

AMENDED IN ASSEMBLY JANUARY 7, 2002

AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 269

Introduced by Assembly Member Correa

February 16, 2001

~~An act to amend Section 107 of, and to add Article 3.5 (commencing with Section 315) to Chapter 4 of Division 1 of, the Business and Professions Code, relating to professional and vocational licensing boards. An act to add Sections 1601.2, 1742.1, 2001.1, 2450.1, 2460.1, 2531.02, 2570.25, 2602.1, 2708.1, 2841.1, 2920.1, 3010.1, 3320.1, 3504.1, 3710.1, 4001.1, 4800.1, 4928.1, 4990.125, 5000.1, 5510.15, 6710.1, 7000.6, 7200.1, 7303.1, 7501.05, 7810.1, 8005.1, 8520.1, 9810.1, and 18602.1, to the Business and Professions Code, relating to professional and vocational licensing boards.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 269, as amended, Correa. Professional and vocational licensing boards: ~~oversight of performance, commissions, and bureaus.~~

Existing law ~~permits~~ *provides for the establishment of* professional and vocational licensing boards, *commissions, and bureaus* that are overseen by the Department of Consumer Affairs ~~to appoint an executive officer.~~ These boards, *commissions, and bureaus license, regulate, and discipline persons practicing or engaging in professions and vocations regulated by the department them.*

~~This bill would create the Division of Enforcement Oversight within the department and would require it, under the direction of the Director~~

~~of Consumer Affairs, to monitor and evaluate the consumer complaint and discipline system of each board. The bill would provide that the executive officer of each board within the department would be appointed by a 3-member panel comprised of a representative of the board, the director, and the Governor’s appointments secretary. The bill would make related changes.~~

This bill would add a statement of legislative intent to specified licensing boards, commissions, and bureaus stating that the protection of the public is the highest priority of those boards, commissions, or bureaus in performing their licensing, regulatory, and disciplinary functions.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

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

- 1 ~~SECTION 1. Section 107 of the Business and Professions~~
- 2 *SECTION 1. Section 1601.2 is added to the Business and*
- 3 *Professions Code, to read:*
- 4 *1601.2. It is the intent of the Legislature that protection of the*
- 5 *public shall be the highest priority for the Dental Board of*
- 6 *California in exercising its licensing, regulatory, and disciplinary*
- 7 *functions. Whenever the protection of the public is inconsistent*
- 8 *with other interests sought to be promoted, the protection of the*
- 9 *public shall be paramount.*
- 10 *SEC. 2. Section 1742.1 is added to the Business and*
- 11 *Professions Code, to read:*
- 12 *1742.1. It is the intent of the Legislature that protection of the*
- 13 *public shall be the highest priority for the Dental Board of*
- 14 *California and the Committee on Dental Auxiliaries in exercising*
- 15 *licensing, regulatory, and disciplinary functions. Whenever the*
- 16 *protection of the public is inconsistent with other interests sought*
- 17 *to be promoted, the protection of the public shall be paramount.*
- 18 *SEC. 3. Section 2001.1 is added to the Business and*
- 19 *Professions Code, to read:*
- 20 *2001.1. It is the intent of the Legislature that protection of the*
- 21 *public shall be the highest priority for the Medical Board of*
- 22 *California in exercising its licensing, regulatory, and disciplinary*
- 23 *functions. Whenever the protection of the public is inconsistent*



1 *with other interests sought to be promoted, the protection of the*
2 *public shall be paramount.*

3 *SEC. 4. Section 2450.1 is added to the Business and*
4 *Professions Code, to read:*

5 *2450.1. It is the intent of the Legislature that protection of the*
6 *public shall be the highest priority for the Osteopathic Medical*
7 *Board of California in exercising its licensing, regulatory, and*
8 *disciplinary functions. Whenever the protection of the public is*
9 *inconsistent with other interests sought to be promoted, the*
10 *protection of the public shall be paramount.*

11 *SEC. 5. Section 2460.1 is added to the Business and*
12 *Professions Code, to read:*

13 *2460.1. It is the intent of the Legislature that protection of the*
14 *public shall be the highest priority for the California Board of*
15 *Podiatric Medicine in exercising its licensing, regulatory, and*
16 *disciplinary functions. Whenever the protection of the public is*
17 *inconsistent with other interests sought to be promoted, the*
18 *protection of the public shall be paramount.*

19 *SEC. 6. Section 2531.02 is added to the Business and*
20 *Professions Code, to read:*

21 *2531.02. It is the intent of the Legislature that protection of the*
22 *public shall be the highest priority for the Speech-Language*
23 *Pathology and Audiology Board in exercising its licensing,*
24 *regulatory, and disciplinary functions. Whenever the protection of*
25 *the public is inconsistent with other interests sought to be*
26 *promoted, the protection of the public shall be paramount.*

27 *SEC. 7. Section 2570.25 is added to the Business and*
28 *Professions Code, to read:*

29 *2570.25. It is the intent of the Legislature that protection of the*
30 *public shall be the highest priority for the California Board of*
31 *Occupational Therapy in exercising its licensing, regulatory, and*
32 *disciplinary functions. Whenever the protection of the public is*
33 *inconsistent with other interests sought to be promoted, the*
34 *protection of the public shall be paramount.*

35 *SEC. 8. Section 2602.1 is added to the Business and*
36 *Professions Code, to read:*

37 *2602.1. It is the intent of the Legislature that protection of the*
38 *public shall be the highest priority for the Physical Therapy Board*
39 *of California in exercising its licensing, regulatory, and*
40 *disciplinary functions. Whenever the protection of the public is*



1 *inconsistent with other interests sought to be promoted, the*
2 *protection of the public shall be paramount.*

3 *SEC. 9. Section 2708.1 is added to the Business and*
4 *Professions Code, to read:*

5 *2708.1. It is the intent of the Legislature that protection of the*
6 *public shall be the highest priority for the Board of Registered*
7 *Nursing in exercising its licensing, regulatory, and disciplinary*
8 *functions. Whenever the protection of the public is inconsistent*
9 *with other interests sought to be promoted, the protection of the*
10 *public shall be paramount.*

11 *SEC. 10. Section 2841.1 is added to the Business and*
12 *Professions Code, to read:*

13 *2841.1. It is the intent of the Legislature that protection of the*
14 *public shall be the highest priority for the Board of Vocational*
15 *Nursing and Psychiatric Technicians of the State of California in*
16 *exercising its licensing, regulatory, and disciplinary functions.*
17 *Whenever the protection of the public is inconsistent with other*
18 *interests sought to be promoted, the protection of the public shall*
19 *be paramount.*

20 *SEC. 11. Section 2920.1 is added to the Business and*
21 *Professions Code, to read:*

22 *2920.1. It is the intent of the Legislature that protection of the*
23 *public shall be the highest priority for the Board of Psychology in*
24 *exercising its licensing, regulatory, and disciplinary functions.*
25 *Whenever the protection of the public is inconsistent with other*
26 *interests sought to be promoted, the protection of the public shall*
27 *be paramount.*

28 *SEC. 12. Section 3010.1 is added to the Business and*
29 *Professions Code, to read:*

30 *3010.1. It is the intent of the Legislature that protection of the*
31 *public shall be the highest priority for the State Board of*
32 *Optometry in exercising its licensing, regulatory, and disciplinary*
33 *functions. Whenever the protection of the public is inconsistent*
34 *with other interests sought to be promoted, the protection of the*
35 *public shall be paramount.*

36 *SEC. 13. Section 3320.1 is added to the Business and*
37 *Professions Code, to read:*

38 *3320.1. It is the intent of the Legislature that protection of the*
39 *public shall be the highest priority for the Hearing Aid Dispensers*
40 *Bureau in exercising its licensing, regulatory, and disciplinary*



1 *functions. Whenever the protection of the public is inconsistent*
2 *with other interests sought to be promoted, the protection of the*
3 *public shall be paramount.*

4 *SEC. 14. Section 3504.1 is added to the Business and*
5 *Professions Code, to read:*

6 *3504.1. It is the intent of the Legislature that protection of the*
7 *public shall be the highest priority for the Physician Assistant*
8 *Committee of the Medical Board of California in exercising its*
9 *licensing, regulatory, and disciplinary functions. Whenever the*
10 *protection of the public is inconsistent with other interests sought*
11 *to be promoted, the protection of the public shall be paramount.*

12 *SEC. 15. Section 3710.1 is added to the Business and*
13 *Professions Code, to read:*

14 *3710.1. It is the intent of the Legislature that protection of the*
15 *public shall be the highest priority for the Respiratory Care Board*
16 *of California in exercising its licensing, regulatory, and*
17 *disciplinary functions. Whenever the protection of the public is*
18 *inconsistent with other interests sought to be promoted, the*
19 *protection of the public shall be paramount.*

20 *SEC. 16. Section 4001.1 is added to the Business and*
21 *Professions Code, to read:*

22 *4001.1. It is the intent of the Legislature that protection of the*
23 *public shall be the highest priority for the California State Board*
24 *of Pharmacy in exercising its licensing, regulatory, and*
25 *disciplinary functions. Whenever the protection of the public is*
26 *inconsistent with other interests sought to be promoted, the*
27 *protection of the public shall be paramount.*

28 *SEC. 17. Section 4800.1 is added to the Business and*
29 *Professions Code, to read:*

30 *4800.1. It is the intent of the Legislature that protection of the*
31 *public shall be the highest priority for the Veterinary Medical*
32 *Board in exercising its licensing, regulatory, and disciplinary*
33 *functions. Whenever the protection of the public is inconsistent*
34 *with other interests sought to be promoted, the protection of the*
35 *public shall be paramount.*

36 *SEC. 18. Section 4928.1 is added to the Business and*
37 *Professions Code, to read:*

38 *4928.1. It is the intent of the Legislature that protection of the*
39 *public shall be the highest priority for the Acupuncture Board in*
40 *exercising its licensing, regulatory, and disciplinary functions.*



1 *Whenever the protection of the public is inconsistent with other*
2 *interests sought to be promoted, the protection of the public shall*
3 *be paramount.*

4 *SEC. 19. Section 4990.125 is added to the Business and*
5 *Professions Code, to read:*

6 *4990.125. It is the intent of the Legislature that protection of*
7 *the public shall be the highest priority for the Board of Behavioral*
8 *Sciences in exercising its licensing, regulatory, and disciplinary*
9 *functions. Whenever the protection of the public is inconsistent*
10 *with other interests sought to be promoted, the protection of the*
11 *public shall be paramount.*

12 *SEC. 20. Section 5000.1 is added to the Business and*
13 *Professions Code, to read:*

14 *5000.1. It is the intent of the Legislature that protection of the*
15 *public shall be the highest priority for the California Board of*
16 *Accountancy in exercising its licensing, regulatory, and*
17 *disciplinary functions. Whenever the protection of the public is*
18 *inconsistent with other interests sought to be promoted, the*
19 *protection of the public shall be paramount.*

20 *SEC. 21. Section 5510.15 is added to the Business and*
21 *Professions Code, to read:*

22 *5510.15. It is the intent of the Legislature that protection of the*
23 *public shall be the highest priority for the California Architects*
24 *Board in exercising its licensing, regulatory, and disciplinary*
25 *functions. Whenever the protection of the public is inconsistent*
26 *with other interests sought to be promoted, the protection of the*
27 *public shall be paramount.*

28 *SEC. 22. Section 6710.1 is added to the Business and*
29 *Professions Code, to read:*

30 *6710.1. It is the intent of the Legislature that protection of the*
31 *public shall be the highest priority for the Board for Professional*
32 *Engineers and Land Surveyors in exercising its licensing,*
33 *regulatory, and disciplinary functions. Whenever the protection of*
34 *the public is inconsistent with other interests sought to be*
35 *promoted, the protection of the public shall be paramount.*

36 *SEC. 23. Section 7000.6 is added to the Business and*
37 *Professions Code, to read:*

38 *7000.6. It is the intent of the Legislature that protection of the*
39 *public shall be the highest priority for the Contractors' State*
40 *License Board in exercising its licensing, regulatory, and*



1 *disciplinary functions. Whenever the protection of the public is*
2 *inconsistent with other interests sought to be promoted, the*
3 *protection of the public shall be paramount.*

4 *SEC. 24. Section 7200.1 is added to the Business and*
5 *Professions Code, to read:*

6 *7200.1. It is the intent of the Legislature that protection of the*
7 *public shall be the highest priority for the State Board of Guide*
8 *Dogs for the Blind in exercising its licensing, regulatory, and*
9 *disciplinary functions. Whenever the protection of the public is*
10 *inconsistent with other interests sought to be promoted, the*
11 *protection of the public shall be paramount.*

12 *SEC. 25. Section 7303.1 is added to the Business and*
13 *Professions Code, to read:*

14 *7303.1. It is the intent of the Legislature that protection of the*
15 *public shall be the highest priority for the Bureau of Barbering and*
16 *Cosmetology in exercising its licensing, regulatory, and*
17 *disciplinary functions. Whenever the protection of the public is*
18 *inconsistent with other interests sought to be promoted, the*
19 *protection of the public shall be paramount.*

20 *SEC. 26. Section 7501.05 is added to the Business and*
21 *Professions Code, to read:*

22 *7501.05. It is the intent of the Legislature that protection of the*
23 *public shall be the highest priority for the Bureau of Security and*
24 *Investigative Services in exercising its licensing, regulatory, and*
25 *disciplinary functions. Whenever the protection of the public is*
26 *inconsistent with other interests sought to be promoted, the*
27 *protection of the public shall be paramount.*

28 *SEC. 27. Section 7810.1 is added to the Business and*
29 *Professions Code, to read:*

30 *7810.1. It is the intent of the Legislature that protection of the*
31 *public shall be the highest priority for the Board for Geologists and*
32 *Geophysicists in exercising its licensing, regulatory, and*
33 *disciplinary functions. Whenever the protection of the public is*
34 *inconsistent with other interests sought to be promoted, the*
35 *protection of the public shall be paramount.*

36 *SEC. 28. Section 8005.1 is added to the Business and*
37 *Professions Code, to read:*

38 *8005.1. It is the intent of the Legislature that protection of the*
39 *public shall be the highest priority for the Court Reporters Board*
40 *of California in exercising its licensing, regulatory, and*



1 *disciplinary functions. Whenever the protection of the public is*
2 *inconsistent with other interests sought to be promoted, the*
3 *protection of the public shall be paramount.*

4 *SEC. 29. Section 8520.1 is added to the Business and*
5 *Professions Code, to read:*

6 *8520.1. It is the intent of the Legislature that protection of the*
7 *public shall be the highest priority for the Structural Pest Control*
8 *Board in exercising its licensing, regulatory, and disciplinary*
9 *functions. Whenever the protection of the public is inconsistent*
10 *with other interests sought to be promoted, the protection of the*
11 *public shall be paramount.*

12 *SEC. 30. Section 9810.1 is added to the Business and*
13 *Professions Code, to read:*

14 *9810.1. It is the intent of the Legislature that protection of the*
15 *public shall be the highest priority for the Bureau of Electronic and*
16 *Appliance Repair in exercising its licensing, regulatory, and*
17 *disciplinary functions. Whenever the protection of the public is*
18 *inconsistent with other interests sought to be promoted, the*
19 *protection of the public shall be paramount.*

20 *SEC. 31. Section 18602.1 is added to the Business and*
21 *Professions Code, to read:*

22 *18602.1. It is the intent of the Legislature that protection of the*
23 *public shall be the highest priority for the State Athletic*
24 *Commission in exercising its licensing, regulatory, and*
25 *disciplinary functions. Whenever the protection of the public is*
26 *inconsistent with other interests sought to be promoted, the*
27 *protection of the public shall be paramount.*

28 ~~Code is amended to read:~~

29 ~~107. Pursuant to subdivision (c) of Section 4 of Article VII of~~
30 ~~the California Constitution, each board may appoint a person~~
31 ~~exempt from civil service and may fix his or her salary, with the~~
32 ~~approval of the Department of Personnel Administration pursuant~~
33 ~~to Section 19825 of the Government Code, who shall be~~
34 ~~designated as an executive officer unless the licensing act of the~~
35 ~~particular board designates the person as a registrar. The executive~~
36 ~~officer of each board within the department shall be appointed by~~
37 ~~a three member panel consisting of a representative of the board,~~
38 ~~the director, and the Governor's appointments secretary.~~



1 ~~SEC. 2.—Article 3.5 (commencing with Section 315) is added~~
2 ~~to Chapter 4 of Division 1 of the Business and Professions Code,~~
3 ~~to read:~~

4
5 ~~Article 3.5.—Division of Enforcement Oversight~~
6

7 ~~315.—(a) It is the intent of the Legislature and the purpose of~~
8 ~~this article to promote and protect the interests of the people as~~
9 ~~consumers. The Legislature finds that the primary objective of~~
10 ~~each board within the department is to represent and protect~~
11 ~~consumers. The Legislature further finds that vigorous~~
12 ~~representation and protection of consumer interests are essential~~
13 ~~to the fair and efficient functioning of a free enterprise market~~
14 ~~economy. The Legislature declares that government advances the~~
15 ~~interests of consumers by facilitating the proper functioning of the~~
16 ~~free enterprise market economy through each of the following~~
17 ~~activities:~~

18 ~~(1) Educating and informing the consumer to insure rational~~
19 ~~consumer choice in the marketplace.~~

20 ~~(2) Protecting the consumer from the sale of goods and services~~
21 ~~through the use of deceptive methods, acts, or practices that are~~
22 ~~inimical to the general welfare of consumers.~~

23 ~~(3) Fostering competition.~~

24 ~~(4) Promoting effective representation of consumers' interests~~
25 ~~in all branches and levels of government.~~

26 ~~(b) In order to fulfill the provisions of the Consumer Affairs~~
27 ~~Act, the Legislature finds that the department shall have a Division~~
28 ~~of Enforcement Oversight in order to assist the boards within the~~
29 ~~department and ensure the satisfactory performance of the boards'~~
30 ~~enforcement activities.~~

31 ~~316.—There is in the department a Division of Enforcement~~
32 ~~Oversight.~~

33 ~~317.—The director shall direct the division in the performance~~
34 ~~of its duties.~~

35 ~~318.—The division shall monitor and evaluate the consumer~~
36 ~~complaint and discipline systems and procedures of each board~~
37 ~~within the department.~~



- 1 319. ~~Each board shall reimburse the department for all costs~~
- 2 ~~it incurs in administering this article.~~

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