from the elements, ~~including~~ including, but not limited to, the sun,
26 wind, rain, and snow.

27 (5) *Allow a pet to turn around freely, stand easily, and sit or*
28 *lie down in a comfortable position.*

29 (b) Each enclosure is either a ~~primary permanent or fixed~~
30 enclosure or a temporary enclosure.

31 (c) In addition to the requirements set forth in subdivision (a),
32 a ~~primary permanent or fixed~~ enclosure for a cat shall provide an
33 elevated platform appropriate for the size of the cat.

34 (d) *A pet may be contained in a temporary enclosure for a period*
35 *not to exceed four hours during the day and 12 hours at night or*
36 *the length of time that is humane for that particular pet, whichever*
37 *is less. However, the pet shall remain outside the temporary*
38 *enclosure for no less than the amount of time needed for the pet*
39 *to eliminate its waste.*

1 122383. A pet boarding facility operator shall comply with all
2 of the following animal care requirements:

3 (a) House only one pet at a time in an enclosure unless otherwise
4 consented to by the owner.

5 (b) Observe each pet as necessary, but no less than once every
6 24 hours, in order to recognize the signs of sickness, injury, or
7 distress, and in order to ensure that the pet, food, and waste or
8 debris is removed as necessary to prevent contamination or injury.

9 (c) Provide each pet with easy and convenient access to potable
10 water at all times, or if the behavior of the pet makes unrestricted
11 access to water impracticable, offer water as often as necessary to
12 ensure the pet's health and well-being. However, water may be
13 restricted as directed by the owner or a licensed veterinarian.

14 (d) Provide each pet with ~~food of the type, in the quantities, and~~
15 ~~at the intervals as directed in writing by the owner, or in the~~
16 ~~absence of written directions by the owner, with~~ nutritious food
17 in quantities and at intervals suitable for that pet.

18 (e) Provide each pet with at least one enrichment device *or*
19 *activity* that is appropriate for the age, size, and condition of the
20 pet unless otherwise directed in writing by the owner.

21 (f) Maintain and abide by written policies and procedures that
22 address animal care, management and safe handling, disease
23 prevention and control, routine care, preventative care, emergency
24 care, veterinary treatment, and disaster planning, evacuation, and
25 recovery that are applicable to the location of the pet boarding
26 facility. These procedures shall be reviewed with each employee
27 who provides animal care and shall be present, in writing, either
28 electronically or physically, in the facility and made available to
29 all employees.

30 (g) Isolate those pets that have or are suspected of having a
31 contagious condition.

32 (h) Ensure that each sick or injured pet is immediately provided
33 ~~with veterinary treatment and that the owner of the pet is notified~~
34 ~~immediately of the pet's condition.~~ *appropriate care and, if*
35 *prudent, veterinary treatment.*

36 (i) *Ensure that the owner of a pet is notified immediately that*
37 *his or her pet is sick or injured unless the owner has indicated in*
38 *writing that notification of any, or a particular, type of illness or*
39 *injury is not required.*

40 (i)

1 (j) In the event of a natural disaster, an emergency evacuation,
 2 or other similar occurrence, ensure that the humane care and
 3 treatment of each animal is provided for, as required by this
 4 chapter, to the extent access to the pet is reasonably available.

5 122384. (a) A pet boarding facility operator shall provide each
 6 owner with written information describing all of the following:

7 (1) Days and times during which the pet boarding facility
 8 permits pets to be dropped off and picked up.

9 (2) Days and times during which ~~no~~ personnel ~~is~~ *are* onsite.

10 (3) The square footage of the ~~primary permanent or fixed~~ and
 11 temporary enclosures in which the ~~breed species~~ of pet that the
 12 owner is boarding is customarily contained.

13 (4) ~~The number of times and at which intervals~~ *General*
 14 *observation practices* during each 24-hour period ~~the breed for~~
 15 *the species* of pet that the owner is boarding is customarily
 16 observed by personnel.

17 (5) The pet boarding facility's customary daily activity schedule
 18 for the ~~breed species~~ of pet that the owner is boarding, ~~including~~
 19 ~~the number of hours spent in primary and temporary enclosures,~~
 20 ~~the time or times at which the breed of pet is fed, and the~~
 21 ~~opportunities the breed of pet has to exercise and eliminate bodily~~
 22 ~~waste.~~ *boarding.*

23 (6) ~~Additional services that the owner may purchase for the pet,~~
 24 ~~if any, and the cost of those services.~~

25 (b) If the pet boarding facility will materially deviate from the
 26 customary practices described in the written information required
 27 by subdivision (a) with respect to an owner's pet, the pet boarding
 28 facility operator shall disclose those deviations to the ~~owner, in~~
 29 ~~writing.~~ *owner or patron, as appropriate.*

30 122385. A pet boarding facility shall maintain either of the
 31 following:

32 (a) A fire alarm system that is connected to a central reporting
 33 station that alerts the local fire department in case of fire.

34 (b) A fire suppression sprinkler system.

35 ~~122386. A person convicted of a misdemeanor or felony~~
 36 ~~directly related to the welfare of animals, including, but not limited~~
 37 ~~to, a violation of Section 597 of the Penal Code, is prohibited from~~
 38 ~~operating a pet boarding facility or from being employed as an~~
 39 ~~employee of a pet boarding facility. If a pet boarding facility is~~
 40 ~~located within a pet store, this prohibition only applies to an~~

1 ~~employee who works directly with pets that are boarded overnight~~
2 ~~in the pet boarding facility.~~

3 ~~122387.~~

4 122386. A pet boarding facility operator who violates any
5 provision of this chapter is guilty of an infraction punishable by a
6 fine not to exceed two hundred fifty dollars (\$250) for the first
7 violation and by a fine not to exceed one thousand dollars (\$1,000)
8 for each subsequent violation. The court shall weigh the gravity
9 of the offense in setting the penalty.

10 ~~122388.~~

11 122387. (a) Nothing in this chapter shall be construed to in
12 any way limit or affect the application or enforcement of any other
13 law that protects animals or the rights of consumers, including,
14 but not limited to, Section 597 of the Penal Code.

15 (b) Nothing in this chapter limits, or authorizes any act or
16 omission that violates, Section 597 of the Penal Code, or any other
17 local, state, or federal law that protects animals or the rights of
18 consumers.

19 ~~122389.~~

20 122388. Pursuant to Section 7 of Article XI of the California
21 Constitution, a city, county, or city and county may adopt
22 ordinances that establish additional standards and requirements
23 for a pet boarding facility.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

ASSEMBLY BILL

No. 2505

Introduced by Assembly Member Quirk

February 19, 2016

An act to amend Section 597u of the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2505, as introduced, Quirk. Animals: euthanasia.

Existing law prohibits a person from killing an animal by using carbon monoxide gas or intracardiac injection of a euthanasia agent on a conscious animal, except as specified. With respect to the killing of a dog or cat, existing law prohibits a person from using a high-altitude decompression chamber or nitrogen gas. Under existing law, a violation of these provisions is a misdemeanor.

This bill would, with respect to the killing of a dog or cat, additionally prohibit a person from using carbon dioxide gas. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

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: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 597u of the Penal Code is amended to
2 read:

3 597u. (a) ~~No~~A person, peace officer, officer of a humane
4 society, or officer of a pound or animal regulation department of
5 a public agency shall *not* kill~~any~~ *an* animal by using~~any~~ *either*
6 of the following methods:

- 7 (1) Carbon monoxide gas.
- 8 (2) Intracardiac injection of a euthanasia agent on a conscious
9 animal, unless the animal is heavily sedated or anesthetized in a
10 humane manner, or comatose, or unless, in light of all the relevant
11 circumstances, the procedure is justifiable.

12 (b) With respect to the killing of~~any~~ *a* dog or cat,~~no~~ *a* person,
13 peace officer, officer of a humane society, or officer of a pound
14 or animal regulation department of a public agency shall *not* use
15 any of the methods specified in subdivision (a) or any of the
16 following methods:

- 17 (1) High-altitude decompression chamber.
- 18 (2) Nitrogen~~gas~~ *gas*.
- 19 (3) *Carbon dioxide gas*.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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.~~

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~(4) The applicant shall not have committed an act in any~~
40 ~~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 ~~(c) 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.~~

- 1 ~~(18) Section 7317.~~
- 2 ~~(19) Section 7502 or 7592.~~
- 3 ~~(20) Section 7520.~~
- 4 ~~(21) Section 7617 or 7641.~~
- 5 ~~(22) Subdivision (a) of Section 7872.~~
- 6 ~~(23) Section 8016.~~
- 7 ~~(24) Section 8505.~~
- 8 ~~(25) Section 8725.~~
- 9 ~~(26) Section 9681.~~
- 10 ~~(27) Section 9840.~~
- 11 ~~(28) Subdivision (e) of Section 9891.24.~~
- 12 ~~(29) Section 19049.~~

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

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

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

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

- 38 ~~(1) Contains a misrepresentation of fact.~~
- 39 ~~(2) Is likely to mislead or deceive because of a failure to disclose~~
40 ~~material facts.~~

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

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

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

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

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

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

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

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

39 ~~(e) Any price advertisement shall be exact, without the use of~~
40 ~~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.

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

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

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

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

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

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

28 ~~(e) (1) The contents of any central file that are not public~~
29 ~~records under any other provision of law shall be confidential~~
30 ~~except that the licensee involved, or his or her counsel or~~
31 ~~representative, shall have the right to inspect and have copies made~~
32 ~~of his or her complete file except for the provision that may~~
33 ~~disclose the identity of an information source. For the purposes of~~
34 ~~this section, a board may protect an information source by~~
35 ~~providing a copy of the material with only those deletions necessary~~
36 ~~to protect the identity of the source or by providing a~~
37 ~~comprehensive summary of the substance of the material.~~
38 ~~Whichever method is used, the board shall ensure that full~~
39 ~~disclosure is made to the subject of any personal information that~~
40 ~~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.~~

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

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

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

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

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

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

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

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

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~~

1 ~~Section 4000), or pursuant to the Chiropractic Act or the~~
2 ~~Osteopathic Act, if a licensee or certificate holder has more than~~
3 ~~one conviction of any felony arising out of separate prosecutions~~
4 ~~involving fraud committed by the licensee or certificate holder in~~
5 ~~conjunction with providing benefits covered by worker's~~
6 ~~compensation insurance, or in conjunction with the Medi-Cal~~
7 ~~program, including the Denti-Cal element of the Medi-Cal program~~
8 ~~pursuant to Chapter 7 (commencing with Section 14000), or~~
9 ~~Chapter 8 (commencing with Section 14200), of Part 3 of Division~~
10 ~~9 of the Welfare and Institutions Code. The board shall convene~~
11 ~~a disciplinary hearing to revoke the license or certificate and an~~
12 ~~order of revocation shall be issued unless the board finds mitigating~~
13 ~~circumstances to order some other disposition.~~

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

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

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

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

36 ~~(d) As used in this section, health care professional means any~~
37 ~~person licensed or certified pursuant to this division, or licensed~~
38 ~~pursuant to the Osteopathic Initiative Act, or the Chiropractic~~
39 ~~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.~~

- 1 ~~(d) Have engaged in the practice of podiatric medicine in this~~
2 ~~state for at least five years next preceding his or her appointment.~~
3 ~~1464. The public members shall be appointed from persons~~
4 ~~having all of the following qualifications:~~
5 ~~(a) Be a citizen of this state for at least five years next preceding~~
6 ~~his or her appointment.~~
7 ~~(b) Shall not be an officer or faculty member of any college,~~
8 ~~school, or other institution engaged in podiatric medical instruction.~~
9 ~~(c) Shall not be a licentiate of the board or of any board under~~
10 ~~this division or of any board created by an initiative act under this~~
11 ~~division.~~
12 ~~1465. No person who directly or indirectly owns any interest~~
13 ~~in any college, school, or other institution engaged in podiatric~~
14 ~~medical instruction shall be appointed to the board nor shall any~~
15 ~~incumbent member of the board have or acquire any interest, direct~~
16 ~~or indirect, in any such college, school, or institution.~~
17 ~~1466. All members of the board shall be appointed for terms~~
18 ~~of four years. Vacancies shall immediately be filled by the~~
19 ~~appointing power for the unexpired portion of the terms in which~~
20 ~~they occur. No person shall serve as a member of the board for~~
21 ~~more than two consecutive terms.~~
22 ~~1467. (a) The board may convene from time to time as it deems~~
23 ~~necessary.~~
24 ~~(b) Four members of the board constitute a quorum for the~~
25 ~~transaction of business at any meeting.~~
26 ~~(c) It shall require the affirmative vote of a majority of those~~
27 ~~members present at a meeting, those members constituting at least~~
28 ~~a quorum, to pass any motion, resolution, or measure.~~
29 ~~(d) The board shall annually elect one of its members to act as~~
30 ~~president and a member to act as vice president who shall hold~~
31 ~~their respective positions at the pleasure of the board. The president~~
32 ~~may call meetings of the board and any duly appointed committee~~
33 ~~at a specified time and place.~~
34 ~~1468. Notice of each meeting of the board shall be given in~~
35 ~~accordance with the Bagley-Keene Open Meeting Act (Article 9~~
36 ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~
37 ~~Division 3 of Title 2 of the Government Code).~~
38 ~~1469. Each member of the board shall receive per diem and~~
39 ~~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 ~~II, 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 (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 *SEC. 4. Section 2499.5 of the Business and Professions Code*
25 *is amended to read:*

26 2499.5. The following fees apply to certificates to practice
27 podiatric medicine. The amount of fees prescribed for doctors of
28 podiatric medicine shall be those set forth in this section unless a
29 lower fee is established by the board in accordance with Section
30 2499.6. Fees collected pursuant to this section shall be fixed by
31 the board in amounts not to exceed the actual costs of providing
32 the service for which the fee is collected.

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

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

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

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

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

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

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

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

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

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

34 ~~(k) The application fee for ankle certification under Section~~
35 ~~2472 for persons licensed prior to January 1, 1984, shall be fifty~~
36 ~~dollars (\$50). The examination and reexamination fee for this~~
37 ~~certification shall be seven hundred dollars (\$700).~~

38 ~~(l)~~

39 (k) The filing fee to appeal the failure of an oral examination
40 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).

1 (r) The fee to be paid for a letter certifying a license shall be
2 not less than twenty dollars (\$20) nor more than thirty dollars
3 (\$30).

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

6 ~~SEC. 33.~~

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

9 2815.5. The amount of the fees prescribed by this chapter in
10 connection with the issuance of certificates as nurse-midwives is
11 that fixed by the following schedule:

12 (a) The fee to be paid upon the filing of an application for a
13 certificate shall be fixed by the board at not less than five hundred
14 dollars (\$500) nor more than one thousand five hundred dollars
15 (\$1,500).

16 (b) The biennial fee to be paid upon the application for a renewal
17 of a certificate shall be fixed by the board at not less than one
18 hundred fifty dollars (\$150) nor more than one thousand dollars
19 (\$1,000).

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

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

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

31 ~~SEC. 34.~~

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

34 2816. The nonrefundable fee to be paid by a registered nurse
35 for an evaluation of his or her qualifications to use the title “public
36 health nurse” shall be equal to the fees set out in subdivision (o)
37 of Section 2815. The fee to be paid upon the application for
38 renewal of the certificate to practice as a public health nurse shall
39 be fixed by the board at not less than one hundred twenty-five
40 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.

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

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

7 ~~4170. (a) No prescriber shall dispense drugs or dangerous~~
8 ~~devices to patients in his or her office or place of practice unless~~
9 ~~all of the following conditions are met:~~

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

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

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

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

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

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

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

36 ~~(8) A certified nurse-midwife who functions pursuant to a~~
37 ~~standardized procedure or protocol described in Section 2746.51,~~
38 ~~a nurse practitioner who functions pursuant to a standardized~~
39 ~~procedure described in Section 2836.1, or protocol, a physician~~
40 ~~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).

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

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

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

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

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

22 (j) (1) The application fee for a nonresident wholesaler or
23 third-party logistics provider license issued pursuant to Section
24 4161 shall be seven hundred eighty dollars (\$780) and may be
25 decreased to no less than six hundred dollars (\$600).

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

36 (3) The annual renewal fee for a nonresident wholesaler license
37 or third-party logistics provider license issued pursuant to Section
38 4161 shall be seven hundred eighty dollars (\$780) and may be
39 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

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

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

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

22 ~~SEC. 43.~~

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

25 4830. (a) This chapter does not apply to:

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

30 (2) Veterinarians holding a current, valid license in good
31 standing in another state or country who provide assistance to a
32 California licensed veterinarian and attend on a specific case. The
33 California licensed veterinarian shall maintain a valid
34 veterinarian-client-patient relationship. The veterinarian providing
35 the assistance shall not establish a veterinarian-client-patient
36 relationship with the client by attending the case or at a future time
37 and shall not practice veterinary medicine, open an office, appoint
38 a place to meet patients, communicate with clients who reside
39 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.

1 ~~SEC. 56.~~

2 *SEC. 40.* Section 8516 of the Business and Professions Code
3 is amended to read:

4 8516. (a) This section, and Section 8519, apply only to wood
5 destroying pests or organisms.

6 (b) A registered company or licensee shall not commence work
7 on a contract, or sign, issue, or deliver any documents expressing
8 an opinion or statement relating to the absence or presence of wood
9 destroying pests or organisms until an inspection has been made
10 by a licensed Branch 3 field representative or operator employed
11 by a registered company, except as provided in Section 8519.5.
12 The address of each property inspected or upon which work is
13 completed shall be reported on a form prescribed by the board and
14 shall be filed with the board no later than 10 business days after
15 the commencement of an inspection or upon completed work.

16 Every property inspected pursuant to this subdivision or Section
17 8518 shall be assessed a filing fee pursuant to Section 8674.

18 Failure of a registered company to report and file with the board
19 the address of any property inspected or work completed pursuant
20 to Section 8518 or this section is grounds for disciplinary action
21 and shall subject the registered company to a fine of not more than
22 two thousand five hundred dollars (\$2,500). The address of an
23 inspection report prepared for use by an attorney for litigation
24 purposes shall not be required to be reported to the board and shall
25 not be assessed a filing fee.

26 A written inspection report conforming to this section and a form
27 approved by the board shall be prepared and delivered to the person
28 requesting the inspection and the property owner, or to the property
29 owner's designated agent, within 10 business days from the start
30 of the inspection, except that an inspection report prepared for use
31 by an attorney for litigation purposes is not required to be reported
32 to the board or the property owner. An inspection report may be
33 a complete, limited, supplemental, or reinspection report, as defined
34 by Section 1993 of Title 16 of the California Code of Regulations.
35 The report shall be delivered before work is commenced on any
36 property. The registered company shall retain for three years all
37 inspection reports, field notes, and activity forms.

38 Reports shall be made available for inspection and reproduction
39 to the executive officer of the board or his or her duly authorized
40 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

1 (c) At the time a report is ordered, the registered company or
2 licensee shall inform the person or entity ordering the report, that
3 a separate report is available pursuant to this subdivision. If a
4 separate report is requested at the time the inspection report is
5 ordered, the registered company or licensee shall separately identify
6 on the report each recommendation for corrective measures as
7 follows:

- 8 (1) The infestation or infection that is evident.
- 9 (2) The conditions that are present that are deemed likely to
10 lead to infestation or infection.

11 If a registered company or licensee fails to inform as required
12 by this subdivision and a dispute arises, or if any other dispute
13 arises as to whether this subdivision has been complied with, a
14 separate report shall be provided within 24 hours of the request
15 but, in no event, later than the next business day, and at no
16 additional cost.

17 (d) When a corrective condition is identified, either as paragraph
18 (1) or (2) of subdivision (c), and the property owner or the property
19 owner’s designated agent chooses not to correct those conditions,
20 the registered company or licensee shall not be liable for damages
21 resulting from a failure to correct those conditions or subject to
22 any disciplinary action by the board. Nothing in this subdivision,
23 however, shall relieve a registered company or a licensee of any
24 liability resulting from negligence, fraud, dishonest dealing, other
25 violations pursuant to this chapter, or contractual obligations
26 between the registered company or licensee and the responsible
27 parties.

28 (e) The inspection report form prescribed by the board shall
29 separately identify the infestation or infection that is evident and
30 the conditions that are present that are deemed likely to lead to
31 infestation or infection. If a separate form is requested, the form
32 shall explain the infestation or infection that is evident and the
33 conditions that are present that are deemed likely to lead to
34 infestation or infection and the difference between those conditions.
35 In no event, however, shall conditions deemed likely to lead to
36 infestation or infection be characterized as actual “defects” or as
37 actual “active” infestations or infections or in need of correction
38 as a precondition to issuing a certification pursuant to Section
39 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.

1 (2) Ensure that the staff providing telephone medical advice
2 services for the in-state or out-of-state telephone medical advice
3 service hold a valid California license as a registered nurse or a
4 valid license in the state within which they provide telephone
5 medical advice services as a physician and surgeon or physician
6 assistant and are operating consistent with the laws governing their
7 respective scopes of practice.

8 (3) Ensure that a physician and surgeon is available on an on-call
9 basis at all times the service is advertised to be available to
10 enrollees and subscribers.

11 (4) Ensure that the in-state or out-of-state telephone medical
12 advice service designates an agent for service of process in
13 California and files this designation with the commissioner.

14 (5) Require that the in-state or out-of-state telephone medical
15 advice service makes and maintains records for a period of five
16 years after the telephone medical advice services are provided,
17 including, but not limited to, oral or written transcripts of all
18 medical advice conversations with the disability insurer’s insureds
19 in California and copies of all complaints. If the records of
20 telephone medical advice services are kept out of state, the insurer
21 shall, upon the request of the director, provide the records to the
22 director within 10 days of the request.

23 (6) Ensure that the telephone medical advice services are
24 provided consistent with good professional practice.

25 (b) The commissioner shall forward to the Department of
26 Consumer Affairs, within 30 days of the end of each calendar
27 quarter, data regarding complaints filed with the department
28 concerning telephone medical advice services.

29 ~~SEC. 61.~~

30 *SEC. 44.* No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

O

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1951

**Introduced by Assembly Member Salas
(Coauthor: Assembly Member Brough)**

February 12, 2016

An act to amend Sections 597, 597.5, 600, and 600.5 ~~of~~ *of, and to add Section 597.8 to*, the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, Salas. Crimes: animal cruelty.

Existing law makes it a crime to maliciously and intentionally maim, mutilate, torture, or wound a living animal, or maliciously and intentionally kill an animal. Existing law also makes it a crime to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, drink, or shelter, cruelly beat, mutilate, or cruelly kill an animal. Existing law makes these crimes punishable as a felony by imprisonment in the county jail for 16 months, 2, or 3 years, or as a misdemeanor punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than \$20,000, or by both that fine and either imprisonment. *Existing law requires a defendant granted probation for a conviction of the above crimes to also complete counseling unless the violation involved police dogs or police horses.*

~~This bill would instead make the above crimes punishable as a felony by imprisonment in either the state prison for 2, 3, or 4 years, or a county~~

jail for 16 months, 2, or 3 years, or as a misdemeanor by imprisonment in a county jail, or a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.

This bill would require defendants granted probation for a violation of the above provisions involving police dogs or police horses to also receive counseling.

Existing law makes it a crime to own, possess, keep, or train any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog. Existing law additionally makes it a crime to, for amusement or gain, cause any dog to fight with another dog, or cause any dog to injure another dog. Existing law also makes it a crime for a person to permit either of these acts to be done on premises under his or her charge or control, or to aid or abet either act. Existing law makes these crimes punishable as a felony by imprisonment in a county jail, or by a fine not to exceed \$50,000, or by both that fine and imprisonment.

~~This bill would instead make these crimes punishable as a felony by imprisonment in the state prison, or by a fine not to exceed \$50,000, or by both that fine and imprisonment.~~

~~Existing law act. Existing law additionally makes it a crime to willfully and maliciously and with no legal justification take specified actions, including strike, beat, and hurl or project objects at, any horse or dog under the supervision of a peace officer in the discharge or attempted discharge of his or her duties. If the act causes a serious injury, existing law makes it punishable by imprisonment in the county jail for 16 months, 2, or 3 years, or as a misdemeanor punishable by imprisonment in the county jail for not more than one year, or by a fine of not more than (\$2,000), or by both that fine and either imprisonment.~~

~~This bill would instead make the above crime punishable as a felony by imprisonment in either the state prison for 2, 3, or 4 years, or a county jail for 16 months, 2, or 3 years, or as a misdemeanor by imprisonment in a county jail, or a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.~~

~~Existing law duties. Existing law further makes any person who intentionally causes injury to or the death of any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by a fine of not more than \$10,000, or by both a fine and that imprisonment.~~

~~This bill would instead make that crime punishable as a felony by imprisonment in either the state prison for 2, 3, or 4 years, or a county jail for 16 months, 2, or 3 years, or as a misdemeanor by imprisonment in a county jail, or by a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.~~

This bill would require defendants granted probation for a conviction under the above crimes to additionally participate in and successfully complete counseling, as specified. By imposing additional duties on local governments, this bill would create a state-mandated local program.

Existing law makes it a crime to commit various forms of animal abuse, including, among other things, causing bulls or bears to fight, keeping birds with intent that they be used for an exhibition of fighting, or willfully abandoning an animal.

This bill would require, upon conviction of specified types of animal abuse but prior to sentencing, the court to order the person convicted to submit to a psychiatric or psychological examination, to be provided by and paid for by the court. The bill would require the court to consider the result of the examination in determining a sentence.

~~By increasing the punishments for crimes, this bill would create a state-mandated local program.~~

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

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

The 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 597 of the Penal Code is amended to
2 read:

3 597. (a) Except as provided in subdivision (c) of this section
4 or Section 599c, every person who maliciously and intentionally
5 maims, mutilates, tortures, or wounds a living animal, or
6 maliciously and intentionally kills an animal, is guilty of a crime
7 punishable pursuant to subdivision (d).

8 (b) Except as otherwise provided in subdivision (a) or (c), every
9 person who overdrives, overloads, drives when overloaded,
10 overworks, tortures, torments, deprives of necessary sustenance,
11 drink, or shelter, cruelly beats, mutilates, or cruelly kills any
12 animal, or causes or procures any animal to be so overdriven,
13 overloaded, driven when overloaded, overworked, tortured,
14 tormented, deprived of necessary sustenance, drink, shelter, or to
15 be cruelly beaten, mutilated, or cruelly killed; and whoever, having
16 the charge or custody of any animal, either as owner or otherwise,
17 subjects any animal to needless suffering, or inflicts unnecessary
18 cruelty upon the animal, or in any manner abuses any animal, or
19 fails to provide the animal with proper food, drink, or shelter or
20 protection from the weather, or who drives, rides, or otherwise
21 uses the animal when unfit for labor, is, for each offense, guilty
22 of a crime punishable pursuant to subdivision (d).

23 (c) Every person who maliciously and intentionally maims,
24 mutilates, or tortures any mammal, bird, reptile, amphibian, or
25 fish, as described in subdivision (e), is guilty of a crime punishable
26 pursuant to subdivision (d).

27 (d) A violation of subdivision (a), (b), or (c) is punishable as a
28 felony by imprisonment ~~in the state prison for two, three, or four~~
29 ~~years~~ or pursuant to subdivision (h) of Section 1170, by a fine of
30 not more than twenty thousand dollars (\$20,000), or by both that
31 fine and imprisonment, or alternatively, as a misdemeanor by
32 imprisonment in a county jail for not more than one year, or by a
33 fine of not more than twenty thousand dollars (\$20,000), or by
34 both that fine and imprisonment.

35 (e) Subdivision (c) applies to any mammal, bird, reptile,
36 amphibian, or fish which is a creature described as follows:

1 (1) Endangered species or threatened species as described in
2 Chapter 1.5 (commencing with Section 2050) of Division 3 of the
3 Fish and Game Code.

4 (2) Fully protected birds described in Section 3511 of the Fish
5 and Game Code.

6 (3) Fully protected mammals described in Chapter 8
7 (commencing with Section 4700) of Part 3 of Division 4 of the
8 Fish and Game Code.

9 (4) Fully protected reptiles and amphibians described in Chapter
10 2 (commencing with Section 5050) of Division 5 of the Fish and
11 Game Code.

12 (5) Fully protected fish as described in Section 5515 of the Fish
13 and Game Code.

14 This subdivision does not supersede or affect any provisions of
15 law relating to taking of the described species, including, but not
16 limited to, Section 12008 of the Fish and Game Code.

17 (f) For the purposes of subdivision (c), each act of malicious
18 and intentional maiming, mutilating, or torturing a separate
19 specimen of a creature described in subdivision (e) is a separate
20 offense. If any person is charged with a violation of subdivision
21 (c), the proceedings shall be subject to Section 12157 of the Fish
22 and Game Code.

23 (g) (1) Upon the conviction of a person charged with a violation
24 of this section by causing or permitting an act of cruelty, as defined
25 in Section 599b, all animals lawfully seized and impounded with
26 respect to the violation by a peace officer, officer of a humane
27 society, or officer of a pound or animal regulation department of
28 a public agency shall be adjudged by the court to be forfeited and
29 shall thereupon be awarded to the impounding officer for proper
30 disposition. A person convicted of a violation of this section by
31 causing or permitting an act of cruelty, as defined in Section 599b,
32 shall be liable to the impounding officer for all costs of
33 impoundment from the time of seizure to the time of proper
34 disposition.

35 (2) Mandatory seizure or impoundment shall not apply to
36 animals in properly conducted scientific experiments or
37 investigations performed under the authority of the faculty of a
38 regularly incorporated medical college or university of this state.

39 (h) Notwithstanding any other provision of law, if a defendant
40 is granted probation for a conviction under this section, the court

1 shall order the defendant to pay for, and successfully complete,
2 counseling, as determined by the court, designed to evaluate and
3 treat behavior or conduct disorders. If the court finds that the
4 defendant is financially unable to pay for that counseling, the court
5 may develop a sliding fee schedule based upon the defendant's
6 ability to pay. An indigent defendant may negotiate a deferred
7 payment schedule, but shall pay a nominal fee if the defendant has
8 the ability to pay the nominal fee. County mental health
9 departments or Medi-Cal shall be responsible for the costs of
10 counseling required by this section only for those persons who
11 meet the medical necessity criteria for mental health managed care
12 pursuant to Section 1830.205 of Title 9 of the California Code of
13 Regulations or the targeted population criteria specified in Section
14 5600.3 of the Welfare and Institutions Code. The counseling
15 specified in this subdivision shall be in addition to any other terms
16 and conditions of probation, including any term of imprisonment
17 and any fine. This provision specifies a mandatory additional term
18 of probation and is not to be utilized as an alternative in lieu of
19 imprisonment pursuant to subdivision (h) of Section 1170 or county
20 jail when that sentence is otherwise appropriate. If the court does
21 not order custody as a condition of probation for a conviction under
22 this section, the court shall specify on the court record the reason
23 or reasons for not ordering custody. ~~This subdivision shall not
24 apply to cases involving police dogs or horses as described in
25 Section 600.~~

26 SEC. 2. Section 597.5 of the Penal Code is amended to read:

27 597.5. (a) Any person who does any of the following is guilty
28 of a felony and is punishable by imprisonment ~~in the state prison~~
29 *pursuant to subdivision (h) of Section 1170* for 16 months, or two
30 or three years, or by a fine not to exceed fifty thousand dollars
31 (\$50,000), or by both that fine and imprisonment:

32 (1) Owns, possesses, keeps, or trains any dog, with the intent
33 that the dog shall be engaged in an exhibition of fighting with
34 another dog.

35 (2) For amusement or gain, causes any dog to fight with another
36 dog, or causes any dogs to injure each other.

37 (3) Permits any act in violation of paragraph (1) or (2) to be
38 done on any premises under his or her charge or control, or aids
39 or abets that act.

1 (b) Any person who is knowingly present, as a spectator, at any
2 place, building, or tenement where preparations are being made
3 for an exhibition of the fighting of dogs, with the intent to be
4 present at those preparations, or is knowingly present at that
5 exhibition or at any other fighting or injuring as described in
6 paragraph (2) of subdivision (a), with the intent to be present at
7 that exhibition, fighting, or injuring, is guilty of an offense
8 punishable by imprisonment in a county jail not to exceed one
9 year, or by a fine not to exceed five thousand dollars (\$5,000), or
10 by both that imprisonment and fine.

11 (c) Nothing in this section shall prohibit any of the following:

12 (1) The use of dogs in the management of livestock, as defined
13 by Section 14205 of the Food and Agricultural Code, by the owner
14 of the livestock or his or her employees or agents or other persons
15 in lawful custody thereof.

16 (2) The use of dogs in hunting as permitted by the Fish and
17 Game Code, including, but not limited to, Sections 4002 and 4756,
18 and by the rules and regulations of the Fish and Game Commission.

19 (3) The training of dogs or the use of equipment in the training
20 of dogs for any purpose not prohibited by law.

21 (d) *Notwithstanding any other provision of law, if a defendant*
22 *is granted probation for a conviction under this section, the court*
23 *shall order the defendant to pay for, and successfully complete,*
24 *counseling, as determined by the court, designed to evaluate and*
25 *treat behavior or conduct disorders. If the court finds that the*
26 *defendant is financially unable to pay for that counseling, the court*
27 *may develop a sliding fee schedule based upon the defendant's*
28 *ability to pay. An indigent defendant may negotiate a deferred*
29 *payment schedule but shall pay a nominal fee if he or she has the*
30 *ability to pay the nominal fee. County mental health departments*
31 *or Medi-Cal shall be responsible for the costs of counseling*
32 *required by this section only for those persons who meet the*
33 *medical necessity criteria for mental health managed care pursuant*
34 *to Section 1830.205 of Title 9 of the California Code of Regulations*
35 *or the targeted population criteria specified in Section 5600.3 of*
36 *the Welfare and Institutions Code. The counseling specified in this*
37 *subdivision shall be in addition to any other terms and conditions*
38 *of probation, including any term of imprisonment and any fine.*
39 *This provision specifies a mandatory additional term of probation*
40 *and is not to be utilized as an alternative in lieu of imprisonment*

1 pursuant to subdivision (h) of Section 1170 when that sentence is
 2 otherwise appropriate. If the court does not order custody as a
 3 condition of probation for a conviction under this section, the court
 4 shall specify on the court record the reason or reasons for not
 5 ordering custody.

6 SEC. 3. Section 597.8 is added to the Penal Code, to read:

7 597.8. Upon conviction pursuant to subdivision (a) or (b) of
 8 Section 597 or Section 597a, 597b, 597h, 597j, 597s, or 597.1, but
 9 prior to sentencing, the court shall order the person convicted to
 10 submit to a psychiatric or psychological examination to determine
 11 his or her potential to reoffend. All examinations shall be provided
 12 for and paid for by the court. The results of the examination shall
 13 be sent by the examining psychologist or psychiatrist to the court
 14 and to the attorneys for the prosecution and the defense. The court
 15 shall consider the results of the examination in determining a
 16 sentence.

17 ~~SEC. 3.~~

18 SEC. 4. Section 600 of the Penal Code is amended to read:

19 600. (a) Any person who willfully and maliciously and with
 20 no legal justification strikes, beats, kicks, cuts, stabs, shoots with
 21 a firearm, administers any poison or other harmful or stupefying
 22 substance to, or throws, hurls, or projects at, or places any rock,
 23 object, or other substance which is used in such a manner as to be
 24 capable of producing injury and likely to produce injury, on or in
 25 the path of, a horse being used by, or a dog under the supervision
 26 of, a peace officer in the discharge or attempted discharge of his
 27 or her duties, or a volunteer who is acting under the direct
 28 supervision of a peace officer in the discharge or attempted
 29 discharge of his or her assigned volunteer duties, is guilty of a
 30 public offense. If the injury inflicted is a serious injury, as
 31 described in subdivision (c), ~~the person is guilty of a felony,~~
 32 ~~punishable by imprisonment in the state prison for two, three, or~~
 33 ~~four years or pursuant to subdivision (h) of Section 1170, or by a~~
 34 ~~fine of not more than twenty thousand dollars (\$20,000), or by~~
 35 ~~both that fine and imprisonment, or alternatively as a misdemeanor~~
 36 ~~by imprisonment in a county jail not exceeding one year, or by a~~
 37 ~~fine not exceeding twenty thousand dollars (\$20,000), or by both~~
 38 ~~that fine and imprisonment. the person shall be punished by~~
 39 ~~imprisonment pursuant to subdivision (h) of Section 1170 for 16~~
 40 ~~months, two or three years, or in a county jail for not exceeding~~

1 *one year, or by a fine not exceeding two thousand dollars (\$2,000),*
2 *or by both a fine and imprisonment.* If the injury inflicted is not a
3 serious injury, the person shall be punished by imprisonment in
4 the county jail for not exceeding one year, or by a fine not
5 exceeding one thousand dollars (\$1,000), or by both a fine and
6 imprisonment.

7 (b) Any person who willfully and maliciously and with no legal
8 justification interferes with or obstructs a horse or dog being used
9 by a peace officer in the discharge or attempted discharge of his
10 or her duties, or a volunteer who is acting under the direct
11 supervision of a peace officer in the discharge or attempted
12 discharge of his or her assigned volunteer duties, by frightening,
13 teasing, agitating, harassing, or hindering the horse or dog shall
14 be punished by imprisonment in a county jail for not exceeding
15 one year, or by a fine not exceeding one thousand dollars (\$1,000),
16 or by both a fine and imprisonment.

17 (c) Any person who, in violation of this section, and with intent
18 to inflict that injury or death, personally causes the death,
19 destruction, or serious physical injury including bone fracture, loss
20 or impairment of function of any bodily member, wounds requiring
21 extensive suturing, or serious crippling, of a horse or dog, shall,
22 upon conviction of a felony under this section, in addition and
23 consecutive to the punishment prescribed for the felony, be
24 punished by an additional term of imprisonment pursuant to
25 subdivision (h) of Section 1170 for one year.

26 (d) Any person who, in violation of this section, and with the
27 intent to inflict that injury, personally causes great bodily injury,
28 as defined in Section 12022.7, to any person not an accomplice,
29 shall, upon conviction of a felony under this section, in addition
30 and consecutive to the punishment prescribed for the felony, be
31 punished by an additional term of imprisonment in the state prison
32 for two years unless the conduct described in this subdivision is
33 an element of any other offense of which the person is convicted
34 or receives an enhancement under Section 12022.7.

35 (e) A defendant convicted of a violation of this section shall be
36 ordered to make restitution to the agency owning the animal and
37 employing the peace officer, to a volunteer who is acting under
38 the direct supervision of a peace officer who is using his or her
39 horse or supervising his or her dog in the performance of his or
40 her assigned duties, or to the agency that provides, or the individual

1 who provides, veterinary health care coverage or veterinary care
 2 for a horse or dog being used by, or under the supervision of, a
 3 volunteer who is acting under the direct supervision of a peace
 4 officer for any veterinary bills, replacement costs of the animal if
 5 it is disabled or killed, and, if applicable, the salary of the peace
 6 officer for the period of time his or her services are lost to the
 7 agency.

8 *(f) Notwithstanding any other provision of law, if a defendant*
 9 *is granted probation for a conviction under this section, the court*
 10 *shall order the defendant to pay for, and successfully complete,*
 11 *counseling, as determined by the court, designed to evaluate and*
 12 *treat behavior or conduct disorders. If the court finds that the*
 13 *defendant is financially unable to pay for that counseling, the court*
 14 *may develop a sliding fee schedule based upon the defendant's*
 15 *ability to pay. An indigent defendant may negotiate a deferred*
 16 *payment schedule but shall pay a nominal fee if he or she has the*
 17 *ability to pay the nominal fee. County mental health departments*
 18 *or Medi-Cal shall be responsible for the costs of counseling*
 19 *required by this section only for those persons who meet the*
 20 *medical necessity criteria for mental health managed care pursuant*
 21 *to Section 1830.205 of Title 9 of the California Code of Regulations*
 22 *or the targeted population criteria specified in Section 5600.3 of*
 23 *the Welfare and Institutions Code. The counseling specified in this*
 24 *subdivision shall be in addition to any other terms and conditions*
 25 *of probation, including any term of imprisonment and any fine.*
 26 *This provision specifies a mandatory additional term of probation*
 27 *and is not to be utilized as an alternative in lieu of imprisonment*
 28 *pursuant to subdivision (h) of Section 1170 or county jail when*
 29 *that sentence is otherwise appropriate. If the court does not order*
 30 *custody as a condition of probation for a conviction under this*
 31 *section, the court shall specify on the court record the reason or*
 32 *reasons for not ordering custody.*

33 ~~SEC. 4.~~

34 SEC. 5. Section 600.5 of the Penal Code is amended to read:

35 600.5. (a) Any person who intentionally causes injury to or
 36 the death of any guide, signal, or service dog, as defined by Section
 37 54.1 of the Civil Code, while the dog is in discharge of its duties,
 38 is guilty of a felony punishable by imprisonment in the state prison
 39 for two, three, or four years or pursuant to subdivision (h) of
 40 Section 1170, or by a fine of not more than twenty thousand dollars

1 (\$20,000), or by both that fine and imprisonment, or alternatively
2 as a misdemeanor by imprisonment in a county jail not exceeding
3 one year, or by a fine not exceeding twenty thousand dollars
4 (\$20,000), or by both a fine and imprisonment. The court shall
5 consider the costs ordered pursuant to subdivision (b) when
6 determining the amount of any fines.

7 (b) In any case in which a defendant is convicted of a violation
8 of this section, the defendant shall be ordered to make restitution
9 to the person with a disability who has custody or ownership of
10 the dog for any veterinary bills and replacement costs of the dog
11 if it is disabled or killed, or other reasonable costs deemed
12 appropriate by the court. The costs ordered pursuant to this
13 subdivision shall be paid prior to any fines. The person with the
14 disability may apply for compensation by the California Victim
15 Compensation and Government Claims Board pursuant to Chapter
16 5 (commencing with Section 13950) of Part 4 of Division 3 of
17 Title 2 of the Government Code, in an amount not to exceed ten
18 thousand dollars (\$10,000).

19 (c) *Notwithstanding any other provision of law, if a defendant*
20 *is granted probation for a conviction under this section, the court*
21 *shall order the defendant to pay for, and successfully complete,*
22 *counseling, as determined by the court, designed to evaluate and*
23 *treat behavior or conduct disorders. If the court finds that the*
24 *defendant is financially unable to pay for that counseling, the court*
25 *may develop a sliding fee schedule based upon the defendant's*
26 *ability to pay. An indigent defendant may negotiate a deferred*
27 *payment schedule but shall pay a nominal fee if he or she has the*
28 *ability to pay the nominal fee. County mental health departments*
29 *or Medi-Cal shall be responsible for the costs of counseling*
30 *required by this section only for those persons who meet the*
31 *medical necessity criteria for mental health managed care pursuant*
32 *to Section 1830.205 of Title 9 of the California Code of Regulations*
33 *or the targeted population criteria specified in Section 5600.3 of*
34 *the Welfare and Institutions Code. The counseling specified in this*
35 *subdivision shall be in addition to any other terms and conditions*
36 *of probation, including any term of imprisonment and any fine.*
37 *This provision specifies a mandatory additional term of probation*
38 *and is not to be utilized as an alternative in lieu of imprisonment*
39 *pursuant to subdivision (h) of Section 1170 or county jail when*
40 *that sentence is otherwise appropriate. If the court does not order*

1 custody as a condition of probation for a conviction under this
2 section, the court shall specify on the court record the reason or
3 reasons for not ordering custody.

4 ~~SEC. 5. No reimbursement is required by this act pursuant to~~
5 ~~Section 6 of Article XIII B of the California Constitution because~~
6 ~~the only costs that may be incurred by a local agency or school~~
7 ~~district will be incurred because this act creates a new crime or~~
8 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
9 ~~for a crime or infraction, within the meaning of Section 17556 of~~
10 ~~the Government Code, or changes the definition of a crime within~~
11 ~~the meaning of Section 6 of Article XIII B of the California~~
12 ~~Constitution.~~

13 *SEC. 6. If the Commission on State Mandates determines that*
14 *this act contains costs mandated by the state, reimbursement to*
15 *local agencies and school districts for those costs shall be made*
16 *pursuant to Part 7 (commencing with Section 17500) of Division*
17 *4 of Title 2 of the Government Code.*

AMENDED IN ASSEMBLY APRIL 21, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2269

Introduced by Assembly Member Waldron
(Principal coauthor: Assembly Member Dababneh)
(Coauthors: Assembly Members Bloom, Chang, Chávez, Daly, and Cristina Garcia)

February 18, 2016

An act to repeal and add Section 1834.7 of the Civil Code, relating to animal shelters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2269, as amended, Waldron. Animal shelters: research animals: prohibitions.

(1) Existing law requires a pound or animal regulation department of a public or private agency where animals are turned over dead or alive to a biological supply facility or a research facility to post a statement to this effect, as specified, and requires that this statement and other information also be included on owner surrender forms.

This bill would revise these provisions to apply them only to an animal shelter entity, as defined, where dead animals are turned over to a biological supply facility or a research facility. The bill would revise the posted statement and owner surrender forms to refer to euthanized animals. The bill would prohibit a person or animal shelter entity that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility or animal dealer. The bill would also prohibit a research

facility or animal dealer from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of medical or biological teaching, research, or study, or any other kind of experimentation, if that animal is transferred from, or received from, an animal shelter. The bill would prohibit a person or animal shelter entity from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer. The bill would except from these prohibitions specified procedures performed by, or under the direct supervision of, a licensed veterinarian, subject to certain conditions. A violation of these provisions would be subject to a civil penalty of \$1,000. By creating new conditions affecting the operations of local, public animal service entities, this bill would impose a state-mandated local program.

(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 1834.7 of the Civil Code is repealed.
- 2 SEC. 2. Section 1834.7 is added to the Civil Code, to read:
- 3 1834.7. (a) For purposes of this section:
- 4 (1) “Animal dealer” means ~~any~~ a person who, in commerce, for
- 5 compensation or profit, delivers for transportation, or transports,
- 6 except as a carrier, or who buys, sells, or negotiates the purchase
- 7 or sale of any animal, whether alive or dead, for research, teaching,
- 8 exhibition, or biological supply.
- 9 (2) “Animal shelter entity” includes, but is not limited to, an
- 10 animal regulation agency, humane society, society for the
- 11 prevention of cruelty to animals, rescue group, or other private or
- 12 public animal shelter.
- 13 (3) “Research facility” means a research facility as defined by
- 14 Section 2132 of Title 7 of the United States Code, effective
- 15 February 7, 2014.

1 (b) (1) An animal shelter entity where dead animals are turned
2 over to a biological supply facility or a research facility shall post
3 a sign as described by this paragraph in a place where it will be
4 clearly visible to a majority of persons when turning animals over
5 to the shelter. The sign shall measure a minimum of 28 x 21 cm—
6 11 x 8 ½ inches—with lettering of a minimum of 3.2 cm high and
7 1.2 cm wide— 1 ¼ x ½ inch —(91 point) and shall state:

8 “Animals Euthanized at This Shelter May Be Used for Research
9 Purposes or to Supply Blood, Tissue, or Other Biological
10 Products”

11 (2) The statement in paragraph (1) shall also be included on
12 owner surrender forms.

13 (c) (1) A person or animal shelter entity that accepts animals
14 from the public or takes in stray or unwanted animals shall not
15 sell, give, or otherwise transfer a living animal to a research facility,
16 or to an animal dealer.

17 (2) A research facility or animal dealer shall not procure,
18 purchase, receive, accept, or use a living animal for the purpose
19 of medical or biological teaching, research, or study, or any other
20 kind of experimentation, if that animal is transferred from, or
21 received from, an animal shelter entity.

22 (3) A person or animal shelter shall not euthanize an animal for
23 the purpose, in whole or in part, of transferring the carcass to a
24 research facility or animal dealer.

25 (d) This section does not prohibit a procedure by a licensed
26 veterinarian to correct the animal’s preexisting medical condition,
27 nor does it prohibit a procedure to spay or neuter the animal if the
28 procedure is performed by, or under the direct supervision of, a
29 licensed veterinarian, and if the animal is returned to the person
30 or animal shelter entity after the procedure, unless the animal is
31 found to be suffering from a medical condition that requires the
32 animal’s humane euthanasia to avoid imminent and prolonged
33 pain and suffering.

34 (e) A violation of this section is subject to a civil penalty of one
35 thousand dollars (\$1,000) in an action to be brought by the district
36 attorney or city attorney of the county or city where the violation
37 occurred. When collected, the civil penalty shall be payable to the
38 general fund of the governmental entity that brought the action to
39 assess the penalty.

1 SEC. 3. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O

AMENDED IN SENATE MAY 31, 2016

SENATE BILL

No. 1348

Introduced by Senator Cannella

February 19, 2016

An act to amend Section 114.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1348, as amended, Cannella. Licensure applications: military experience.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires each board to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

This bill would require each board, with a governing law authorizing veterans to apply military experience and training towards licensure requirements, to ~~modify their application for licensure to advise veteran applicants~~ *post information on the board's Internet Web site about their the ability of veteran applicants to apply that their military* experience and training towards licensure requirements.

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

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

- 1 SECTION 1. Section 114.5 of the Business and Professions
- 2 Code is amended to read:

1 114.5. (a) Each board shall inquire in every application for
2 licensure if the individual applying for licensure is serving in, or
3 has previously served in, the military.

4 (b) If a board's governing law authorizes veterans to apply
5 military experience and training towards licensure requirements,
6 that board shall ~~modify their application for licensure to advise~~
7 ~~veteran applicants~~ *post information on the board's Internet Web*
8 *site about their the ability of veteran applicants to apply military*
9 *experience and training towards licensure requirements.*

Introduced by Senator Stone

February 18, 2016

An act to add Section 4126.7 to the Business and Professions Code, relating to pharmacies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1230, as introduced, Stone. Pharmacies: compounding.

Under the Pharmacy Law, a violation of which is a crime, the California State Board of Pharmacy licenses and regulates the practice of pharmacy. That law authorizes a pharmacy to furnish prescription drugs only to certain entities, including specific health care entities, and individual patients either pursuant to prescription or as otherwise authorized by law.

This bill would authorize a pharmacy that provides compounding services to provide to a clinic commercial products that are unique or otherwise unavailable to the clinic, if the compounding pharmacy and the clinic have entered into a professional compounding services agreement to provide nonpatient-specific compounded medications that cannot be planned for prospectively. The bill would require the board to adopt regulations for establishing a professional compounding services agreement.

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

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

- 1 SECTION 1. Section 4126.7 is added to the Business and
- 2 Professions Code, to read:

1 4126.7. (a) A pharmacy that provides compounding services
2 may provide to a clinic commercial products that are unique or
3 otherwise unavailable to the clinic, if the compounding pharmacy
4 and the clinic have entered into a professional compounding
5 services agreement, that complies with regulation adopted pursuant
6 to subdivision (b), to provide nonpatient-specific compounded
7 medications that cannot be planned for prospectively.

8 (b) The board shall adopt regulations for establishing a
9 professional compounding services agreement.

O

Introduced by Senator Galgiani

February 18, 2016

An act to add Sections 11350.5 and 11377.5 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1182, as introduced, Galgiani. Controlled substances.

(1) Existing law generally provides that the possession of Ketamine, gamma hydroxybutyric acid (GHB), and flunitrazepam is a misdemeanor, punishable by imprisonment in the county jail for not more than one year.

This bill would make it a felony, punishable by imprisonment in the county jail for 16 months, or 2 or 3 years, to possess Ketamine, flunitrazepam, or GHB, with the intent to commit sexual assault, as defined for these purposes to include, among other acts, rape, sodomy, and oral copulation. By creating a new crime, this bill would impose a state-mandated local program.

(2) 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: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) Ketamine, gamma hydroxybutyric acid (GHB), and
2 Rohypnol are drugs often characterized as “date rape” drugs.

3 (b) GHB is a central nervous system depressant that was
4 approved for the treatment of narcolepsy. GHB has no color or
5 taste, and is frequently combined with alcohol to commit sexual
6 assault.

7 (c) Ketamine causes unconsciousness, hallucinations, loss of
8 body control, and numbing. Ketamine works very quickly, so
9 victims drugged with Ketamine only have a few seconds to react
10 before losing consciousness.

11 (d) Rohypnol, commonly known as flunitrazepam, and
12 sometimes referred to as “roofies,” impairs judgment and leaves
13 victims drugged with Rohypnol physically incapacitated. Memory
14 loss and confusion under the influence of this drug makes victims
15 more vulnerable to rape.

16 (e) In order to deter the possession of Ketamine, GHB, and
17 Rohypnol by sexual predators and to take steps to prevent the use
18 of these drugs to incapacitate victims for purposes of sexual
19 exploitation, it is necessary and appropriate that an individual who
20 possesses one of these substances for predatory purposes be subject
21 to felony penalties.

22 SEC. 2. Section 11350.5 is added to the Health and Safety
23 Code, to read:

24 11350.5. (a) Except as otherwise provided in this division,
25 every person who possesses a controlled substance specified in
26 paragraph (3) of subdivision (e) of Section 11054 with the intent
27 to commit sexual assault shall be punished by imprisonment
28 pursuant to subdivision (h) of Section 1170 of the Penal Code.

29 (b) For purposes of this section, “sexual assault” means conduct
30 in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the
31 Penal Code.

32 SEC. 3. Section 11377.5 is added to the Health and Safety
33 Code, to read:

34 11377.5. (a) Except as otherwise provided in this division,
35 every person who possesses any controlled substance specified in
36 paragraph (11) of subdivision (c) of, or subdivision (g) of, Section
37 11056, or paragraph (13) of subdivision (d) of Section 11057, with
38 the intent to commit sexual assault, shall be punished by
39 imprisonment pursuant to subdivision (h) of Section 1170 of the
40 Penal Code.

1 (b) For purposes of this section, “sexual assault” means conduct
2 in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the
3 Penal Code.

4 SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

O

ASSEMBLY BILL

No. 2419

Introduced by Assembly Member Jones

February 19, 2016

An act to amend Sections 66010 and 66010.4 of, and to add Division 9.3 (commencing with Section 92990) to Title 3 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, as introduced, Jones. Public postsecondary education: The New University of California.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public postsecondary education in this state.

This bill would establish The New University of California as a 4th segment of public postsecondary education in this state. The university would provide no instruction, but rather would issue credit and degrees to persons who pass its examinations. The bill would establish an 11-member Board of Trustees of The New University of California as the governing body of the university, and specify the membership and appointing authority for the board of trustees. The bill would provide for the appointment of a Chancellor of The New University of California as the chief executive officer of the university.

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

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

1 SECTION 1. Section 66010 of the Education Code is amended
2 to read:

3 66010. (a) Public higher education consists of (1) the
4 California Community Colleges, (2) the California State University,
5 and each campus, branch, and function thereof, ~~and~~ (3) each
6 campus, branch, and function of the University of ~~California~~
7 *California, and (4) The New University of California.*

8 (b) As used in this part, “independent institutions of higher
9 education” are those nonpublic higher education institutions that
10 grant undergraduate degrees, graduate degrees, or both, and that
11 are formed as nonprofit corporations in this state and are accredited
12 by an agency recognized by the United States Department of
13 Education.

14 (c) No provision of this part is intended to regulate, subsidize,
15 or intrude upon private education, including, but not limited to,
16 independent educational institutions and religious schools, nor to
17 vary existing state law or state constitutional provisions relating
18 to private education.

19 SEC. 2. Section 66010.4 of the Education Code is amended to
20 read:

21 66010.4. The missions and functions of California’s public
22 and independent segments, and their respective institutions of
23 higher education shall be differentiated as follows:

24 (a) (1) The California Community Colleges shall, as a primary
25 mission, offer academic and vocational instruction at the lower
26 division level for both younger and older students, including those
27 persons returning to school. Public community colleges shall offer
28 instruction through but not beyond the second year of college.
29 These institutions may grant the associate in arts and the associate
30 in science degree.

31 (2) In addition to the primary mission of academic and
32 vocational instruction, the community colleges shall offer
33 instruction and courses to achieve all of the following:

34 (A) The provision of remedial instruction for those in need of
35 it and, in conjunction with the school districts, instruction in
36 English as a second language, adult noncredit instruction, and
37 support services which help students succeed at the postsecondary

1 level are reaffirmed and supported as essential and important
2 functions of the community colleges.

3 (B) The provision of adult noncredit education curricula in areas
4 defined as being in the state’s interest is an essential and important
5 function of the community colleges.

6 (C) The provision of community services courses and programs
7 is an authorized function of the community colleges so long as
8 their provision is compatible with an institution’s ability to meet
9 its obligations in its primary missions.

10 (3) A primary mission of the California Community Colleges
11 is to advance California’s economic growth and global
12 competitiveness through education, training, and services that
13 contribute to continuous work force improvement.

14 (4) The community colleges may conduct to the extent that state
15 funding is provided, institutional research concerning student
16 learning and retention as is needed to facilitate their educational
17 missions.

18 (b) The California State University shall offer undergraduate
19 and graduate instruction through the master’s degree in the liberal
20 arts and sciences and professional education, including teacher
21 education. Presently established two-year programs in agriculture
22 are authorized, but other two-year programs shall be permitted
23 only when mutually agreed upon by the Trustees of the California
24 State University and the Board of Governors of the California
25 Community Colleges. The doctoral degree may be awarded jointly
26 with the University of California, as provided in subdivision (c)
27 and pursuant to Section 66904. The doctoral degree may also be
28 awarded jointly with one or more independent institutions of higher
29 education, provided that the proposed doctoral program is approved
30 by the California Postsecondary Education Commission. Research,
31 scholarship, and creative activity in support of its undergraduate
32 and graduate instructional mission is authorized in the California
33 State University and shall be supported by the state. The primary
34 mission of the California State University is undergraduate and
35 graduate instruction through the master’s degree.

36 (c) The University of California may provide undergraduate
37 and graduate instruction in the liberal arts and sciences and in the
38 professions, including the teaching professions. It shall have
39 exclusive jurisdiction in public higher education over instruction
40 in the profession of law and over graduate instruction in the

1 professions of medicine, dentistry, and veterinary medicine. It has
 2 the sole authority in public higher education to award the doctoral
 3 degree in all fields of learning, except that it may agree with the
 4 California State University to award joint doctoral degrees in
 5 selected fields. The University of California shall be the primary
 6 state-supported academic agency for research.

7 *(d) (1) The New University of California shall provide no*
 8 *instruction, but shall issue college credit and baccalaureate and*
 9 *associate degrees to any person capable of passing appropriate*
 10 *examinations.*

11 *(2) The New University of California may contract with*
 12 *qualified entities for the formulation of peer-reviewed course*
 13 *examinations the passage of which would demonstrate that the*
 14 *student has the knowledge and skill necessary to receive college*
 15 *credit for that course.*

16 ~~(d)~~

17 *(e) The independent institutions of higher education shall*
 18 *provide undergraduate and graduate instruction and research in*
 19 *accordance with their respective missions.*

20 SEC. 3. Division 9.3 (commencing with Section 92990) is
 21 added to Title 3 of the Education Code, to read:

22

23 DIVISION 9.3. THE NEW UNIVERSITY OF CALIFORNIA

24

25 92990. (a) The New University of California is hereby
 26 established under the administration of the Board of Trustees of
 27 The New University of California. The New University of
 28 California shall provide no instruction, and the mission of the
 29 university shall be limited to issuing college credit and
 30 baccalaureate and associate degrees to any person capable of
 31 passing the examinations administered by the university. The goal
 32 of the university is for its students to obtain the requisite knowledge
 33 and skills to pass the examinations administered by the university
 34 from any source, such as massive open online courses, the student
 35 deems appropriate. When the student feels that he or she is ready
 36 to take an examination, the student shall pay the examination fee,
 37 present acceptable identification at the examination, and, upon
 38 passage of the examination, receive academic credit. When a
 39 student receives sufficient academic credit in prescribed courses,
 40 the university shall issue an appropriate degree to that student.

1 (b) The university may contract with qualified entities for the
2 formulation of peer-reviewed course examinations the passage of
3 which would demonstrate that the student has the knowledge and
4 skill necessary to receive college credit for that course.

5 (c) The university may charge students a fee for the taking of
6 examinations administered by the university. Fees charged under
7 this subdivision shall not exceed the amount that is necessary for
8 the university to recover the costs of administering the examination.

9 (d) The university may apply for accreditation to the Western
10 Association of Schools and Colleges, or a successor body, or any
11 other appropriate accrediting entity.

12 (e) The board of trustees shall authorize the Chancellor of The
13 New University of California to grant baccalaureate and associate
14 degrees in fields of study they deem appropriate. In selecting the
15 fields in which degrees are to be awarded by the university, the
16 board of trustees shall consult the labor needs forecasts issued by
17 the Employment Development Department.

18 92991. (a) The New University of California shall be
19 administered by the Board of Trustees of The New University of
20 California, which is hereby established. The board of trustees shall
21 include 11 voting members, as follows:

22 (1) Five ex officio members: the Governor, the Lieutenant
23 Governor, the Superintendent of Public Instruction, and the Speaker
24 of the Assembly, or their designees; and the person named by the
25 board of trustees to serve as the Chancellor of The New University
26 of California.

27 (2) (A) Six members of the public appointed by the Governor
28 and subject to confirmation by a majority of the membership of
29 the Senate.

30 (B) The terms of two of the members of the public appointed
31 under this paragraph shall commence on July 1, 2017, and
32 terminate on July 1, 2019. The terms of two of the members of the
33 public appointed under this paragraph shall commence on July 1,
34 2017, and terminate on July 1, 2021. The terms of two of the
35 members appointed under this paragraph shall commence on July
36 1, 2017, and terminate on July 1, 2023. Thereafter, the terms of
37 all of the members of the public appointed under this paragraph
38 shall be six years.

1 (b) Members of the board of trustees shall receive no salary for
2 their service, but shall be reimbursed for the expenses they incur
3 while carrying out their duties.

4 (c) All meetings of the board of trustees shall be subject to the
5 Bagley-Keene Open Meeting Act (Article 9 (commencing with
6 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
7 the Government Code).

8 92992. The Chancellor of The New University of California
9 shall be the chief executive officer of the university. The chancellor
10 shall be appointed by, and serve at the pleasure of, the board of
11 trustees. The chancellor shall be authorized to employ and fix the
12 salaries of, employees to assist him or her in carrying out the
13 functions of the university.

RECEIVED

JUL 01 2016

VMB/RVTC

California State Senate

SENATOR
JERRY HILL

THIRTEENTH SENATE DISTRICT



COMMITTEES
BUSINESS, PROFESSIONS &
ECONOMIC DEVELOPMENT
CHAIR
APPROPRIATIONS
ENERGY, UTILITIES &
COMMUNICATIONS
ENVIRONMENTAL QUALITY
GOVERNMENTAL ORGANIZATION

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June 30, 2016

Ms. Karen Ross
Secretary, Department of Food and Agriculture (CDFA)
1220 N Street, Room 400
Sacramento, CA 95814

Dear Ms. Ross:

As the Chair of the Senate Business, Professions and Economic Development Committee (BP&ED), I am writing to you regarding an issue that this Committee has been dealing with for the past three years, the implementation of the "Pet Lover's License Plate" specialty license plate program. The current sponsoring agency for this program is the Veterinary Medical Board (VMB).

This program was initiated by a non-profit organization called the California Spay & Neuter License Plate Fund, Inc. The aforementioned non-profit approached the VMB in 2008 and requested their sponsorship of a new Pet Lover's License Plate Program to provide funding for low cost and no-cost spay and neuter services in economically challenged communities where the over-pet population poses a public welfare issue.

The VMB was informed by the non-profit that, pursuant to changes in the California Vehicle Code, all new special license plate programs must be sponsored by a state agency. The changes to the rules for initiating a new special plate were in response to a 2004 court decision in which the U.S. District Court permanently enjoined DMV from approving any new special license plates for private nonprofit organizations until such time as the state's system for choosing which plate designs qualified for consideration were made to comply with First Amendment free speech criteria. Assembly Bill 84 (Leslie and Laird, Chapter 454, Statutes of 2006) contained the necessary statutory changes to reflect the decision. Also, the California Vehicle Code requires a minimum pre-order sale of 7,500 plates before any new plate program may be added as a special license plate. In 2012, AB 610, Solorio was signed into law providing the California Spay & Neuter License Plate Fund, Inc. an extension to meet this 7,500 pre-order

threshold. Finally, in 2013 the preorder was met and the DMV added the new Pet Lover's License Plate to its existing special license plate accounts.

At the advice of legal counsel, the VMB began formulating regulations to implement the new program and direct funds from license plate revenues to providers of low cost and no-cost spay and neuter services. In December 2014, the Office of Administrative Law disapproved the regulations citing the VMB's lack of authority to delegate its administrative functions to a non-profit organization.


Recent legislation AB 1323 (2014) and AB 192 (2015) was initiated by the BP&ED to try and resolve some of the technical issues relating to the administration of the program and the funds, however, the VMB still faces a number of procedural challenges stemming from a lack of resources, delegated contract authority, potential conflicts with the governing board members who are qualified providers of the services the program is designed to fund.

Since your Department already has a history of supporting and administering special license plate programs, that being the Ag Plate, as well as administering the voluntary contribution fund for the Prevention of Animal Homelessness and Cruelty (which funds support spay and neuter services), it seems logical that we begin discussions with CDFA regarding a potential transfer of the Pet Lover's License Plate Program.

It should be noted that there are many similar type license plate programs in other states that provide funding for a variety of grant and award type programs which either benefit the over-population of animals, funding of shelters, animal organizations and humane societies, and spay and neuter programs. A number of these programs are implemented by state agencies working closely with nonprofit groups and at least a couple utilize their departments of food and agriculture.

I would like to have the opportunity to discuss the potential for the Pet Lover's License Plate Program being transferred from the VMB to your Department at your earliest convenience.

Sincerely,



JERRY HILL

Senator, 13th District

Chair, Senate Committee on Business, Professions and Economic Development.

cc: Annemarie DelMagnaio, Executive Officer, Veterinary Medical Board

Veterinary Medical Board

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov



**MEETING NOTICE and AGENDA
VETERINARY MEDICAL BOARD
ANIMAL REHABILITATION TASK FORCE**

Monday, June 20, 2016

1747 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

10:00 a.m.

TASK FORCE MEMBERS

Board and Committee Members

Mark Nunez, DVM, President – *Veterinary Medical Board*

Lee Heller, PhD, J.D. – *Veterinary Medical Board*

Jon Klingborg, DVM, Chair – *Multidisciplinary Advisory Committee*

Licensed Professional Stakeholders

Karen Atlas – *California Association of Animal Physical Therapists (CAAPT)*

Sandy Gregory, RVT – *California Registered Veterinary Technician Association (CaRVTA)*

Kristen Hagler, RVT – *Academy of Physical Rehabilitation Veterinary Technicians*

Spring Halland, DVM – *Western University of Health Sciences, College of Veterinary Medicine*

Carrie Schlachter, DVM – *Northern Association of Equine Practitioners*

James M. Syms, PT, DSc – *California Physical Therapy Association (CPTA)*

Erin Troy, DVM – *Certified Animal Rehabilitation Therapist*

Janet Van Dyke, DVM – *Canine Rehabilitation Institute (CRI)*

Jessica Waldman, DVM – *Certified Veterinary Acupuncturist*

(UC Davis Member) – *University of California, Davis (UCD)*

Other Stakeholders

Shelah Barr – *Consumer and Animal Masseuse*

Nicole Billington – *California Senate Fellow, Business, Professions and Economic Development
Committee*

Carrie Ann Calay – *Consumer*

Valerie Fenstermaker – *California Veterinary Medical Association (CVMA)*

Elissa Silva, Consultant – *California Assembly Committee on Business and Professions*

1. Call to Order
2. Welcome and Introductions
3. Opening Statement – Dr. Nunez, Chair of the Task Force
4. Review of the Objective of the Board's Task Force (Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board)
5. Review of the Mission and Vision of the Veterinary Medical Board: Consumer Protection (Executive Officer)

6. Review of Applicable Statutes and Regulations (Kurt Heppler, Supervising Counsel, Department of Consumer Affairs)
 - A. Open Meeting Act
7. Discussion of the Scopes of Practice of Veterinarians, Registered Veterinary Technicians, Unlicensed Assistants and Physical Therapists
8. Discussion of Educational Requirements for Veterinarians, Registered Veterinary Technicians, and Unlicensed Assistants and Physical Therapists
 - A. Additional Certifications
 - B. Additional Specialties
9. Discussion of Animal Rehabilitation Program Models in Other States
10. Logistical and Operational Challenges
 - A. Licensing
 - B. Enforcement and Discipline
 - C. Consumer Protection and Outreach
 - D. Supervision
 - E. Practice Settings
11. Public Comment on Items Not on the Agenda

Note: The Task Force may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a)).
12. Next Steps and Items for Discussion and Consideration at the Next Task Force Meeting
13. Adjournment

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Times stated are approximate and subject to change. This meeting will conform to the Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Task Force at its discretion. The Task Force provides the public the opportunity at meetings to address each agenda item during the Task Force's discussion or consideration of the item. Total time allocated for public comment may be limited. Agenda items may be taken out of order.

The meeting locations are accessible to the physically disabled. Other disability-related accommodations or modifications can be provided upon request. Please make your request for disability-related accommodations by contacting the Board at (916) 515-5220 or sending a written request to 1747 N. Market St., Suite 230, Sacramento, CA 95834. Provide at least five (5) business days' notice prior to the meeting to help ensure availability of requested accommodations.

MISSION

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.

**VMB Agenda Item #18a –
Administrative Report**

HAND CARRY

**Veterinary Medical Board
Summary of Expenditures - 2015/2016**

| Line Item | Appropriation | Summary of Expenses |
|--|------------------|---|
| Personal Services: | | |
| Salary & Wages (Staff) | 1,138,000 | Board staff salaries |
| Statutory Exempt (EO) | 82,000 | Executive Officer salary |
| Temp Help Reg (Seasonals) | 33,000 | Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc. |
| Temp Help Reg (Exam Proctors) | 0 | Examination Proctors |
| Board Member Per Diem | 14,000 | Board members' per-diem |
| Committee Members (DEC) | 11,000 | Committee members' per-diem |
| Overtime | 0 | Staff Overtime |
| Staff Benefits | 664,000 | OASDI, Dental, health, retirement, life, vision, Medicare |
| Total Personal Services | 1,942,000 | |
| Operating Expenses & Equipment: | | |
| General Expense | 31,000 | Office supplies, freight |
| Fingerprint Reports | 6,000 | Fingerprint expenses – reimbursed by candidate |
| Minor Equipment | 0 | Equipment less than \$5K per unit |
| Printing | 20,000 | Printed forms, office copier, copying service |
| Communications | 21,000 | Phones, cellular phones |
| Postage | 28,000 | Stamps, DCA and EDD facility mailed postage |
| Insurance | 0 | Insurance coverage for department owned vehicles. |
| Travel In-State | 148,000 | Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees |
| Travel Out-of-State | 0 | Same as above - out-of-State |
| Training | 20,000 | Registration fees, subscriptions |
| Facilities Operations | 102,000 | Rent, storage, security |
| Utilities | 0 | Electricity, Natural Gas (P.G.& E.), water, sewer, and regular waste removal service. |
| C&P Services Interdept. | 0 | Services provided by other state agencies or Interagency Agreement within the Department of Consumer Affairs. |
| C&P Services External | 106,000 | External contracts - includes MAXIMUS, BreEZe credit card fees, Inspection Program SMEs |
| Departmental Services | | |
| Departmental Prorata | 458,000 | DCA Svcs: Info systems incl. BreEZe, Administrative Svcs (HR, Accounting, Budgets, etc.), Legal, Publications, Public Affairs |
| Admin/Exec | 287,000 | Pro-rata assessments to support DCA Administrative Services |
| Interagency Services | 50,000 | Services provided to one board by another board within the Department |
| IA w/OPES | 0 | Services provided by OPES to Board |
| DOI-Pro Rata Internal | 7,000 | Services provided by Division of Investigation Pro Rata |
| Public Affairs Office | 9,000 | Services provided by DCA Public Affairs |
| CCED | 10,000 | Pro-rata Consumer and Community Empowerment Division |
| Interagency Services | | |
| Consolidated Data Centers | 10,000 | CAS/Teale Data Center |
| DP Maintenance & Supply | 5,000 | Data processing supplies and maintenance |
| Central Admin Svcs-Pro Rata | 157,000 | State services pro-rata (DGS, DOF, etc) |
| Exam Expenses | | |
| Exam supplies | 1,000 | Examination materials, supplies not covered by contract |
| Exam freight | 0 | Freight, shipping and storage of examination material |
| Exam site rental | 5,000 | Facility rental charge for vet exams administration |
| Expert Examiners (SME) | 31,000 | Subject matter experts for item writing, review and Angoff workshops VET and RVT |
| C/P Svcs-External Expert Administrative | 0 | National exam contracts - includes PSI contract |
| C/P Svcs-External Expert Examiners | 0 | Wages for services provided by expert examiners in the oral/written examination process |
| C/P Svcs-External Subject Matter | 0 | Services provided by subject matter experts in the oral/written examination process |
| Enforcement | | |
| Attorney General | 460,000 | Office of the Attorney General/DAG legal services |
| Office of Admin Hearings | 59,000 | Office of Administrative Hearings, Admin. Law Judge and court reporter services |
| Court Reporters | 0 | |
| Evidence/Witness Fees | 163,000 | Expert Witness and In-house Consultants enforcement case review |
| Div of Investigation | 628,000 | DCA Division of Investigation services |
| Major Equipment | 0 | Equipment more than \$5k per unit |
| Special Items of Expense | | |
| Vehicle Operations | 3,000 | Leasing & maintenance of State vehicle (CPEI BCP) |
| Total OE&E | 2,825,000 | |
| Total Personal Services (above) | 1,942,000 | |
| Totals, Expenditures | 4,767,000 | |
| Sched. Reimb. - External | | Reimbursements for OIS Public Sales |
| Sched. Reimb. - Fingerprints | (11,000) | Reimbursements for assessment of fingerprint processing fees |
| Sched. Reimb. - Other | (15,000) | Reimbursements from private individuals, firms, institutions or corporations |
| Net Appropriation | 4,741,000 | |

**VMB Agenda Item #18b –
Enforcement Report**

HAND CARRY

Administration/Examination/Licensing Report

Prepared by Ethan Mathes

July 2016

Applications

| | Jan. 2015 - Dec. 2015 | Jan. 2016 - Dec. 2016* |
|-----------------------------------|-----------------------|------------------------|
| Veterinarian Apps. Received | 598 | 413 |
| Veterinary Tech. Apps. Received | 735 | 208 |
| Veterinary Premise Apps. Received | 267 | TBD |
| <i>*partial year data</i> | | |

Examinations

| May 2015 – October 2015 | | November 2015 – April 2016 | |
|-------------------------|-----------|----------------------------|-----------|
| Candidates | Pass Pct. | Candidates | Pass Pct. |
| 288 | 83% | 259 | 80% |

| Nov./Dec. 2015 | | April 2016 | |
|----------------|-----------|------------|------------|
| Candidates | Pass Pct. | Candidates | Pass Pct. |
| 311 | 89% | TBD | TBD |

| Jan. – Jun. 2015 | | Jul. – Dec. 2015 | | Jan. – Jun. 2016* | |
|---------------------------|-----------|------------------|-----------|-------------------|-----------|
| Candidates | Pass Pct. | Candidates | Pass Pct. | Candidates | Pass Pct. |
| 358 | 96% | 366 | 94% | 396 | 80% |
| <i>*partial year data</i> | | | | | |

| Jul./Aug. 2015 | | Nov./Dec. 2015 | | Mar./Apr. 2016 | |
|----------------|-----------|----------------|-----------|----------------|-----------|
| Candidates | Pass Pct. | Candidates | Pass Pct. | Candidates | Pass Pct. |
| 400 | 58% | 420 | 59% | 354 | 50% |

Licensing

| <i>as of March 2016</i> | |
|---|---------------|
| Veterinarian Licenses*/** | 13,803/11,926 |
| Veterinarian Licenses – California** | 9,493 |
| Veterinarian – Internship** | 28 |
| Veterinarian – Reciprocity** | 28 |
| Registered Veterinary Technician Licenses*/** | 8,102/6,247 |
| Registered Veterinary Technician Licenses – California** | 5,835 |
| Premise Permits** | TBD |
| Premise Permits – Exempt** | TBD |
| <i>*includes delinquent, inactive, and clear licensees; **clear licensees</i> | |

| | as of March 2016 | |
|----------------------------------|-----------------------|------------------------|
| | Jan. 2015 - Dec. 2015 | Jan. 2016 - Dec. 2016* |
| Veterinarian | 595 | 381 |
| Reciprocity | 550 | 18 |
| Intern | 30 | 3 |
| Registered Veterinary Technician | 52 | 296 |
| Premises | 267 | TBD |
| *partial year data | | |

Veterinary Assistant Controlled Substances Permit Program

Staff continues its work on implementation of the Veterinary Assistant Controlled Substances Permit (VACSP) program. Major project components include:

- *Rulemaking* – file submitted to OAL on June 17, 2016 (30-business day review); pending ruling from OAL due approximately August 1, 2016.
- *BreEZe* – system configured for new license type; pending User Acceptance Testing and enabling of online application feature due for implementation in the September 2016 BreEZe Release 2.13
- *Fingerprint Interfaces* – interface with DOJ/FBI configured for new license type
- *Outreach* – includes staff and stakeholder outreach; pending dissemination of detailed VACSP program implementation information, outreach information due for release starting in late-July and ongoing
- *Publications/Forms* – initial licensure forms complete (as part of rulemaking file); staff developing additional forms (i.e. renewal form, change of supervisor, etc.)
- *Training* – staff training under development for complete prior to implementation
- *Project Reporting* – additional information pending in future Board reports

Based on various project components and projected completion timelines staff anticipates the Board will begin accepting VACSP applications in late-September 2016.

Examination Development and Workshops

Examination Development Workshops: Workshops include Item Writing, Item Review, Examination Construction, and Pass Score Setting. For each yearly series of Workshops the Board acquires two new examination forms for the State veterinary and veterinary technician examinations.

The California veterinary technician examination is also scheduled for an Occupational and Job Analysis based on the Veterinary Technician National Examination Plan.

Veterinary Technician Occupational Analysis: Subject Matter Experts (SME) have been holding workshops to prepare for the OA survey that will be distributed to a significantly large sampling of RVTs in early-August. Once the survey is completed, workshops will be held in late-2016 to review the survey results and begin identifying current practice knowledges, skills and abilities in a final OA document. The OA is due for completion January 2017.

Following the completion of the OA, an audit of the National Registered Veterinary Technician Exam plan will determine the future CA supplemental exam plan. Based on the OA and National

exam audit, a new CRVT exam plan will be announced and presented in the VMB CRVT exam preparation guides in approximately January 2018.

Veterinary Law Examination Analysis: The California Veterinary Law Examination (VLE) is undergoing a review and update in cooperation with DCA’s Office of Professional Examination Services (OPES) and examination SMEs. As a part of this review by OPES and SMEs through a three-day workshop held in June 2016, the Board will acquire two new versions of the VLE and a Report of Findings with recommendations from OPES. The Report will be completed in September 2016.

| Veterinarian Examination Workshops 2016 | |
|--|-----------------------------------|
| May 18 & 19 | Exam Item Writing |
| June 15 & 16 | Exam Item Review |
| June 28, 29 & 30 | VET Law Exam Review & Development |
| July 12, 13 & 14 | Exam Construction |
| August 10 & 11 | Exam Passing Score |
| Registered Veterinary Technician Examination Workshops 2016 | |
| May 4 & 5 | OA Task & Knowledge Statements |
| June 8 & 9 | OA Task & Knowledge Statements |
| July 27 & 28 | Exam Item Writing |
| September 14 & 15 | Exam Item Review |
| September 27, 28 & 29 | Exam Construction/Passing Score |
| October 5 & 6 | OA Review Survey |
| October 19 & 20 | OA Review Survey |

Diversion Program

The next Diversion Evaluation Committee (DEC) meeting is scheduled for October 3, 2016.

There are currently five participants in the Diversion Program.

MAXIMUS is rolling out a new version of its online MAX-CMS 2.0 portal that will enable both Diversion Program Managers (DPM) and DEC members to confidentially review Program participant’s files through the online portal. DPMs and DEC members will be trained on the new MAX-CMS 2.0 portal in the coming months.

BreEZe

The BreEZe database system went live on January 19, 2016.

The Department has an organized process in place to address all manner of system issues, from critical fixes to less critical system enhancements. These System Investigation Requests (SIRs) assist the Board and Department in triaging each specific BreEZe system issue in order to implement solutions within the 6-week system update cycle. The Board currently has several dozen SIRs submitted for triage (and subsequent implementation) and an additional 80+ system enhancement requests pending submittal.

Update [July 2016] – Staff continues work to submit more critical SIRs (and Work Authorizations to the Change Control Board) in preparation for the implementation of the University License and Veterinary Assistant Controlled Substances Permit program.

Staff is working to configure Board voting within BreEZe; this functionality would provide Board members the ability to securely vote on enforcement actions online via BreEZe VO instead of the current method of voting by mail. Subsequent to this meeting, you will receive instructions to your email provided to staff (for purposes of BreEZe voting) in order to set up your account and initiate the BreEZe voting functionality.

Personnel

There is currently one vacancy in Admin for a receptionist; the former receptionist, Julia Price, left the Board for a promotion at the DCA's Board of Pharmacy. Recruitment is ongoing and interviews have been scheduled to fill this position.

Our Program Technician vacancy in Licensing was filled by Michael Hewitt; his first day at the Board was June 20th. Michael is assisting in the absence of our reception position and will transition to licensing activities in the future.

Staff has also begun the process of recruiting for a Retired Annuitant to assist with the extensive list of pending rulemaking actions. Retired Annuitants are former State employees who are authorized to work an average of 20 hours per week.

Hospital Inspection Program Update – July 2016

Staffing

Recruitment continues for Inspectors for the upcoming inspection year. Potential candidates will be interviewed and selected this month and will be attending the annual Inspector Training session scheduled in August for all Inspectors, new and returning.

The loss of one inspector at the beginning of the 2015/2016 fiscal year to other professional obligations impacted our ability to inspect 20% of all registered premises this year; as such we just missed the mark, inspecting 18% of veterinary premises for the fiscal year.

The Inspection staff continues to spend a considerable amount of time dealing with Breeze system issues and working with the Department's IT staff to resolve outstanding program challenges.

A staff vacancy remains in the hospital inspection program and continues to impact our ability to review Inspection Reports in a timely manner. We continue our efforts in recruiting for this vacancy.

Resources

A Budget Change Proposal is being submitted (also covered under the Budget Report) to the Department of Finance requesting a permanent increase of \$80,000 in order for the Board to have sufficient resources to administer the hospital inspection program. Once the program is fully funded, we will move forward with inspecting new practices within 12-18 months of issuance of the premises permit.

Annual Training

The annual training session is scheduled for August 1-4; this is a 2-day training for returning Inspectors and 4-day training for new Inspectors. This year's training highlights include a strategic planning session with SOLID and a DOI presentation. We also have plans to reproduce the Self-Evaluation Checklist in order to provide each practice a copy at the time of inspection.

Ride-Alongs

To date, we've had three Board members participate in ride-alongs on routine inspections. We will be scheduling more ride-alongs for interested Board

members when inspections resume in August/September.

Statistics

Routine Inspections Assigned: 588 as of June 30, 2015

Routine Inspections Pending (not yet assigned): approximately 36

Complaint-Related Inspections Performed: 40

Complaint-Related Inspections Pending: 28

Document Review Status: Inspection Reports received February 2016 for December 2015 inspections

Compliance Rate: Approximately 35% of hospitals reach compliance 30 days after Inspection

Program Costs: Approximately \$170,000 as of June 1, 2016