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AMENDED IN SENATE APRIL 4, 2002

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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 Sections 472.4 and 4999 of, and 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, 4501.1, 4800.1, 4928.1, 4990.125, 5000.1, 5510.15, 5620.1, 6710.1, 7000.6, 7200.1, 7303.1, 7501.05, 7601.1, 7810.1, 8005.1, 8520.1, 9810.1, and 9880.3, 18602.1, to and 19004.1 to, the Business and Professions Code, and to add Section 94770.1 to the Education Code, relating to professional and vocational licensing boards.*

LEGISLATIVE COUNSEL'S DIGEST

AB 269, as amended, Correa. Professional and vocational licensing boards, commissions, and bureaus.

Existing law provides for the establishment of professional and vocational licensing boards, commissions, and bureaus that are overseen by the Department of Consumer Affairs. These boards,

commissions, and bureaus license, regulate, and discipline persons practicing or engaging in professions and vocations regulated by them.

This bill would state that the highest priority for licensing boards, commissions, and bureaus, in performing their licensing, regulatory, and disciplinary functions, is the protection of the public.

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

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

1 SECTION 1. *Section 472.4 of the Business and Professions*
2 *Code is amended to read:*

3 472.4. In addition to any other requirements of this chapter,
4 the department shall do all of the following:

5 (a) Establish procedures to assist owners or lessees of new
6 motor vehicles who have complaints regarding the operation of a
7 qualified third-party dispute resolution process.

8 (b) Establish methods for measuring customer satisfaction and
9 to identify violations of this chapter, which shall include an annual
10 random postcard or telephone survey by the department of the
11 customers of each qualified third-party dispute resolution process.

12 (c) Monitor and inspect, on a regular basis, qualified
13 third-party dispute resolution processes to determine whether they
14 continue to meet the standards for certification. Monitoring and
15 inspection shall include, but not be limited to, all of the following:

16 (1) Onsite inspections of each qualified third-party dispute
17 resolution process not less frequently than twice annually.

18 (2) Investigation of complaints from consumers regarding the
19 operation of qualified third-party dispute resolution processes and
20 analyses of representative samples of complaints against each
21 process.

22 (3) Analyses of the annual surveys required by subdivision (b).

23 (d) Notify the Department of Motor Vehicles of the failure of
24 a manufacturer to honor a decision of a qualified third-party
25 dispute resolution process to enable the Department of Motor
26 Vehicles to take appropriate enforcement action against the
27 manufacturer pursuant to Section 11705.4 of the Vehicle Code.

28 (e) Submit a biennial report to the Legislature evaluating the
29 effectiveness of this chapter, make available to the public
30 summaries of the statistics and other information supplied by each



1 qualified third-party dispute resolution process, and publish
2 educational materials regarding the purposes of this chapter.

3 (f) Adopt regulations as necessary and appropriate to
4 implement this chapter and subdivision (d) of Section 1793.22 of
5 the Civil Code.

6 (g) *Protection of the public shall be the highest priority for the*
7 *department in exercising its certification, 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. 2.* Section 1601.2 is added to the Business and
12 Professions Code, to read:

13 1601.2. Protection of the public shall be the highest priority
14 for the Dental Board of California in exercising its licensing,
15 regulatory, and disciplinary functions. Whenever the protection of
16 the public is inconsistent with other interests sought to be
17 promoted, the protection of the public shall be paramount.

18 ~~SEC. 2.~~

19 *SEC. 3.* Section 1742.1 is added to the Business and
20 Professions Code, to read:

21 1742.1. Protection of the public shall be the highest priority
22 for the Committee on Dental Auxiliaries in exercising its
23 licensing, regulatory, and disciplinary functions. Whenever the
24 protection of the public is inconsistent with other interests sought
25 to be promoted, the protection of the public shall be paramount.

26 ~~SEC. 3.~~

27 *SEC. 4.* Section 2001.1 is added to the Business and
28 Professions Code, to read:

29 2001.1. Protection of the public shall be the highest priority
30 for the Medical Board of California in exercising its licensing,
31 regulatory, and disciplinary functions. Whenever the protection of
32 the public is inconsistent with other interests sought to be
33 promoted, the protection of the public shall be paramount.

34 ~~SEC. 4.~~

35 *SEC. 5.* Section 2450.1 is added to the Business and
36 Professions Code, to read:

37 2450.1. Protection of the public shall be the highest priority
38 for the Osteopathic Medical Board of California in exercising its
39 licensing, regulatory, and disciplinary functions. Whenever the



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

3 ~~SEC. 5.~~

4 *SEC. 6.* Section 2460.1 is added to the Business and
5 Professions Code, to read:

6 2460.1. Protection of the public shall be the highest priority
7 for the California Board of Podiatric Medicine in exercising its
8 licensing, regulatory, and disciplinary functions. Whenever the
9 protection of the public is inconsistent with other interests sought
10 to be promoted, the protection of the public shall be paramount.

11 ~~SEC. 6.~~

12 *SEC. 7.* Section 2531.02 is added to the Business and
13 Professions Code, to read:

14 2531.02. Protection of the public shall be the highest priority
15 for the Speech-Language Pathology and Audiology Board 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. 7.~~

21 *SEC. 8.* Section 2570.25 is added to the Business and
22 Professions Code, to read:

23 2570.25. Protection of the public shall be the highest priority
24 for the California Board of Occupational Therapy in exercising its
25 licensing, regulatory, and disciplinary functions. Whenever the
26 protection of the public is inconsistent with other interests sought
27 to be promoted, the protection of the public shall be paramount.

28 ~~SEC. 8.~~

29 *SEC. 9.* Section 2602.1 is added to the Business and
30 Professions Code, to read:

31 2602.1. Protection of the public shall be the highest priority
32 for the Physical Therapy Board of California in exercising its
33 licensing, regulatory, and disciplinary functions. Whenever the
34 protection of the public is inconsistent with other interests sought
35 to be promoted, the protection of the public shall be paramount.

36 ~~SEC. 9.~~

37 *SEC. 10.* Section 2708.1 is added to the Business and
38 Professions Code, to read:

39 2708.1. Protection of the public shall be the highest priority
40 for the Board of Registered Nursing in exercising its licensing,



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

4 ~~SEC. 10.~~

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

7 2841.1. Protection of the public shall be the highest priority
8 for the Board of Vocational Nursing and Psychiatric Technicians
9 of the State of California in exercising its licensing, regulatory, and
10 disciplinary functions. Whenever the protection of the public is
11 inconsistent with other interests sought to be promoted, the
12 protection of the public shall be paramount.

13 ~~SEC. 11.~~

14 *SEC. 12.* Section 2920.1 is added to the Business and
15 Professions Code, to read:

16 2920.1. Protection of the public shall be the highest priority
17 for the Board of Psychology in exercising its licensing, regulatory,
18 and disciplinary functions. Whenever the protection of the public
19 is inconsistent with other interests sought to be promoted, the
20 protection of the public shall be paramount.

21 ~~SEC. 12.~~

22 *SEC. 13.* Section 3010.1 is added to the Business and
23 Professions Code, to read:

24 3010.1. Protection of the public shall be the highest priority
25 for the State Board of Optometry in exercising its licensing,
26 regulatory, and disciplinary functions. Whenever the protection of
27 the public is inconsistent with other interests sought to be
28 promoted, the protection of the public shall be paramount.

29 ~~SEC. 13.~~

30 *SEC. 14.* Section 3320.1 is added to the Business and
31 Professions Code, to read:

32 3320.1. Protection of the public shall be the highest priority
33 for the Hearing Aid Dispensers Bureau in exercising its licensing,
34 regulatory, and disciplinary functions. Whenever the protection of
35 the public is inconsistent with other interests sought to be
36 promoted, the protection of the public shall be paramount.

37 ~~SEC. 14.~~

38 *SEC. 15.* Section 3504.1 is added to the Business and
39 Professions Code, to read:



1 3504.1. Protection of the public shall be the highest priority
2 for the Physician Assistant Committee of the Medical Board of
3 California in exercising its licensing, regulatory, and disciplinary
4 functions. Whenever the protection of the public is inconsistent
5 with other interests sought to be promoted, the protection of the
6 public shall be paramount.

7 ~~SEC. 15.~~

8 *SEC. 16.* Section 3710.1 is added to the Business and
9 Professions Code, to read:

10 3710.1. Protection of the public shall be the highest priority
11 for the Respiratory Care Board of California in exercising its
12 licensing, regulatory, and disciplinary functions. Whenever the
13 protection of the public is inconsistent with other interests sought
14 to be promoted, the protection of the public shall be paramount.

15 ~~SEC. 16.~~

16 *SEC. 17.* Section 4001.1 is added to the Business and
17 Professions Code, to read:

18 4001.1. Protection of the public shall be the highest priority
19 for the California State Board of Pharmacy in exercising its
20 licensing, regulatory, and disciplinary functions. Whenever the
21 protection of the public is inconsistent with other interests sought
22 to be promoted, the protection of the public shall be paramount.

23 ~~SEC. 17.~~

24 *SEC. 18.* Section 4501.1 is added to the Business and
25 Professions Code, to read:

26 4501.1. Protection of the public shall be the highest priority
27 for the board in exercising its licensing, regulatory, and
28 disciplinary functions. Whenever the protection of the public is
29 inconsistent with other interests sought to be promoted, the
30 protection of the public shall be paramount.

31 ~~SEC. 18.~~

32 *SEC. 19.* Section 4800.1 is added to the Business and
33 Professions Code, to read:

34 4800.1. Protection of the public shall be the highest priority
35 for the Veterinary Medical Board in exercising its licensing,
36 regulatory, and disciplinary functions. Whenever the protection of
37 the public is inconsistent with other interests sought to be
38 promoted, the protection of the public shall be paramount.

39 ~~SEC. 19.~~



1 SEC. 20. Section 4928.1 is added to the Business and
2 Professions Code, to read:

3 4928.1. Protection of the public shall be the highest priority
4 for the Acupuncture Board in exercising its licensing, regulatory,
5 and disciplinary functions. Whenever the protection of the public
6 is inconsistent with other interests sought to be promoted, the
7 protection of the public shall be paramount.

8 ~~SEC. 20.~~

9 SEC. 21. Section 4990.125 is added to the Business and
10 Professions Code, to read:

11 4990.125. Protection of the public shall be the highest priority
12 for the Board of Behavioral Sciences in exercising its licensing,
13 regulatory, and disciplinary functions. Whenever the protection of
14 the public is inconsistent with other interests sought to be
15 promoted, the protection of the public shall be paramount.

16 ~~SEC. 21.~~

17 SEC. 22. *Section 4999 of the Business and Professions Code*
18 *is amended to read:*

19 4999. (a) On and after January 1, 2000, no business entity
20 that employs, or contracts or subcontracts, directly or indirectly,
21 with, the full-time equivalent of five or more persons functioning
22 as health care professionals, whose primary function is to provide
23 telephone medical advice, shall engage in the business of
24 providing telephone medical advice services to a patient at a
25 California address unless the business is registered with the
26 Telephone Medical Advice Services Bureau. The department may
27 adopt emergency regulations further defining when a health care
28 professional's primary function is providing telephone medical
29 advice.

30 (b) Any business entity required to be registered under
31 subdivision (a) that submits proof of accreditation by the
32 American Accreditation Healthcare Commission, URAC, the
33 National Committee for Quality Assurance, the National Quality
34 Health Council, or the Joint Commission on Accreditation of
35 Healthcare Organizations shall be deemed provisionally
36 registered by the bureau until the earlier of the following:

- 37 (1) December 31, 2000.
38 (2) The granting or denial of an application for registration
39 pursuant to subdivision (a).



1 (c) A medical group that operates in multiple locations in
2 California shall not be required to register pursuant to this section
3 if no more than five full-time equivalent persons at any one
4 location perform telephone medical advice services and those
5 persons limit the telephone medical advice services to patients
6 being treated at that location.

7 (d) *Protection of the public shall be the highest priority for the*
8 *bureau in exercising its registration, 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. 23. Section 5000.1 is added to the Business and
13 Professions Code, to read:

14 5000.1. Protection of the public shall be the highest priority
15 for the California Board of Accountancy 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 ~~SEC. 22.~~

20 SEC. 24. Section 5510.15 is added to the Business and
21 Professions Code, to read:

22 5510.15. Protection of the public shall be the highest priority
23 for the California Architects 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. 23.~~

28 SEC. 25. Section 5620.1 is added to the Business and
29 Professions Code, to read:

30 5620.1. Protection of the public shall be the highest priority
31 for the Landscape Architects Technical Committee in exercising
32 its licensing, regulatory, and disciplinary functions. Whenever the
33 protection of the public is inconsistent with other interests sought
34 to be promoted, the protection of the public shall be paramount.

35 ~~SEC. 24.~~

36 SEC. 26. Section 6710.1 is added to the Business and
37 Professions Code, to read:

38 6710.1. Protection of the public shall be the highest priority
39 for the Board for Professional Engineers and Land Surveyors 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. 25.~~

5 *SEC. 27.* Section 7000.6 is added to the Business and
6 Professions Code, to read:

7 7000.6. Protection of the public shall be the highest priority
8 for the Contractors' State License Board 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. 26.~~

13 *SEC. 28.* Section 7200.1 is added to the Business and
14 Professions Code, to read:

15 7200.1. Protection of the public shall be the highest priority
16 for the State Board of Guide Dogs for the Blind in exercising its
17 licensing, regulatory, and disciplinary functions. Whenever the
18 protection of the public is inconsistent with other interests sought
19 to be promoted, the protection of the public shall be paramount.

20 ~~SEC. 27.~~

21 *SEC. 29.* Section 7303.1 is added to the Business and
22 Professions Code, to read:

23 7303.1. Protection of the public shall be the highest priority
24 for the Bureau of Barbering and Cosmetology in exercising its
25 licensing, regulatory, and disciplinary functions. Whenever the
26 protection of the public is inconsistent with other interests sought
27 to be promoted, the protection of the public shall be paramount.

28 ~~SEC. 28.~~

29 *SEC. 30.* Section 7501.05 is added to the Business and
30 Professions Code, to read:

31 7501.05. Protection of the public shall be the highest priority
32 for the Bureau of Security and Investigative Services in exercising
33 its licensing, regulatory, and disciplinary functions. Whenever the
34 protection of the public is inconsistent with other interests sought
35 to be promoted, the protection of the public shall be paramount.

36 ~~SEC. 29.~~

37 *SEC. 31.* Section 7601.1 is added to the Business and
38 Professions Code, to read:

39 7601.1. Protection of the public shall be the highest priority
40 for the Cemetery and Funeral Bureau in exercising its licensing,



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

4 ~~SEC. 30.~~

5 *SEC. 32.* Section 7810.1 is added to the Business and
6 Professions Code, to read:

7 7810.1. Protection of the public shall be the highest priority
8 for the Board for Geologists and Geophysicists 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. 31.~~

13 *SEC. 33.* Section 8005.1 is added to the Business and
14 Professions Code, to read:

15 8005.1. Protection of the public shall be the highest priority
16 for the Court Reporters Board of California in exercising its
17 licensing, regulatory, and disciplinary functions. Whenever the
18 protection of the public is inconsistent with other interests sought
19 to be promoted, the protection of the public shall be paramount.

20 ~~SEC. 32.~~

21 *SEC. 34.* Section 8520.1 is added to the Business and
22 Professions Code, to read:

23 8520.1. Protection of the public shall be the highest priority
24 for the Structural Pest Control Board in exercising its licensing,
25 regulatory, and disciplinary functions. Whenever the protection of
26 the public is inconsistent with other interests sought to be
27 promoted, the protection of the public shall be paramount.

28 ~~SEC. 33.~~

29 *SEC. 35.* Section 9810.1 is added to the Business and
30 Professions Code, to read:

31 9810.1. Protection of the public shall be the highest priority
32 for the Bureau of Electronic and Appliance Repair in exercising
33 its licensing, regulatory, and disciplinary functions. Whenever the
34 protection of the public is inconsistent with other interests sought
35 to be promoted, the protection of the public shall be paramount.

36 ~~SEC. 34.~~

37 *SEC. 36.* Section 9880.3 is added to the Business and
38 Professions Code, to read:

39 9880.3. Protection of the public shall be the highest priority
40 for the Bureau of Automotive Repair in exercising its licensing,



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

4 *SEC. 37. Section 18602.1 is added to the Business and*
5 *Professions Code, to read:*

6 *18602.1. Protection of the public shall be the highest priority*
7 *for the State Athletic Commission in exercising its licensing,*
8 *regulatory, and disciplinary functions. Whenever the protection of*
9 *the public is inconsistent with other interests sought to be*
10 *promoted, the protection of the public shall be paramount.*

11 *SEC. 38. Section 19004.1 is added to the Business and*
12 *Professions Code, to read:*

13 *19004.1. Protection of the public shall be the highest priority*
14 *for the Bureau of Home Furnishings and Thermal Insulation in*
15 *exercising its licensing, regulatory, and disciplinary functions.*
16 *Whenever the protection of the public is inconsistent with other*
17 *interests sought to be promoted, the protection of the public shall*
18 *be paramount.*

19 *SEC. 39. Section 94770.1 is added to the Education Code, to*
20 *read:*

21 *94770.1. Protection of the public shall be the highest priority*
22 *for the Bureau for Private Postsecondary and Vocational*
23 *Education in exercising its approval, regulatory, and disciplinary*
24 *functions. Whenever the protection of the public is inconsistent*
25 *with other interests sought to be promoted, the protection of the*
26 *public shall be paramount.*

