

**Introduced by Committee on Business and Professions (Senators Figueroa (Chair), Machado, Morrow, Murray, O’Connell, and Polanco)**

February 23, 2001

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An act to amend Sections 802, 803, 803.2, 1646.9, 1647.12, 1716.1, 1743, 1744, 2065, 2066, 2072, 2073, 2079, 2102, 2221, 2245, 2531, 4008, 4033, 4057, 4110, 4115, 4161, 4305.5, 4331, 4400, 4980.38, 4980.40, 4980.44, 4980.50, 4986.21, 4986.47, 4992.1, 4992.3, 4996.2, 4996.18, and 4996.21 of, to amend and repeal Section 1646.7 of, to add Sections 1621 and 4996.23 to, to repeal Article 1.5 (commencing with Section 1621) of Chapter 4 of Division 2 of, to repeal Sections 2088 and 4992.6 of, and to repeal and add Sections 2878.7 and 4524 of, the Business and Professions Code, relating to the healing arts, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

SB 724, as introduced, Committee on Business and Professions. Healing arts.

(1) Existing law requires that specified information relating to claims against a physician and surgeon for acts of professional negligence or for the unauthorized rendering of professional services be reported to the Medical Board of California.

This bill would require these reports to include the name and license number of the physician and surgeon against whom the claim was made.

(2) Existing law, the Dental Practice Act, establishes an examining committee within the Dental Board of California and makes it responsible, among other matters, for assisting the board in the examination of applicants for licensure by the board.



This bill would delete these provisions and would require the board to use persons who are licensed under the act and who meet other specified criteria in the administration of its licensure examination.

(3) The Dental Practice Act and the Medical Practice Act include certain provisions operative until January 1, 2002, relating to the administration of general anesthesia by a physician and surgeon to patients in the office of a dentist licensed by the board.

This bill would delete the inoperative date with respect to these provisions, thereby extending their operation.

(4) The Medical Practice Act prohibits a physician and surgeon from practicing without a certificate issued by the Medical Board of California and establishes criteria for the issuance of this certificate, including evidence of the completion of specified preprofessional education courses. The act exempts, under specified conditions, a graduate of an approved medical school and a graduate of a foreign medical school from this certificate requirement while participating in postgraduate training.

This bill would delete the postsecondary education criteria as a requirement for issuance of a certificate and would terminate the exemption afforded a graduate during postgraduate training if his or her application for a certificate is denied by the board's Division of Licensing. The bill would also authorize the division to require an applicant for a certificate to take a professional competency examination or be examined by a healing arts practitioner.

(5) Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, creates, until July 1, 2002, the Speech-Language Pathology and Audiology Board.

This bill would extend the operation of this board to July 1, 2004.

(6) Existing law provides for the licensure of vocational nurses and psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians of the State of California and authorizes the board to reinstate, under specified conditions, a license that it has suspended or revoked.

This bill would specify the time when a petition for reinstatement is required to be filed and would provide certain processes for the conduct of these proceedings.

(7) The Pharmacy Law provides for the regulation and licensing of pharmacists and various other persons and entities by the California State Board of Pharmacy and makes it a misdemeanor for a wholesaler



or any other person to permit the dispensing of prescriptions except by a pharmacist or exemptee.

This bill would revise, for purposes of the Pharmacy Law, the definition of “manufacturer,” would authorize the board to establish a list of dangerous devices that may only be maintained, dispensed, sold, or furnished by a pharmacist in a pharmacy, and would revise the board’s authority to issue a temporary permit to conduct a pharmacy. This bill would also provide that it is a misdemeanor for a wholesaler or any other person to permit the furnishing of dangerous drugs or dangerous devices except by a pharmacist or exemptee. In that regard, the bill would change the definition of a crime, thereby imposing a state-mandated local program. The bill would also make other clarifying changes.

(8) Existing law requires persons engaged in the practice of marriage, family, and child counseling to be licensed by the Board of Behavioral Sciences. Under existing law, an applicant for this licensure is required to achieve a passing score on an examination and to possess a doctoral or master’s degree in one of several designated subjects, including social work. Existing law requires an intern, defined as a person who has earned a master’s or doctoral degree but is not yet licensed, to register with the board and renew this registration annually. Under existing law, the board is authorized to assess various fees in connection with its licensure activities that are deposited into the Behavioral Sciences Fund, which is continuously appropriated.

This bill would delete social work from the type of degrees that satisfy this particular educational requirement for licensure and would specify that a passing score on the licensure examination is valid for a period of 7 years after its administration. The bill would also require an intern to pay a fee of \$75 upon his or her registration renewal. Because the bill would increase the amount of revenue paid into a continuously appropriated fund, it would make an appropriation.

(9) Existing law provides for the licensure and registration by the Board of Behavioral Sciences of persons engaged in the practice of clinical social work. Under existing law, an applicant for this license is required to meet specified professional experience and educational requirements and to achieve a passing score on a professional licensure examination. Existing law also authorizes the board to take disciplinary action against a licensee for unprofessional conduct and makes the violation of any provision regulating the licensure or practice of a clinical social worker a crime.



This bill would specify that a passing grade on this licensure examination is valid for a period of 7 years after its administration and would require an applicant for licensure to furnish evidence that he or she has completed training or coursework in the subjects of human sexuality and child abuse assessment and reporting. The bill would also specify the professional experience requirements for licensure with respect to persons registered with the board on and after January 1, 2002. The bill would additionally make sexual relations between the licensee and a former client, unprofessional conduct, subject to disciplinary action by the board and would prohibit the board from issuing a license to an applicant subject to criminal registration laws. Because the bill would specify additional acts as unprofessional conduct, the commission of which would be a criminal offense, it would expand the scope of an existing crime, thereby imposing a state-mandated local program.

(10) 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: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 802 of the Business and Professions  
 2 Code is amended to read:  
 3 802. (a) Every settlement or arbitration award over three  
 4 thousand dollars (\$3,000) of a claim or action for damages for  
 5 death or personal injury caused by negligence, error or omission  
 6 in practice, or the unauthorized rendering of professional services,  
 7 by a person who holds a license, certificate or other similar  
 8 authority from an agency mentioned in subdivision (a) of Section  
 9 800 (except a person licensed pursuant to Chapter 3 (commencing  
 10 with Section 1200) or Chapter 5 (commencing with Section 2000)  
 11 of Division 2) or the Osteopathic Initiative Act who does not  
 12 possess professional liability insurance as to that claim shall,  
 13 within 30 days after the written settlement agreement has been  
 14 reduced to writing and signed by all the parties thereto or 30 days



1 after service of the arbitration award on the parties, be reported to  
2 the agency ~~which~~ *that* issued the license, certificate, or similar  
3 authority. A complete report shall be made by appropriate means  
4 by the person or his or her counsel, with a copy of the  
5 communication to be sent to the claimant through his or her  
6 counsel if the person is so represented, or directly if he or she is not.  
7 If, within 45 days of the conclusion of the written settlement  
8 agreement or service of the arbitration award on the parties,  
9 counsel for the claimant (or if the claimant is not represented by  
10 counsel, the claimant himself or herself) has not received a copy  
11 of the report, he or she shall himself or herself make the complete  
12 report. Failure of the physician or claimant (or, if represented by  
13 counsel, their counsel) to comply with this section is a public  
14 offense punishable by a fine of not less than fifty dollars (\$50) or  
15 more than five hundred dollars (\$500). Knowing and intentional  
16 failure to comply with this section, or conspiracy or collusion not  
17 to comply with this section, or to hinder or impede any other  
18 person in the compliance is a public offense punishable by a fine  
19 of not less than five thousand dollars (\$5,000) nor more than fifty  
20 thousand dollars (\$50,000).

21 (b) Every settlement over thirty thousand dollars (\$30,000), or  
22 arbitration award of any amount, of a claim or action for damages  
23 for death or personal injury caused by negligence, error or  
24 omission in practice, or the unauthorized rendering of professional  
25 services, by a physician and surgeon licensed pursuant to Chapter  
26 5 (commencing with Section 2000) of Division 2, or the  
27 Osteopathic Initiative Act, who does not possess professional  
28 liability insurance as to the claim shall, within 30 days after the  
29 written settlement agreement has been reduced to writing and  
30 signed by all the parties thereto or 30 days after service of the  
31 arbitration award on the parties, be reported to the agency ~~which~~  
32 *that* issued the license, certificate or similar authority. A complete  
33 report *including the name and license number of the responsible*  
34 *physician and surgeon* shall be made by appropriate means by the  
35 person or his or her counsel, with a copy of the communication to  
36 be sent to the claimant through his or her counsel if he or she is so  
37 represented, or directly if he or she is not. If, within 45 days of the  
38 conclusion of the written settlement agreement or service of the  
39 arbitration award on the parties, counsel for the claimant (or if the  
40 claimant is not represented by counsel, the claimant himself or



1 herself) has not received a copy of the report, he or she shall  
2 himself or herself make the complete report. Failure of the  
3 physician or claimant (or, if represented by counsel, their counsel)  
4 to comply with this section is a public offense punishable by a fine  
5 of not less than fifty dollars (\$50) or more than five hundred dollars  
6 (\$500). Knowing and intentional failure to comply with this  
7 section, or conspiracy or collusion not to comply with this section,  
8 or to hinder or impede any other person in the compliance is a  
9 public offense punishable by a fine of not less than five thousand  
10 dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).

11 (c) Every settlement or arbitration award over ten thousand  
12 dollars (\$10,000) of a claim or action for damages for death or  
13 personal injury caused by negligence, error, or omission in  
14 practice, or the unauthorized rendering of professional services, by  
15 a marriage, family, and child counselor or clinical social worker  
16 licensed pursuant to Chapter 13 (commencing with Section 4980)  
17 or Chapter 14 (commencing with Section 4990), who does not  
18 possess professional liability insurance as to that claim shall within  
19 30 days after the written settlement agreement has been reduced  
20 to writing and signed by all the parties thereto or 30 days after  
21 service of the arbitration award on the parties, be reported to the  
22 agency ~~which~~ *that* issued the license, certificate, or similar  
23 authority. A complete report shall be made by appropriate means  
24 by the person or his or her counsel, with a copy of the  
25 communication to be sent to the claimant through his or her  
26 counsel if he or she is so represented, or directly if he or she is not.  
27 If, within 45 days of the conclusion of the written settlement  
28 agreement or service of the arbitration award on the parties,  
29 counsel for the claimant (or if he or she is not represented by  
30 counsel, the claimant himself or herself) has not received a copy  
31 of the report, he or she shall himself or herself make a complete  
32 report. Failure of the marriage, family, and child counselor or  
33 clinical social worker or claimant (or, if represented by counsel,  
34 their counsel) to comply with this section is a public offense  
35 punishable by a fine of not less than fifty dollars (\$50) or more than  
36 five hundred dollars (\$500). Knowing and intentional failure to  
37 comply with this section, or conspiracy or collusion not to comply  
38 with this section, or to hinder or impede any other person in that  
39 compliance is a public offense punishable by a fine of not less than



1 five thousand dollars (\$5,000) nor more than fifty thousand dollars  
2 (\$50,000).

3 SEC. 2. Section 803 of the Business and Professions Code is  
4 amended to read:

5 803. (a) (1) Except as provided in paragraph (2), within 10  
6 days after a judgment by a court of this state that a person who  
7 holds a license, certificate, or other similar authority from the  
8 Board of Behavioral Science Examiners or from an agency  
9 mentioned in subdivision (a) of Section 800 (except a person  
10 licensed pursuant to Chapter 3 (commencing with Section 1200))  
11 has committed a crime, or is liable for any death or personal injury  
12 resulting in a judgment for an amount in excess of thirty thousand  
13 dollars (\$30,000) caused by his or her negligence, error or  
14 omission in practice, or his or her rendering unauthorized  
15 professional services, the clerk of the court ~~which~~ *that* rendered the  
16 judgment shall report that fact to the agency that issued the license,  
17 certificate, or other similar authority.

18 (2) For purposes of a physician and surgeon who has  
19 committed a crime, or is liable for any death or personal injury  
20 resulting in a judgment of any amount caused by his or her  
21 negligence, error or omission in practice, or his or her rendering  
22 unauthorized professional services, the clerk of the court ~~which~~  
23 *that* rendered the judgment shall report that fact to the agency that  
24 issued the license.

25 (b) Every insurer providing professional liability insurance to  
26 a physician and surgeon licensed pursuant to Chapter 5  
27 (commencing with Section 2000) shall send a complete report  
28 *including the name and license number of the responsible*  
29 *physician and surgeon* to the Medical Board of California as to any  
30 judgment of a claim for damages for death or personal injury  
31 caused by that licensee's negligence, error, or omission in practice,  
32 or rendering of unauthorized professional services. The report  
33 shall be sent within 30 calendar days after entry of judgment.

34 (c) Notwithstanding any other provision of law, the Medical  
35 Board of California and the California Board of Podiatric  
36 Medicine shall disclose to an inquiring member of the public  
37 information received pursuant to subdivision (a) regarding felony  
38 convictions of, and judgments against, a physician and surgeon or  
39 doctor of podiatric medicine. The Division of Medical Quality and  
40 the California Board of Podiatric Medicine may formulate



1 appropriate disclaimers or explanatory statements to be included  
2 with any information released, and may, by regulation, establish  
3 categories of information that need not be disclosed to the public  
4 because that information is unreliable or not sufficiently related to  
5 the licensee's professional practice.

6 SEC. 3. Section 803.2 of the Business and Professions Code  
7 is amended to read:

8 803.2. Every entry of settlement agreement over thirty  
9 thousand dollars (\$30,000), or judgment or arbitration award of  
10 any amount, of a claim or action for damages for death or personal  
11 injury caused by, or alleging, the negligence, error, or omission in  
12 practice, or the unauthorized rendering of professional services, by  
13 a physician and surgeon or doctor of podiatric medicine licensed  
14 pursuant to Chapter 5 (commencing with Section 2000) or the  
15 Osteopathic Initiative Act, when that judgment, settlement  
16 agreement, or arbitration award is entered against, or paid by, the  
17 employer of that licensee and not the licensee himself or herself,  
18 shall be reported to the appropriate board by the entity required to  
19 report the information in accordance with Sections 801, 801.1,  
20 802, and 803 as an entry of judgment, settlement, or arbitration  
21 award against the negligent licensee. *This report shall include the*  
22 *name and license number of the responsible physician and*  
23 *surgeon.*

24 "Employer" as used in this section means a professional  
25 corporation, a group practice, a health care facility or clinic  
26 licensed or exempt from licensure under the Health and Safety  
27 Code, a licensed health care service plan, a medical care  
28 foundation, an educational institution, a professional institution,  
29 a professional school or college, a general law corporation, a  
30 public entity, or a nonprofit organization that employs, retains, or  
31 contracts with a licensee referred to in this section. Nothing in this  
32 section shall be construed to authorize the employment of, or  
33 contracting with, any licensee in violation of Section 2400.

34 SEC. 4. Article 1.5 (commencing with Section 1621) of  
35 Chapter 4 of Division 2 of the Business and Professions Code is  
36 repealed.

37 SEC. 5. Section 1621 is added to the Business and Professions  
38 Code, to read:



1 1621. The board shall utilize in the administration of its  
2 licensure examinations only examiners whom it has appointed and  
3 who meet the following criteria:

4 (a) Possession of a valid license to practice dentistry in this state  
5 or possession of a valid license in one of the following dental  
6 auxiliary categories: registered dental assistant, registered dental  
7 assistant in extended functions, registered dental hygienist,  
8 registered dental hygienist in extended functions, or registered  
9 dental hygienist in alternative practice.

10 (b) Practice as a licensed dentist or in a dental auxiliary  
11 licensure category for at least five years preceding his or her  
12 appointment.

13 (c) Hold no position as an officer or faculty member at any  
14 college, school, or institution that provides dental instruction in the  
15 same licensure category as that held by the examiner.

16 SEC. 6. Section 1646.7 of the Business and Professions Code,  
17 as amended by Section 1 of Chapter 177 of the Statutes of 1999,  
18 is amended to read:

19 1646.7. (a) A violation of this article constitutes  
20 unprofessional conduct and is grounds for the revocation or  
21 suspension of the dentist's permit, license, or both, or the dentist  
22 may be reprimanded or placed on probation.

23 (b) A violation of any provision of this article or Section 1682  
24 is grounds for suspension or revocation of the physician and  
25 surgeon's permit issued pursuant to this article by the ~~Board of~~  
26 ~~Dental Examiners~~ *Board* of California. The exclusive  
27 enforcement authority against a physician and surgeon by the  
28 ~~Board of Dental Examiners~~ *Board* of California shall be to suspend  
29 or revoke the permit issued pursuant to this article. The ~~Board of~~  
30 ~~Dental Examiners~~ *Board* of California shall refer a violation of this  
31 article by a physician and surgeon to the Medical Board of  
32 California for its consideration as unprofessional conduct and  
33 further action, if deemed necessary by the Medical Board of  
34 California, pursuant to Chapter 5 (commencing with Section  
35 2000). A suspension or revocation of a physician and surgeon's  
36 permit by the ~~Board of Dental Examiners~~ *Board* pursuant to this  
37 article shall not constitute a disciplinary proceeding or action for  
38 any purpose except to permit the initiation of an investigation or  
39 disciplinary action by the Medical Board of California as  
40 authorized by Section 2220.5.



1 (c) The proceedings under this section shall be conducted in  
2 accordance with Chapter 5 (commencing with Section 11500) of  
3 Part 1 of Division 3 of Title 2 of the Government Code, and the  
4 ~~Board of Dental Examiners~~ *Board of California* shall have all the  
5 powers granted therein.

6 ~~(d) This section shall remain in effect only until January 1,~~  
7 ~~2002, and as of that date is repealed, unless a later enacted statute,~~  
8 ~~which is enacted on or before January 1, 2002, deletes or extends~~  
9 ~~that date.~~

10 SEC. 7. Section 1646.7 of the Business and Professions Code,  
11 as amended by Section 2 of Chapter 177 of the Statutes of 1999,  
12 is repealed.

13 ~~1646.7. (a) A violation of this article constitutes~~  
14 ~~unprofessional conduct and is grounds for the revocation or~~  
15 ~~suspension of the dentist's permit, license, or both, or the dentist~~  
16 ~~may be reprimanded or placed on probation. The proceedings~~  
17 ~~under this section shall be conducted in accordance with Chapter~~  
18 ~~5 (commencing with Section 11500) of Part 1 of Division 3 of Title~~  
19 ~~2 of the Government Code, and the board shall have all the powers~~  
20 ~~granted therein.~~

21 ~~(b) This section shall become operative January 1, 2002.~~

22 SEC. 8. Section 1646.9 of the Business and Professions Code  
23 is amended to read:

24 1646.9. (a) Notwithstanding any other provision of law,  
25 including, but not limited to, Section 1646.1, a physician and  
26 surgeon licensed pursuant to Chapter 5 (commencing with Section  
27 2000) may administer general anesthesia in the office of a licensed  
28 dentist for dental patients, without regard to whether the dentist  
29 possesses a permit issued pursuant to this article, if all of the  
30 following conditions are met:

31 (1) The physician and surgeon possesses a current license in  
32 good standing to practice medicine in this state.

33 (2) The physician and surgeon holds a valid general anesthesia  
34 permit issued by the ~~Board of Dental Examiners~~ *Board of*  
35 *California* pursuant to subdivision (b).

36 (b) (1) A physician and surgeon who desires to administer  
37 general anesthesia as set forth in subdivision (a) shall apply to the  
38 ~~Board of Dental Examiners~~ *Board of California* on an application  
39 form prescribed by the board and shall submit all of the following:



1 (A) The payment of an application fee prescribed by this  
2 article.

3 (B) Evidence satisfactory to the Medical Board of California  
4 showing that the applicant has successfully completed a  
5 postgraduate residency training program in anesthesiology that is  
6 recognized by the American Council on Graduate Medical  
7 Education, as set forth in Section 2079.

8 (C) Documentation demonstrating that all equipment and  
9 drugs required by the ~~Board of Dental Examiners~~ *Board of*  
10 California are possessed by the applicant and shall be available for  
11 use in any dental office in which he or she administers general  
12 anesthesia.

13 (D) Information relative to the current membership of the  
14 applicant on hospital medical staffs.

15 (2) Prior to issuance or renewal of a permit pursuant to this  
16 section, the ~~Board of Dental Examiners~~ *Board of* California may,  
17 at its discretion, require an onsite inspection and evaluation of the  
18 facility, equipment, personnel, including, but not limited to, the  
19 physician and surgeon, and procedures utilized. At least one of the  
20 persons evaluating the procedures utilized by the physician and  
21 surgeon shall be a licensed physician and surgeon expert in  
22 outpatient general anesthesia who has been authorized or retained  
23 under contract by the ~~Board of Dental Examiners~~ *Board of*  
24 California for this purpose.

25 (3) The permit of any physician and surgeon who has failed an  
26 onsite inspection and evaluation shall be automatically suspended  
27 30 days after the date on which the board notifies the physician and  
28 surgeon of the failure unless within that time period the physician  
29 and surgeon has retaken and passed an onsite inspection and  
30 evaluation. Every physician and surgeon issued a permit under this  
31 article shall have an onsite inspection and evaluation at least once  
32 every six years. Refusal to submit to an inspection shall result in  
33 automatic denial or revocation of the permit.

34 ~~(e) This section shall remain in effect only until January 1,~~  
35 ~~2002, and as of that date is repealed, unless a later enacted statute,~~  
36 ~~which is enacted on or before January 1, 2002, deletes or extends~~  
37 ~~that date.~~

38 SEC. 9. Section 1647.12 of the Business and Professions  
39 Code is amended to read:



1 1647.12. ~~(a)~~—A dentist who desires to administer, or order the  
2 administration of, oral conscious sedation for minor patients, who  
3 does not hold a general anesthesia permit as provided in Sections  
4 1646.1 and 1646.2 or a conscious sedation permit as provided in  
5 Sections 1647.2 and 1647.3, shall register his or her name with the  
6 board on a board-prescribed registration form. The dentist shall  
7 submit the registration fee and evidence showing that he or she  
8 satisfies any of the following requirements:

9 ~~(1)~~

10 (a) Satisfactory completion of a postgraduate program in oral  
11 and maxillofacial surgery, pediatric dentistry, or periodontics at a  
12 dental school approved by either the Commission on Dental  
13 Accreditation or a comparable organization approved by the  
14 board.

15 ~~(2)~~

16 (b) Satisfactory completion of a general practice residency or  
17 other advanced education in a general dentistry program approved  
18 by the board.

19 ~~(3)~~

20 (c) Satisfactory completion of a board-approved educational  
21 program on oral medications and sedation.

22 ~~(4) For an applicant who has been using oral conscious sedation  
23 in connection with the treatment of minor patients, submission of  
24 documentation as required by the board of 10 cases of oral  
25 conscious sedation satisfactorily performed by the applicant on  
26 minor patients in any three-year period ending no later than August  
27 31, 1998.~~

28 SEC. 10. Section 1716.1 of the Business and Professions  
29 Code is amended to read:

30 1716.1. (a) Notwithstanding Section 1716, the board may,  
31 by regulation, reduce the renewal fee for a licensee who has  
32 practiced dentistry for 20 years or more in this state, has reached  
33 the age of retirement under the federal Social Security Act (42  
34 U.S.C. Sec. 301 et seq.), and customarily provides his or her  
35 services free of charge to any person, organization, or agency. In  
36 the event that charges are made, these charges shall be nominal. In  
37 no event shall the aggregate of these charges in any single calendar  
38 year be in an amount that would render the licensee ineligible for  
39 full social security benefits. The board shall not reduce the renewal



1 fee under this section to an amount less than one-half of the regular  
2 renewal fee.

3 *(b) Notwithstanding Section 1716, any licensee who*  
4 *demonstrates to the satisfaction of the board that he or she is*  
5 *unable to practice dentistry due to a disability, may request a*  
6 *waiver of 50 percent of the renewal fee. The granting of a waiver*  
7 *shall be at the discretion of the board, and the board may terminate*  
8 *the waiver at any time. A licensee to whom the board has granted*  
9 *a waiver pursuant to this subdivision shall not engage in the*  
10 *practice of dentistry unless and until the licensee pays the current*  
11 *renewal fee in full and establishes to the satisfaction of the board,*  
12 *on a form prescribed by the board and signed under penalty of*  
13 *perjury, that the licensee's disability either no longer exists or no*  
14 *longer affects his or her ability to safely practice dentistry.*

15 SEC. 11. Section 1743 of the Business and Professions Code  
16 is amended to read:

17 1743. The committee shall consist of the following nine  
18 members:

19 (a) One member who is a public member of the board; one  
20 member who is a licensed dentist and ~~a member of the board's~~  
21 ~~examining committee~~; *who has been appointed by the board as an*  
22 *examiner pursuant to Section 1621, one member who is a licensed*  
23 *dentist who is neither a board member nor ~~examining committee~~*  
24 ~~member~~; *appointed by the board as an examiner pursuant to*  
25 *Section 1621, three members who are licensed as registered dental*  
26 *hygienists, at least one of whom is actively employed in a private*  
27 *dental office; and three members who are licensed as registered*  
28 *dental assistants. If available, an individual licensed as a registered*  
29 *dental hygienist in extended functions shall be appointed in place*  
30 *of one of the members licensed as a registered dental hygienist. If*  
31 *available, an individual licensed as a registered dental assistant in*  
32 *extended functions shall be appointed in place of one of the*  
33 *members licensed as a registered dental assistant.*

34 (b) The public member of the board shall not have been  
35 licensed under Chapter 4 (commencing with Section 1600) of the  
36 Business and Professions Code within five years of the  
37 appointment date and shall not have any current financial interest  
38 in a dental-related business.

39 SEC. 12. Section 1744 of the Business and Professions Code  
40 is amended to read:



1 1744. (a) The members of the committee shall be appointed  
2 by the Governor. The terms of the member who is a board member  
3 and the member who ~~is an examining committee member~~ *has been*  
4 *appointed by the board as an examiner pursuant to Section*  
5 *1621* shall expire December 31, 1976. The terms of the member  
6 who is a licensed dentist and one member who is a dental assistant  
7 and one member who is licensed as a registered dental hygienist  
8 shall expire on December 31, 1977. The terms of all other  
9 members shall expire on December 31, 1978. Thereafter,  
10 appointments shall be for a term of four years.

11 (b) No member shall serve as a member of the committee for  
12 more than two consecutive terms. Vacancies shall be filled by  
13 appointment for the unexpired terms. The committee shall  
14 annually elect one of its members as chairman.

15 (c) The Governor shall have the power to remove any member  
16 of the committee from office for neglect of any duty required by  
17 law or for incompetence or unprofessional or dishonorable  
18 conduct.

19 SEC. 13. Section 2065 of the Business and Professions Code  
20 is amended to read:

21 2065. Unless otherwise provided by law, no postgraduate  
22 trainee, intern, resident, postdoctoral fellow, or instructor may  
23 engage in the practice of medicine, or receive compensation  
24 therefor, or offer to engage in the practice of medicine unless he  
25 or she holds a valid, unrevoked, and unsuspended physician's and  
26 surgeon's certificate issued by the board. However, a graduate of  
27 an approved medical school, who is registered with the Division  
28 of Licensing and who is enrolled in a postgraduate training  
29 program approved by the division, may engage in the practice of  
30 medicine whenever and wherever required as a part of ~~such~~ *the*  
31 program under the following conditions:

32 (a) A graduate enrolled in an approved first-year postgraduate  
33 training program may so engage in the practice of medicine for a  
34 period not to exceed one year whenever and wherever required as  
35 a part of the training program, and may receive compensation for  
36 ~~such~~ *that* practice.

37 (b) A graduate who has completed the first year of postgraduate  
38 training may, in an approved residency or fellowship, engage in the  
39 practice of medicine whenever and wherever required as part of  
40 such residency or fellowship, and may receive compensation for



1 ~~such that practice. Such a~~ The resident or fellow shall qualify for,  
2 take, and pass the next succeeding written examination for  
3 licensure given by the division, or shall qualify for and receive a  
4 physician's and surgeon's certificate by one of the other methods  
5 specified in this chapter. If ~~such a the~~ resident or fellow ~~shall fail~~  
6 *fails* to receive a license to practice medicine under this chapter  
7 within one year from the commencement of the residency or  
8 fellowship *or if the division denies his or her application for*  
9 *licensure*, all privileges and exemptions under this section shall  
10 automatically cease.

11 SEC. 14. Section 2066 of the Business and Professions Code  
12 is amended to read:

13 2066. (a) Nothing in this chapter shall be construed to  
14 prohibit a foreign medical graduate from engaging in the practice  
15 of medicine whenever and wherever required as a part of a clinical  
16 service program under the following conditions:

17 (1) The clinical service is in a postgraduate training program  
18 approved by the Division of Licensing.

19 (2) The graduate is registered with the division for the clinical  
20 service.

21 (b) A graduate may engage in the practice of medicine under  
22 this section until the receipt of his or her physician and surgeon's  
23 certificate. If the graduate fails to pass the examination and receive  
24 a certificate by the completion of the graduate's third year of  
25 postgraduate training *or if the division denies his or her*  
26 *application for licensure*, all privileges and exemptions under this  
27 section shall automatically cease.

28 (c) Nothing in this section shall preclude a foreign medical  
29 graduate from engaging in the practice of medicine under any  
30 other exemption contained in this chapter.

31 SEC. 15. Section 2072 of the Business and Professions Code  
32 is amended to read:

33 2072. Notwithstanding any other provision of law and subject  
34 to the provisions of the State Civil Service Act, any person who is  
35 licensed to practice medicine in any other state, who meets the  
36 requirements for application ~~and examination~~ set forth in this  
37 chapter; and who ~~complies with the provisions of Section 2065~~  
38 ~~with respect to registration with~~ *registers with and is approved by*  
39 the Division of Licensing, may be appointed to the medical staff  
40 within a state institution and, under the supervision of a physician



1 and surgeon licensed in this state, may engage in the practice of  
2 medicine on persons under the jurisdiction of any such state  
3 institution. Qualified physicians and surgeons licensed in this state  
4 shall not be recruited pursuant to this section.

5 No person appointed pursuant to this section shall be employed  
6 in any state institution for a period in excess of two years from the  
7 date ~~such~~ *the* person was first employed, and ~~such~~ *the* appointment  
8 shall not be extended beyond ~~such~~ *the* two-year period. At the end  
9 of ~~such~~ *the* two-year period ~~such~~, *the* physician shall have been  
10 issued a physician's and surgeon's certificate by the board in order  
11 to continue such employment. Until ~~such~~ *the* physician has  
12 obtained a physician's and surgeon's certificate from the board, he  
13 or she shall not engage in the practice of medicine in this state  
14 except to the extent expressly permitted herein.

15 SEC. 16. Section 2073 of the Business and Professions Code  
16 is amended to read:

17 2073. Notwithstanding any other provision of law, any person  
18 who is licensed to practice medicine in any other state who meets  
19 the requirements for application ~~and examination~~ set forth in this  
20 chapter, and who ~~complies with the provisions of Section 2065~~  
21 ~~with respect to registration with~~ *registers with and is approved by*  
22 the Division of Licensing, may be employed on the resident  
23 medical staff within a county general hospital and, under the  
24 supervision of a physician and surgeon licensed in this state, may  
25 engage in the practice of medicine on persons within ~~such~~ *the*  
26 county institution. Employment pursuant to this section is  
27 authorized only when an adequate number of qualified resident  
28 physicians cannot be recruited from intern staffs in this state.

29 No person appointed pursuant to this section shall be employed  
30 in any county general hospital for a period in excess of two years  
31 from the date ~~such~~ *the* person was first employed, and ~~such~~ *the*  
32 employment shall not be extended beyond ~~such~~ *the* two-year  
33 period. At the end of ~~such~~ *the* two-year period ~~such~~, *the* physician  
34 shall have been issued a physician's and surgeon's certificate by  
35 the board in order to continue as a member of such resident staff.  
36 Until ~~such~~ *the* physician has obtained a physician's and surgeon's  
37 certificate from the board, he or she shall not engage in the practice  
38 of medicine in this state except to the extent expressly permitted  
39 herein.



1 SEC. 17. Section 2079 of the Business and Professions Code  
2 is amended to read:

3 2079. (a) A physician and surgeon who desires to administer  
4 general anesthesia in the office of a dentist pursuant to Section  
5 1646.9, shall provide the Medical Board of California with a copy  
6 of the application submitted to the ~~Board of Dental Examiners~~  
7 *Board* of California pursuant to subdivision (b) of Section 1646.9  
8 and a fee established by the board not to exceed the costs of  
9 processing the application as provided in this section.

10 (b) The Medical Board of California shall review the  
11 information submitted and take action as follows:

12 (1) Inform the ~~Board of Dental Examiners~~ *Board* of California  
13 whether the physician and surgeon has a current license in good  
14 standing to practice medicine in this state.

15 (2) Verify whether the applicant has successfully completed a  
16 postgraduate residency training program in anesthesiology and  
17 whether the program has been recognized by the American  
18 Council on Graduate Medical Education.

19 (3) Inform the ~~Board of Dental Examiners~~ *Board* of California  
20 whether the Medical Board of California has determined that the  
21 applicant has successfully completed the postgraduate residency  
22 training program in anesthesiology recognized by the American  
23 Council on Graduate Medicine.

24 ~~(e) This section shall remain in effect only until January 1,~~  
25 ~~2002, and as of that date is repealed, unless a later enacted statute,~~  
26 ~~which is enacted on or before January 1, 2002, deletes or extends~~  
27 ~~that date.~~

28 SEC. 18. Section 2088 of the Business and Professions Code  
29 is repealed.

30 ~~2088.—Each applicant shall present an official transcript or~~  
31 ~~other official evidence to the Division of Licensing that he or she~~  
32 ~~has completed two years of preprofessional postsecondary~~  
33 ~~education, or its equivalent, before completing the resident course~~  
34 ~~of professional instruction.~~

35 ~~The two-year preprofessional postsecondary education shall~~  
36 ~~include the subjects of physics, chemistry, and biology. In the~~  
37 ~~event that one of the above subjects was not completed as a part~~  
38 ~~of that postsecondary education, an applicant shall complete a~~  
39 ~~course of instruction in such subjects in an accredited~~



1 ~~postsecondary educational institution prior to taking the written~~  
2 ~~examination for licensure.~~

3 SEC. 19. Section 2102 of the Business and Professions Code  
4 is amended to read:

5 2102. Any applicant ~~who either (1) is a United States citizen,~~  
6 ~~or (2) has filed a declaration of intention to become a United States~~  
7 ~~citizen, a petition for naturalization, or a comparable document, or~~  
8 ~~(3) was admitted or licensed to practice medicine and surgery in~~  
9 ~~a country or other state of the United States wherein licensure~~  
10 ~~requirements are satisfactory to the Division of Licensing, whose~~  
11 ~~professional instruction was acquired in a country other than the~~  
12 ~~United States or Canada shall provide evidence satisfactory to the~~  
13 ~~division of compliance with the following requirements to be~~  
14 ~~issued a physician and surgeon's certificate:~~

15 (a) Completion in a medical school or schools of a resident  
16 course of professional instruction equivalent to that required by  
17 Section 2089 and issuance to the applicant of a document  
18 acceptable to the division ~~which~~ *that* shows final and successful  
19 completion of the course. However, nothing in this section shall be  
20 construed to require the division to evaluate for equivalency any  
21 coursework obtained at a medical school disapproved by the  
22 division pursuant to this section.

23 (b) Certification by the Educational Commission for Foreign  
24 Medical Graduates, or its equivalent, as determined by the  
25 division. This subdivision shall apply to all applicants who are  
26 subject to this section and who have not taken and passed the  
27 written examination specified in subdivision (d) prior to June 1,  
28 1986.

29 (c) Satisfactory completion of the postgraduate training  
30 required under Section 2096. An applicant shall be required to  
31 have substantially completed the professional instruction required  
32 in subdivision (a) and shall be required to make application to the  
33 division and have passed steps 1 and 2 of the written examination  
34 relating to biomedical and clinical sciences prior to commencing  
35 any postgraduate training in this state. In its discretion, the division  
36 may authorize an applicant who is deficient in any education or  
37 clinical instruction required by Sections 2089 and 2089.5 to make  
38 up any deficiencies as a part of his or her postgraduate training  
39 program, but that remedial training shall be in addition to the  
40 postgraduate training required for licensure.



1 (d) Pass the written examination as provided under Article 9  
2 (commencing with Section 2170). If an applicant has not  
3 satisfactorily completed at least two years of approved  
4 postgraduate training, the applicant shall also pass the clinical  
5 competency written examination. An applicant shall be required  
6 to meet the requirements specified in subdivision (b) prior to being  
7 admitted to the written examination required by this subdivision.

8 Nothing in this section prohibits the division from disapproving  
9 any foreign medical school or from denying an application if, in  
10 the opinion of the division, the professional instruction provided  
11 by the medical school or the instruction received by the applicant  
12 is not equivalent to that required in Article 4 (commencing with  
13 Section 2080).

14 SEC. 20. Section 2221 of the Business and Professions Code  
15 is amended to read:

16 2221. (a) The Division of Licensing may deny a physician's  
17 and surgeon's license to any applicant guilty of unprofessional  
18 conduct or of any cause that would subject a licensee to revocation  
19 or suspension of his or her license; or, the division in its sole  
20 discretion, may issue a probationary license to an applicant subject  
21 to terms and conditions, including, but not limited to, any of the  
22 following conditions of probation:

23 (1) Practice limited to a supervised, structured environment  
24 where the licensee's activities shall be supervised by another  
25 physician and surgeon.

26 (2) Total or partial restrictions on drug prescribing privileges  
27 for controlled substances.

28 (3) Continuing medical or psychiatric treatment.

29 (4) Ongoing participation in a specified rehabilitation  
30 program.

31 (5) Enrollment and successful completion of a clinical training  
32 program.

33 (6) Abstention from the use of alcohol or drugs.

34 (7) Restrictions against engaging in certain types of medical  
35 practice.

36 (8) Compliance with all provisions of this chapter.

37 (b) The Division of Licensing may modify or terminate the  
38 terms and conditions imposed on the probationary license upon  
39 receipt of a petition from the licensee.



1 (c) *The Division of Licensing may require an applicant to be*  
2 *examined by a psychiatrist or psychologist or by a physician and*  
3 *surgeon or by another practitioner licensed under this division.*  
4 *The division may also require the applicant to take a professional*  
5 *competency examination, conducted in accordance with Section*  
6 *2292, in order to determine whether it should issue a probationary*  
7 *license and the probationary conditions required to ensure that the*  
8 *applicant is able to practice medicine with reasonable skill and*  
9 *safety to patients.*

10 (d) Enforcement and monitoring of the probationary  
11 conditions shall be under the jurisdiction of the Division of  
12 Medical Quality in conjunction with the administrative hearing  
13 procedures established pursuant to Sections 11371, 11372, 11373,  
14 and 11529 of the Government Code, and the review procedures set  
15 forth in Section 2335.

16 SEC. 21. Section 2245 of the Business and Professions Code  
17 is amended to read:

18 2245. ~~(a)~~—A violation of Article 2.7 (commencing with  
19 Section 1646) of Chapter 4 ~~of Division 2~~ or Section 1682 by a  
20 physician and surgeon who possesses a permit issued by the ~~Board~~  
21 ~~of Dental Examiners~~ Board of California to administer general  
22 anesthesia in a dental office may constitute unprofessional  
23 conduct.

24 ~~(b) This section shall remain in effect only until January 1,~~  
25 ~~2002, and as of that date is repealed, unless a later enacted statute,~~  
26 ~~which is enacted on or before January 1, 2002, deletes or extends~~  
27 ~~that date.~~

28 SEC. 22. Section 2531 of the Business and Professions Code  
29 is amended to read:

30 2531. There is hereby created a Speech-Language Pathology  
31 and Audiology Board under the jurisdiction of the Medical Board  
32 of California. The Speech-Language Pathology and Audiology  
33 Board shall consist of nine members, three of whom shall be public  
34 members. The Speech-Language Pathology and Audiology Board  
35 shall enforce and administer this chapter.

36 This section shall become inoperative on July 1, ~~2002~~ 2004,  
37 and, as of January 1, ~~2003~~ 2005, is repealed, unless a later enacted  
38 statute, that becomes effective on or before January 1, ~~2003~~ 2005,  
39 deletes or extends the inoperative and repeal dates.



1 SEC. 23. Section 2878.7 of the Business and Professions  
2 Code is repealed.

3 ~~2878.7. A person whose license has been suspended or~~  
4 ~~revoked may petition the board for reinstatement or reduction of~~  
5 ~~penalty in accordance with Section 11522 of the Government~~  
6 ~~Code. In determining whether reinstatement shall be granted or the~~  
7 ~~penalty reduced, the board shall consider all competent evidence~~  
8 ~~of rehabilitation presented by the petitioner. The board shall have~~  
9 ~~the authority to impose terms and conditions upon a reinstatement~~  
10 ~~or reduction of penalty. Such terms and conditions may include,~~  
11 ~~but are not limited to, the following:~~

12 ~~(a) Requiring the petitioner to pursue specified remedial~~  
13 ~~education and to pass an examination upon completion of the~~  
14 ~~training.~~

15 ~~(b) Requiring the petitioner to submit to a complete diagnostic~~  
16 ~~examination by one or more physicians, or other health~~  
17 ~~professionals licensed under this code, approved by the board.~~

18 ~~(c) Restricting or limiting the extent, scope, or type of practice~~  
19 ~~of the reinstated license holder.~~

20 ~~(d) Requiring the petitioner to provide such reports as the board~~  
21 ~~in its discretion may deem proper.~~

22 SEC. 24. Section 2878.7 is added to the Business and  
23 Professions Code, to read:

24 2878.7. (a) A person whose license has been revoked,  
25 suspended, surrendered, or placed on probation, may petition the  
26 board for reinstatement or modification of the penalty, including  
27 modification or termination of probation, after a period not less  
28 than the following minimum periods has elapsed from the  
29 effective date of the decision ordering the disciplinary action order  
30 or if any portion of the order is stayed by the board itself or by the  
31 superior court, from the date the disciplinary action is actually  
32 implemented in its entirety:

33 (1) Except as otherwise provided in this section, at least three  
34 years for the reinstatement of a license that was revoked or  
35 surrendered, except that the board may, in its sole discretion,  
36 specify in its order a lesser period of time, which shall be no less  
37 than one year, to petition for reinstatement.

38 (2) At least two years for the early termination of a probation  
39 period of three years or more.



1 (3) At least one year for the early termination of a probation  
2 period of three years or more.

3 (4) At least one year for the modification of a condition of  
4 probation, or for the reinstatement of a license revoked for mental  
5 or physical illness.

6 (b) The board shall give notice to the Attorney General of the  
7 filing of the petition. The petitioner and the Attorney General shall  
8 be given timely notice by letter of the time and place of the hearing  
9 on the petition, and an opportunity to present both oral and  
10 documentary evidence and argument to the board. The petitioner  
11 shall at all times have the burden of proof to establish by clear and  
12 convincing evidence that he or she is entitled to the relief sought  
13 in the petition.

14 (c) The board itself or the administrative law judge, if one is  
15 designated by the board, shall hear the petition and shall prepare  
16 a written decision setting forth the reasons supporting the decision.

17 (d) The board may grant or deny the petition or may impose any  
18 terms and conditions that it reasonably deems appropriate as a  
19 condition of reinstatement or reduction of penalty.

20 (e) No petition shall be considered while the petitioner is under  
21 sentence for any criminal offense, including any period during  
22 which the petitioner is on court-imposed probation or parole or  
23 subject to an order of registration pursuant to Section 290 of the  
24 Penal Code. No petition shall be considered while there is an  
25 accusation or petition to revoke probation pending against the  
26 petitioner.

27 (f) Except in those cases where the petitioner has been  
28 disciplined for a violation of Section 822, the board may in its  
29 discretion deny without hearing or argument any petition that is  
30 filed pursuant to this section within a period of two years from the  
31 effective date of a prior decision following a hearing under this  
32 section.

33 (g) Nothing in this section shall be deemed to alter the  
34 provisions of Sections 822 and 823.

35 SEC. 25. Section 4008 of the Business and Professions Code  
36 is amended to read:

37 4008. (a) Except as provided by Section 159.5, the board  
38 may employ inspectors of pharmacy. The inspectors, whether the  
39 inspectors are employed by the board or the department's Division  
40 of Investigation, may inspect during business hours all



1 pharmacies, ~~medical device retailers~~ *wholesalers*, dispensaries,  
2 stores, or places in which drugs or devices are compounded,  
3 prepared, furnished, dispensed, or stored. Any board inspector of  
4 pharmacy whose principal duties include either (1) the inspection  
5 and investigation of pharmacies or pharmacists for alleged  
6 violations of this act, or (2) the supervision of other inspectors of  
7 pharmacy, shall be a pharmacist. For purposes of inspecting or  
8 investigating nonpharmacies or nonpharmacists pursuant to this  
9 chapter, a board inspector of pharmacy is not required to be a  
10 pharmacist.

11 (b) Notwithstanding subdivision (a), a pharmacy inspector  
12 may inspect or examine a physician's office or clinic that does not  
13 have a permit under Section 4180 or 4190 only to the extent  
14 necessary to determine compliance with and to enforce either  
15 Section 4080 or 4081.

16 (c) (1) Any pharmacy inspector employed by the board or in  
17 the department's Division of Investigation shall have the authority,  
18 as a public officer, to arrest, without warrant, any person whenever  
19 the officer has reasonable cause to believe that the person to be  
20 arrested has, in his or her presence, violated any provision of this  
21 chapter or of Division 10 (commencing with Section 11000) of the  
22 Health and Safety Code. If the violation is a felony, or if the  
23 arresting officer has reasonable cause to believe that the person to  
24 be arrested has violated any provision that is declared to be a  
25 felony, although no felony has in fact been committed, he or she  
26 may make an arrest although the violation or suspected violation  
27 did not occur in his or her presence.

28 (2) In any case in which an arrest authorized by this subdivision  
29 is made for an offense declared to be a misdemeanor, and the  
30 person arrested does not demand to be taken before a magistrate,  
31 the arresting inspector may, instead of taking the person before a  
32 magistrate, follow the procedure prescribed by Chapter 5C  
33 (commencing with Section 853.5) of Title 3 of Part 2 of the Penal  
34 Code. That chapter shall thereafter apply with reference to any  
35 proceeding based upon the issuance of a citation pursuant to this  
36 authority.

37 (d) There shall be no civil liability on the part of, and no cause  
38 of action shall arise against, any person, acting pursuant to  
39 subdivision (a) and within the scope of his or her authority, for  
40 false arrest or false imprisonment arising out of any arrest that is



1 lawful, or that the arresting officer, at the time of the arrest, had  
2 reasonable cause to believe was lawful. No inspector shall be  
3 deemed an aggressor or lose his or her right to self-defense by the  
4 use of reasonable force to effect the arrest or to prevent escape or  
5 to overcome resistance.

6 (e) Any inspector may serve all processes and notices  
7 throughout the state.

8 SEC. 26. Section 4033 of the Business and Professions Code  
9 is amended to read:

10 4033. (a) “Manufacturer” means and includes every person  
11 who prepares, derives, produces, compounds, or repackages any  
12 drug or device except a pharmacy that manufactures on the  
13 immediate premises where the drug or device is sold to the  
14 ultimate consumer.

15 (b) Notwithstanding subdivision (a), “manufacturer” shall not  
16 mean a pharmacy compounding a drug for parenteral therapy,  
17 pursuant to a prescription, for delivery to another pharmacy for the  
18 purpose of delivering or administering the drug to the patient or  
19 patients named in the prescription, provided that neither the  
20 components for the drug nor the drug are compounded, fabricated,  
21 packaged, or otherwise prepared prior to receipt of the  
22 prescription.

23 (c) *Notwithstanding subdivision (a), “manufacturer” shall not*  
24 *mean a pharmacy that, at a patient’s request, repackages a drug*  
25 *previously dispensed to the patient, or to the patient’s agent,*  
26 *pursuant to a prescription.*

27 SEC. 27. Section 4057 of the Business and Professions Code  
28 is amended to read:

29 4057. (a) Except as provided in Sections 4006, 4240, and  
30 4342, this chapter does not apply to the retail sale of  
31 nonprescription drugs that are not subject to Section 4022 and that  
32 are packaged or bottled in the manufacturer’s or distributor’s  
33 container and labeled in accordance with applicable federal and  
34 state drug labeling requirements.

35 (b) This chapter does not apply to specific dangerous drugs and  
36 dangerous devices listed in board regulations, where the sale or  
37 furnishing is made to any of the following:

38 (1) A physician, dentist, podiatrist, pharmacist, medical  
39 technician, medical technologist, optometrist, or chiropractor



1 holding a currently valid and unrevoked license and acting within  
2 the scope of his or her profession.

3 (2) A clinic, hospital, institution, or establishment holding a  
4 currently valid and unrevoked license or permit under Division 2  
5 (commencing with Section 1200) of the Health and Safety Code,  
6 or Chapter 2 (commencing with Section 3300) of Division 3 of, or  
7 Part 2 (commencing with Section 6250) of Division 6 of, the  
8 Welfare and Institutions Code.

9 (c) This chapter shall not apply to a home health agency  
10 licensed under Chapter 8 (commencing with Section 1725) of, or  
11 a hospice licensed under Chapter 8.5 (commencing with Section  
12 1745) of, Division 2 of, the Health and Safety Code, when it  
13 purchases, stores, furnishes, or transports specific dangerous  
14 drugs and dangerous devices listed in board regulations in  
15 compliance with applicable law and regulations including:

16 (1) Dangerous devices described in subdivision (b) of Section  
17 4022, as long as these dangerous devices are furnished only upon  
18 the prescription or order of a physician, dentist, or podiatrist.

19 (2) Hypodermic needles and syringes.

20 (3) Irrigation solutions of 50 cubic centimeters or greater.

21 (d) This chapter does not apply to the storage of devices in  
22 secure central or ward supply areas of a clinic, hospital, institution,  
23 or establishment holding a currently valid and unrevoked license  
24 or permit pursuant to Division 2 (commencing with Section 1200)  
25 of the Health and Safety Code, or pursuant to Chapter 2  
26 (commencing with Section 3300) of Division 3 of, or Part 2  
27 (commencing with Section 6250) of Division 6 of, the Welfare and  
28 Institutions Code.

29 (e) This chapter does not apply to the retail sale of vitamins,  
30 mineral products, or combinations thereof or to foods,  
31 supplements, or nutrients used to fortify the diet of humans or  
32 other animals or poultry and labeled as such that are not subject to  
33 Section 4022 and that are packaged or bottled in the  
34 manufacturer's or distributor's container and labeled in  
35 accordance with applicable federal and state labeling  
36 requirements.

37 (f) This chapter does not apply to the furnishing of dangerous  
38 drugs and dangerous devices to recognized schools of nursing.  
39 These dangerous drugs and dangerous devices shall not include  
40 controlled substances. The dangerous drugs and dangerous



1 devices shall be used for training purposes only, and not for the  
2 cure, mitigation, or treatment of disease in humans. Recognized  
3 schools of nursing for purposes of this subdivision are those  
4 schools recognized as training facilities by the California Board of  
5 Registered Nursing.

6 (g) *The board may, by regulation, establish a list of those*  
7 *dangerous devices that may only be maintained, dispensed, sold,*  
8 *or furnished by a pharmacist in a pharmacy. In establishing or*  
9 *modifying that list, the board shall consider factors, including, but*  
10 *not limited to, the following:*

11 (1) *The potential for abuse or for the spread of illness.*

12 (2) *The danger to the public if the device is not so restricted.*

13 (3) *The potential danger to minors if the device is not so*  
14 *restricted.*

15 SEC. 28. Section 4110 of the Business and Professions Code  
16 is amended to read:

17 4110. (a) No person shall conduct a pharmacy in the State of  
18 California unless he or she has obtained a license from the board.  
19 A license shall be required for each pharmacy owned or operated  
20 by a specific person. A separate license shall be required for each  
21 of the premises of any person operating a pharmacy in more than  
22 one location. The license shall be renewed annually. The board  
23 may, by regulation, determine the circumstances under which a  
24 license may be transferred.

25 (b) The board may, at its discretion, issue a temporary permit,  
26 when the ownership of a pharmacy is transferred from one person  
27 to another, upon the conditions and for any periods of time as the  
28 board determines to be in the public interest. A temporary permit  
29 fee shall be established by the board at an amount not to exceed the  
30 annual fee for renewal of a permit to conduct a pharmacy. *When*  
31 *needed to protect public safety, a temporary permit to conduct a*  
32 *pharmacy may be issued for a period not to exceed 180 days.*  
33 *Temporary permits may be subject to conditions or restrictions*  
34 *deemed necessary to protect public safety. A temporary license or*  
35 *temporary certificate shall terminate upon notice thereof by*  
36 *certified mail, return receipt requested, if it is issued by mistake or*  
37 *if an application for permanent licensure is denied. The holder of*  
38 *a temporary permit shall have no vested property interest in the*  
39 *permit.*



1 SEC. 29. Section 4115 of the Business and Professions Code  
2 is amended to read:

3 4115. (a) Notwithstanding any other provision of law, a  
4 pharmacy technician may perform packaging, manipulative,  
5 repetitive, or other nondiscretionary tasks, only while assisting,  
6 and while under the direct supervision and control of, a  
7 pharmacist.

8 (b) This section does not authorize the performance of any  
9 tasks specified in subdivision (a) by a pharmacy technician  
10 without a pharmacist on duty, nor does this section authorize the  
11 use of a pharmacy technician to perform tasks specified in  
12 subdivision (a) except under the direct supervision and control of  
13 a pharmacist.

14 (c) This section does not authorize a pharmacy technician to  
15 perform any act requiring the exercise of professional judgment by  
16 a pharmacist.

17 (d) The board shall adopt regulations to specify tasks pursuant  
18 to subdivision (a) that a pharmacy technician may perform under  
19 the direct supervision and control of a pharmacist. Any pharmacy  
20 that employs a pharmacy technician to perform tasks specified in  
21 subdivision (a) shall do so in conformity with the regulations  
22 adopted by the board pursuant to this subdivision.

23 (e) (1) No person shall act as a pharmacy technician without  
24 first being registered with the board as a pharmacy technician as  
25 set forth in Section 4202.

26 (2) ~~The registration requirements in paragraph (1) and Section~~  
27 ~~4202 shall not apply to a person employed or utilized as a~~  
28 ~~pharmacy technician to assist in the filling of prescriptions for an~~  
29 ~~inpatient of a hospital until July 1, 1997.~~

30 (3) ~~The registration requirements in paragraph (1) and Section~~  
31 ~~4202 shall not apply during the first year of employment for a~~  
32 ~~person employed or utilized as a pharmacy technician to assist in~~  
33 ~~the filling of prescriptions for an inmate of a correctional facility~~  
34 ~~of the Department of the Youth Authority or the Department of~~  
35 ~~Corrections, or for a person receiving treatment in a facility~~  
36 ~~operated by the State Department of Mental Health, the State~~  
37 ~~Department of Developmental Services, or the Department of~~  
38 ~~Veterans Affairs.~~

39 (f) The performance of duties by a pharmacy technician shall  
40 be under the direct supervision and control of a pharmacist. The



1 pharmacist on duty shall be directly responsible for the conduct of  
2 a pharmacy technician. A pharmacy technician may perform the  
3 duties, as specified in subdivision (a), only under the immediate,  
4 personal supervision and control of a pharmacist. Any pharmacist  
5 responsible for a pharmacy technician shall be on the premises at  
6 all times, and the pharmacy technician shall be within the  
7 pharmacist's view. A pharmacist shall indicate verification of the  
8 prescription by initialing the prescription label before the  
9 medication is provided to the patient.

10 This subdivision shall not apply to a person employed or utilized  
11 as a pharmacy technician to assist in the filling of prescriptions for  
12 an inpatient of a hospital or for an inmate of a correctional facility.  
13 Notwithstanding the exemption in this subdivision, the  
14 requirements of subdivisions (a) and (b) shall apply to a person  
15 employed or utilized as a pharmacy technician to assist in the  
16 filling of prescriptions for an inpatient of a hospital or for an  
17 inmate of a correctional facility.

18 (g) (1) The ratio of pharmacy technicians performing the tasks  
19 specified in subdivision (a) to pharmacists shall not exceed one to  
20 one, except that this ratio shall not apply to personnel performing  
21 clerical functions pursuant to Section 4116 or 4117. This ratio is  
22 applicable to all practice settings, except for an inpatient of a  
23 licensed health facility, a patient of a licensed home health agency,  
24 as specified in paragraph (2), an inmate of a correctional facility  
25 of the Department of the Youth Authority or the Department of  
26 Corrections, and for a person receiving treatment in a facility  
27 operated by the State Department of Mental Health, the State  
28 Department of Developmental Services, or the Department of  
29 Veterans Affairs.

30 (2) The board may adopt regulations establishing the ratio of  
31 pharmacy technicians performing the tasks specified in  
32 subdivision (a) to pharmacists applicable to the filling of  
33 prescriptions of an inpatient of a licensed health facility and for a  
34 patient of a licensed home health agency. Any ratio established by  
35 the board pursuant to this subdivision shall allow, at a minimum,  
36 at least one pharmacy technician for each pharmacist, except that  
37 this ratio shall not apply to personnel performing clerical functions  
38 pursuant to Section 4116 or 4117.

39 (h) Notwithstanding subdivisions (b) and (f), the board shall by  
40 regulation establish conditions to permit the temporary absence of



1 a pharmacist for breaks and lunch periods pursuant to Section 512  
2 of the Labor Code and the orders of the Industrial Welfare  
3 Commission without closing the pharmacy. During these  
4 temporary absences, a pharmacy technician may, at the discretion  
5 of the pharmacist, remain in the pharmacy but may only perform  
6 nondiscretionary tasks. The pharmacist shall be responsible for a  
7 pharmacy technician and shall review any task performed by a  
8 pharmacy technician during the pharmacist's temporary absence.  
9 Nothing in this subdivision shall be construed to authorize a  
10 pharmacist to supervise pharmacy technicians in greater ratios  
11 than those described in subdivision (g).

12 SEC. 30. Section 4161 of to the Business and Professions  
13 Code is amended to read:

14 4161. (a) No *person shall act as an* out-of-state  
15 manufacturer or wholesaler of dangerous drugs or dangerous  
16 devices doing business in this state who has not obtained ~~a~~ *an*  
17 *out-of-state dangerous drug or dangerous device distributor's*  
18 ~~license from the board and who sells or distributes dangerous~~  
19 ~~drugs or dangerous devices in this state through any person or~~  
20 ~~media other than a wholesaler who has obtained a license pursuant~~  
21 ~~to this chapter or through a selling or distribution outlet that is~~  
22 ~~licensed as a wholesaler pursuant to this chapter, shall conduct the~~  
23 ~~business of selling or distributing dangerous drugs or dangerous~~  
24 ~~devices in this state without obtaining an out-of-state drug or~~  
25 ~~dangerous device distributor's license from the board.~~ *Persons not*  
26 *located in this state selling or distributing dangerous drugs or*  
27 *dangerous devices in this state only through a licensed wholesaler*  
28 *are not required to be licensed as an out-of-state manufacturer or*  
29 *wholesaler or have an out-of-state dangerous drug or dangerous*  
30 *device distributor's license.*

31 (b) Applications for an out-of-state dangerous drug or  
32 dangerous device distributor's license shall be made on a form  
33 furnished by the board. The board may require any information as  
34 the board deems is reasonably necessary to carry out the purposes  
35 of the section. The license shall be renewed annually.

36 (c) The Legislature, by enacting this section, does not intend a  
37 license issued to any out-of-state manufacturer or wholesaler  
38 pursuant to this section to change or affect the tax liability imposed  
39 by Chapter 3 (commencing with Section 23501) of Part 11 of



1 Division 2 of the Revenue and Taxation Code on any out-of-state  
2 manufacturer or wholesaler.

3 (d) The Legislature, by enacting this section, does not intend a  
4 license issued to any out-of-state manufacturer or wholesaler  
5 pursuant to this section to serve as any evidence that the  
6 out-of-state manufacturer or wholesaler is doing business within  
7 this state.

8 SEC. 31. Section 4305.5 of the Business and Professions  
9 Code is amended to read:

10 4305.5. (a) Any person who has obtained a license to conduct  
11 a wholesaler or veterinary food-animal drug retailer, shall notify  
12 the board within 30 days of the termination of employment of any  
13 pharmacist or exemptee who takes charge of, or acts as manager  
14 of the licensee. Failure to notify the board within the 30-day period  
15 shall constitute grounds for disciplinary action.

16 (b) Any person who has obtained a license to conduct a  
17 wholesaler or veterinary food-animal drug retailer, who willfully  
18 fails to notify the board of the termination of employment of any  
19 pharmacist or exemptee who takes charge of, or acts as manager  
20 of the licensee, and who continues to operate the licensee in the  
21 absence of a pharmacist or an exemptee approved for that location,  
22 shall be subject to summary suspension or revocation of his or her  
23 license to conduct a ~~pharmacy~~ *wholesaler or veterinary*  
24 *food-animal drug retailer*.

25 (c) Any pharmacist or exemptee who takes charge of, or acts as  
26 manager of a wholesaler or veterinary food-animal drug retailer,  
27 who terminates his or her employment at the licensee, shall notify  
28 the board within 30 days of the termination of employment.  
29 Failure to notify the board within the 30-day period shall constitute  
30 grounds for disciplinary action.

31 ~~(d) This section shall become operative on July 1, 2001.~~

32 SEC. 32. Section 4331 of the Business and Professions Code  
33 is amended to read:

34 4331. (a) Any person who is neither a pharmacist nor an  
35 exemptee and who takes charge of a wholesaler or veterinary  
36 food-animal drug retailer or who dispenses a prescription or  
37 furnishes dangerous devices except as otherwise provided in this  
38 chapter is guilty of a misdemeanor.

39 (b) Any person who has obtained a license to conduct a  
40 veterinary food-animal drug retailer and who fails to place in



1 charge of that veterinary food-animal drug retailer a pharmacist or  
2 exemptee, or any person who, by himself or herself, or by any  
3 other person, permits the dispensing of prescriptions, except by a  
4 pharmacist or exemptee, or as otherwise provided in this chapter,  
5 is guilty of a misdemeanor.

6 (c) Any person who has obtained a license to conduct a  
7 wholesaler and who fails to place in charge of that wholesaler a  
8 pharmacist or exemptee, or any person who, by himself or herself,  
9 or by any other person, permits the ~~dispensing of prescriptions~~  
10 *furnishing of dangerous drugs or dangerous devices*, except by a  
11 pharmacist or exemptee, or as otherwise provided in this chapter,  
12 is guilty of a misdemeanor.

13 ~~(d) This section shall become operative on July 1, 2001.~~

14 SEC. 33. Section 4400 of the Business and Professions Code  
15 is amended to read:

16 4400. The amount of fees and penalties prescribed by this  
17 chapter, except as otherwise provided, is that fixed by the board  
18 according to the following schedule:

19 (a) The fee for a nongovernmental pharmacy license shall be  
20 three hundred forty dollars (\$340) and may be increased to four  
21 hundred dollars (\$400).

22 (b) The fee for a nongovernmental pharmacy or medical device  
23 retailer annual renewal shall be one hundred seventy-five dollars  
24 (\$175) and may be increased to two hundred fifty dollars (\$250).

25 ~~(c) The fee for processing remodeling plans and inspecting a~~  
26 ~~remodeled pharmacy shall be one hundred thirty dollars (\$130)~~  
27 ~~and may be increased to one hundred seventy-five dollars (\$175).~~

28 ~~(d) The fee for the pharmacist examination shall be one~~  
29 ~~hundred fifty-five dollars (\$155) and may be increased to one~~  
30 ~~hundred eighty-five dollars (\$185).~~

31 ~~(e)~~

32 (d) The fee for regrading an examination shall be seventy-five  
33 dollars (\$75) and may be increased to eighty-five dollars (\$85). If  
34 an error in grading is found and the applicant passes the  
35 examination, the regrading fee shall be refunded.

36 ~~(f)~~

37 (e) The fee for a pharmacist license and biennial renewal shall  
38 be one hundred fifteen dollars (\$115) and may be increased to one  
39 hundred fifty dollars (\$150).

40 ~~(g)~~



1 (f) The fee for a wholesaler license and annual renewal shall be  
2 five hundred fifty dollars (\$550) and may be increased to six  
3 hundred dollars (\$600).

4 ~~(h)~~

5 (g) The fee for a hypodermic license and renewal shall be  
6 ninety dollars (\$90) and may be increased to one hundred  
7 twenty-five dollars (\$125).

8 ~~(i)~~

9 (h) The fee for ~~examination~~ *application* and investigation for  
10 an exemptee license under Sections 4053 and 4054 shall be  
11 seventy-five dollars (\$75) and may be increased to one hundred  
12 dollars (\$100), except for a veterinary food-animal drug retailer  
13 exemptee, for whom the fee shall be one hundred dollars (\$100).

14 ~~(j)~~

15 (i) The fee for an exemptee license and annual renewal under  
16 Sections 4053 and 4054 shall be one hundred ten dollars (\$110)  
17 and may be increased to one hundred fifty dollars (\$150), except  
18 that the fee for the issuance of a veterinary food-animal drug  
19 retailer exemptee license shall be one hundred fifty dollars (\$150),  
20 for renewal one hundred ten dollars (\$110), which may be  
21 increased to one hundred fifty dollars (\$150), and for filing a late  
22 renewal fifty-five dollars (\$55).

23 ~~(k)~~

24 (j) The fee for an out-of-state drug distributor's license and  
25 annual renewal issued pursuant to Section 4120 shall be five  
26 hundred fifty dollars (\$550) and may be increased to six hundred  
27 dollars (\$600).

28 ~~(l)~~

29 (k) The fee for registration and annual renewal of providers of  
30 continuing education shall be one hundred dollars (\$100) and may  
31 be increased to one hundred thirty dollars (\$130).

32 ~~(m)~~

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

36 ~~(n)~~

37 (m) The fee for evaluation of applications submitted by  
38 graduates of foreign colleges of pharmacy or colleges of pharmacy  
39 not recognized by the board shall be one hundred sixty-five dollars



1 (\$165) and may be increased to one hundred seventy-five dollars  
2 (\$175).

3 ~~(o)~~

4 (n) The fee for an intern license or extension shall be sixty-five  
5 dollars (\$65) and may be increased to seventy-five dollars (\$75).  
6 The fee for transfer of intern hours or verification of licensure to  
7 another state shall be fixed by the board not to exceed twenty  
8 dollars (\$20).

9 ~~(p)~~

10 (o) The board may, by regulation, provide for the waiver or  
11 refund of the additional fee for the issuance of a certificate where  
12 the certificate is issued less than 45 days before the next  
13 succeeding regular renewal date.

14 ~~(q)~~

15 (p) The fee for the reissuance of any license, or renewal thereof,  
16 that has been lost or destroyed or reissued due to a name change  
17 is thirty dollars (\$30).

18 ~~(r)~~

19 (q) The fee for the reissuance of any license, or renewal thereof,  
20 that must be reissued because of a change in the information, is  
21 sixty dollars (\$60) and may be increased to one hundred dollars  
22 (\$100).

23 ~~(s)~~

24 (r) It is the intent of the Legislature that, in setting fees pursuant  
25 to this section, the board shall seek to maintain a reserve in the  
26 Pharmacy Board Contingent Fund equal to approximately one  
27 year's operating expenditures.

28 ~~(t)~~

29 (s) The fee for any applicant for a clinic permit is three hundred  
30 forty dollars (\$340) and may be increased to four hundred dollars  
31 (\$400) for each permit. The annual fee for renewal of the permit  
32 is one hundred seventy-five dollars (\$175) and may be increased  
33 to two hundred fifty dollars (\$250) for each permit.

34 ~~(u)~~

35 (t) The board shall charge a fee for the processing and issuance  
36 of a registration to a pharmacy technician and a separate fee for the  
37 biennial renewal of the registration. The registration fee shall be  
38 twenty-five dollars (\$25) and may be increased to fifty dollars  
39 (\$50). The biennial renewal fee shall be twenty-five dollars (\$25)  
40 and may be increased to fifty dollars (\$50).



1     ~~(v)~~  
 2     (u) The fee for a veterinary food-animal drug retailer license  
 3 shall be four hundred dollars (\$400). The annual renewal fee for  
 4 a veterinary food-animal drug retailer shall be two hundred fifty  
 5 dollars (\$250).

6     ~~(w)~~  
 7     (v) The fee for issuance of a retired license pursuant to Section  
 8 4200.5 shall be thirty dollars (\$30).

9     ~~(x) This section shall become operative on July 1, 2001.~~

10    SEC. 34. Section 4524 of the Business and Professions Code  
 11 is repealed.

12    ~~4524.—A person whose license has been suspended or revoked  
 13 may petition the board for reinstatement or reduction of penalty no  
 14 sooner than one year from the date of discipline, in accordance  
 15 with Section 11522 of the Government Code. In determining  
 16 whether reinstatement shall be granted or the penalty reduced, the  
 17 board shall consider all competent evidence of rehabilitation  
 18 presented by the petitioner. The board shall have the authority to  
 19 impose terms and conditions upon a reinstatement or reduction of  
 20 penalty. Those terms and conditions may include, but are not  
 21 limited to, the following requirements:~~

22    ~~(a) That the petitioner pursue specified remedial education and  
 23 pass an examination upon completion of the training.~~

24    ~~(b) That the petitioner submit to a complete diagnostic  
 25 examination by one or more physicians, or other health  
 26 professionals licensed under this division, approved by the board.~~

27    ~~(c) That a restriction or limit be placed on the extent, scope, or  
 28 type of practice of the reinstated licensee.~~

29    ~~(d) That the petitioner provide any reports as the board in its  
 30 discretion may deem proper.~~

31    ~~(e) That the petitioner take and successfully complete the  
 32 current examination for the psychiatric technician license as a  
 33 condition of probation.~~

34    SEC. 35. Section 4524 is added to the Business and  
 35 Professions Code, to read:

36    4524. (a) A person whose license has been revoked,  
 37 suspended, surrendered, or placed on probation, may petition the  
 38 board for reinstatement or modification of the penalty, including  
 39 modification or termination of probation, after a period not less  
 40 than the following minimum periods has elapsed from the



1 effective date of the decision ordering the disciplinary action order  
2 or if any portion of the order is stayed by the board itself or by the  
3 superior court, from the date the disciplinary action is actually  
4 implemented in its entirety:

5 (1) Except as otherwise provided in this section, at least three  
6 years for the reinstatement of a license that was revoked or  
7 surrendered, except that the board may, in its sole discretion,  
8 specify in its order a lesser period of time, which shall be no less  
9 than one year to petition for reinstatement.

10 (2) At least two years for the early termination of a probation  
11 period of three years or more.

12 (3) At least one year for the early termination of a probation  
13 period of three years or more.

14 (4) At least one year for the modification of a condition of  
15 probation, or for the reinstatement of a license revoked for mental  
16 or physical illness.

17 (b) The board shall give notice to the Attorney General of the  
18 filing of the petition. The petitioner and the Attorney General shall  
19 be given timely notice by letter of the time and place of the hearing  
20 on the petition, and an opportunity to present both oral and  
21 documentary evidence and argument to the board. The petitioner  
22 shall at all times have the burden of proof to establish by clear and  
23 convincing evidence that he or she is entitled to the relief sought  
24 in the petition.

25 (c) The board itself or the administrative law judge, if one is  
26 designated by the board, shall hear the petition and shall prepare  
27 a written decision setting forth the reasons supporting the decision.

28 (d) The board may grant or deny the petition or may impose any  
29 terms and conditions that it reasonably deems appropriate as a  
30 condition of reinstatement or reduction of penalty.

31 (e) No petition shall be considered while the petitioner is under  
32 sentence for any criminal offense, including any period during  
33 which the petitioner is on court-imposed probation or parole or  
34 subject to an order of registration pursuant to Section 290 of the  
35 Penal Code. No petition shall be considered while there is an  
36 accusation or petition to revoke probation pending against the  
37 petitioner.

38 (f) Except in those cases where the petitioner has been  
39 disciplined for a violation of Section 822, the board may in its  
40 discretion deny without hearing or argument any petition that is



1 filed pursuant to this section within a period of two years from the  
2 effective date of a prior decision following a hearing under this  
3 section.

4 (g) Nothing in this section shall be deemed to alter the  
5 provisions of Sections 822 and 823.

6 SEC. 36. Section 4980.38 of the Business and Professions  
7 Code is amended to read:

8 4980.38. (a) Each educational institution preparing  
9 applicants to qualify for licensure shall notify each of its students  
10 by means of its public documents or otherwise in writing that its  
11 degree program is designed to meet the requirement of Section  
12 4980.37 and shall certify to the board that it has so notified its  
13 students.

14 (b) In addition to all the other requirements for licensure, each  
15 applicant shall submit to the board a certification by the chief  
16 academic officer, or his or her designee, of the applicant's  
17 educational institution that the applicant has fulfilled the  
18 requirements enumerated in Sections 4980.37 and 4980.40, and  
19 subdivisions (a) and (d) of Section 4980.41.

20 (c) An applicant for an intern registration who has completed  
21 a program to update his or her degree in accordance with  
22 subdivision ~~(k)~~ (i) of Section 4980.40 shall furnish to the board  
23 certification by the chief academic officer of a school, college, or  
24 university accredited by the Western Association of Schools and  
25 Colleges, or from a school, college, or university meeting  
26 accreditation standards comparable to those of the Western  
27 Association of Schools and Colleges, that the applicant has  
28 successfully completed all academic work necessary to comply  
29 with the current educational requirements for licensure as a  
30 marriage, family, and child counselor.

31 SEC. 37. Section 4980.40 of the Business and Professions  
32 Code is amended to read:

33 4980.40. To qualify for a license, an applicant shall have all  
34 the following qualifications:

35 (a) Applicants applying for licensure on or after January 1,  
36 1988, shall possess a doctor's or master's degree *approved by the*  
37 *board* in marriage, family, and child counseling, marital and  
38 family therapy, psychology, clinical psychology, counseling  
39 psychology, *or* counseling with an emphasis in *either* marriage,  
40 family, and child counseling, ~~or social work with an emphasis in~~



1 ~~clinical social work~~ *or marriage and family therapy*, obtained  
2 from a school, college, or university accredited by the Western  
3 Association of Schools and Colleges, or approved by the Bureau  
4 for Private Postsecondary and Vocational Education, ~~pursuant to~~  
5 ~~Section 94774.5 of the Education Code~~. For purposes of this  
6 chapter, the term “approved by the Bureau for Private  
7 Postsecondary and Vocational Education” shall ~~not include~~  
8 ~~temporary, conditional, or any other type of interim approval~~  
9 *mean unconditional approval existing at the time of the applicant’s*  
10 *graduation from the school, college, or university*. In order to  
11 qualify for licensure pursuant to this subdivision, any doctor’s or  
12 master’s degree program shall *be a single, integrated program*  
13 *primarily designed to train marriage and family therapists and*  
14 *shall* contain no less than 48 semester or 72 quarter units of  
15 instruction. The instruction shall include no less than 12 semester  
16 units or 18 quarter units of coursework in the areas of marriage,  
17 family, and child counseling, and marital and family systems  
18 approaches to treatment.

19 The coursework shall include all of the following areas:

20 (1) The salient theories of a variety of psychotherapeutic  
21 orientations directly related to marriage, family, and child  
22 counseling, and marital and family systems approaches to  
23 treatment.

24 (2) Theories of marriage and family therapy and how they can  
25 be utilized in order to intervene therapeutically with couples,  
26 families, adults, children, and groups.

27 (3) Developmental issues and life events from infancy to old  
28 age and their effect upon individuals, couples, and family  
29 relationships. This may include coursework that focuses on  
30 specific family life events and the psychological,  
31 psychotherapeutic, and health implications that arise within  
32 couples and families, including, but not limited to, childbirth,  
33 child rearing, childhood, adolescence, adulthood, marriage,  
34 divorce, blended families, stepparenting, and geropsychology.

35 (4) A variety of approaches to the treatment of children.

36 The board ~~may shall~~, by regulation, ~~further define the content~~  
37 ~~requirements of required courses specified~~ *set forth the subjects of*  
38 *instruction required* in this subdivision.

39 (b) (1) In addition to the 12 semester or 18 quarter units of  
40 coursework specified above, the doctor’s or master’s degree



1 program shall contain not less than six semester or nine quarter  
2 units of supervised practicum in applied psychotherapeutic  
3 techniques, assessment, diagnosis, prognosis, and treatment of  
4 premarital, couple, family, and child relationships, including  
5 dysfunctions, healthy functioning, health promotion, and illness  
6 prevention, in a supervised clinical placement that provides  
7 supervised fieldwork experience within the scope of practice of a  
8 marriage, family, and child counselor.

9 (2) For applicants who enrolled in a degree program on or after  
10 January 1, 1995, the practicum shall include a minimum of 150  
11 hours of face-to-face experience counseling individuals, couples,  
12 families, or groups.

13 (3) (A) Supervised practicum hours, as specified in this  
14 subdivision, shall be evaluated, accepted, and credited as hours for  
15 trainee experience by the board.

16 (B) The practicum hours shall be considered as part of the 48  
17 semester or 72 quarter unit requirement.

18 (c) As an alternative to meeting the qualifications specified in  
19 subdivision (a), the board shall accept as equivalent degrees, those  
20 master's or doctor's degrees granted by educational institutions  
21 whose degree program is approved by the Commission on  
22 Accreditation for Marriage and Family Therapy Education.

23 (d) All applicants shall, in addition, complete the coursework  
24 or training specified in Section 4980.41.

25 (e) All applicants shall be at least 18 years of age.

26 (f) All applicants shall have at least two years' experience that  
27 meets the requirements of this chapter in interpersonal  
28 relationships, marriage, family, and child counseling and  
29 psychotherapy under the supervision of a licensed marriage,  
30 family, and child counselor, licensed clinical social worker,  
31 licensed psychologist, or a licensed physician certified in  
32 psychiatry by the American Board of Psychiatry and Neurology.  
33 Experience shall not be gained under the supervision of an  
34 individual who has provided therapeutic services to that applicant.  
35 For those supervisory relationships in effect on or before  
36 December 31, 1988, and which remain in continuous effect  
37 thereafter, experience may be gained under the supervision of a  
38 licensed physician who has completed a residency in psychiatry.  
39 Any person supervising another person pursuant to this  
40 subdivision shall have been licensed or certified for at least two



1 years prior to acting as a supervisor, shall have a current and valid  
2 license that is not under suspension or probation, and shall meet the  
3 requirements established by regulations.

4 (g) The applicant shall pass a written examination and an oral  
5 examination conducted by the board or its designees.

6 (h) The applicant shall not have committed acts or crimes  
7 constituting grounds for denial of licensure under Section 480.  
8 The board shall not issue a registration or license to any person  
9 who has been convicted of any crime in the United States that  
10 involves sexual abuse of children or who has been ordered to  
11 register as a mentally disordered sex offender or the equivalent in  
12 another state or territory.

13 ~~(i) Applicants applying for licensure on or before December~~  
14 ~~31, 1987, shall possess all of the qualifications specified in~~  
15 ~~subdivisions (e) to (h), inclusive, and shall possess a doctor's or~~  
16 ~~master's degree in marriage, family, and child counseling, social~~  
17 ~~work, clinical psychology, counseling, counseling psychology,~~  
18 ~~child development and family studies, or a degree determined by~~  
19 ~~the board to be equivalent, obtained from a school, college, or~~  
20 ~~university accredited by the Western Association of Schools and~~  
21 ~~Colleges, the Northwest Association of Secondary and Higher~~  
22 ~~Schools, or an essentially equivalent accrediting agency as~~  
23 ~~determined by the board.~~

24 ~~(j) For applicants applying for a license pursuant to subdivision~~  
25 ~~(i), the board may make a determination that an applicant's~~  
26 ~~master's or doctor's degree is an equivalent degree if it finds that~~  
27 ~~the degree was issued upon completion of a course of academic~~  
28 ~~study primarily designed to train persons as a marriage, family, and~~  
29 ~~child counselor. The course of study completed by the applicant~~  
30 ~~shall contain not less than 30 semester or 45 quarter units of~~  
31 ~~coursework as follows: (1) human biological, psychological, and~~  
32 ~~social development, (2) human sexuality, (3) psychopathology, (4)~~  
33 ~~cross-cultural mores and values, (5) theories of marriage, family,~~  
34 ~~and child counseling, (6) professional ethics and law, (7) human~~  
35 ~~communication, (8) research methodology, (9) theories and~~  
36 ~~applications of psychological testing, and (10) not less than six~~  
37 ~~semester or nine quarter units of supervised practicum in applied~~  
38 ~~psychotherapeutic techniques, assessment, diagnosis, prognosis,~~  
39 ~~and treatment of premarital, family, and child relationship~~  
40 ~~dysfunctions. The applicant shall submit to the board satisfactory~~



1 ~~written verification by the chief academic officer of the accredited~~  
2 ~~or approved school, or by an authorized designee, that the~~  
3 ~~applicant has successfully completed courses, including the~~  
4 ~~practicum required by the board. The verification shall include,~~  
5 ~~but need not be limited to, descriptions of the completed courses.~~  
6 ~~The board may request further written verification of course~~  
7 ~~content and academic experience to determine that the applicant's~~  
8 ~~training and experience is equivalent to the course of instruction~~  
9 ~~required by this section.~~

10 (k)(1) An applicant applying for intern registration who, prior  
11 to December 31, 1987, met the qualifications for registration, but  
12 who failed to apply or qualify for intern registration may be  
13 granted an intern registration if the applicant meets all of the  
14 following criteria:

15 (A) The applicant possesses a doctor's or master's degree in  
16 marriage, family, and child counseling, marital and family  
17 therapy, psychology, clinical psychology, counseling psychology,  
18 counseling with an emphasis in marriage, family, and child  
19 counseling, or social work with an emphasis in clinical social work  
20 obtained from a school, college, or university currently conferring  
21 that degree that, at the time the degree was conferred, was  
22 accredited by the Western Association of Schools and Colleges,  
23 and where the degree conferred was, at the time it was conferred,  
24 specifically intended to satisfy the educational requirements for  
25 licensure by the Board of Behavioral Sciences.

26 (B) The applicant's degree and the course content of the  
27 instruction underlying that degree have been evaluated by the chief  
28 academic officer of a school, college, or university accredited by  
29 the Western Association of Schools and Colleges to determine the  
30 extent to which the applicant's degree program satisfies the current  
31 educational requirements for licensure, and the chief academic  
32 officer certifies to the board the amount and type of instruction  
33 needed to meet the current requirements.

34 (C) The applicant completes a plan of instruction that has been  
35 approved by the board at a school, college, or university accredited  
36 by the Western Association of Schools and Colleges that the chief  
37 academic officer of the educational institution has, pursuant to  
38 subparagraph (B), certified will meet the current educational  
39 requirements when considered in conjunction with the original  
40 degree.



1 (2) A person applying under this subdivision shall be  
2 considered a trainee, as that term is defined in Section 4980.03,  
3 once he or she is enrolled to complete the additional coursework  
4 necessary to meet the current educational requirements for  
5 licensure.

6 ~~(1) This section shall become operative on January 1, 1997.~~

7 SEC. 38. Section 4980.44 of the Business and Professions  
8 Code is amended to read:

9 4980.44. (a) An unlicensed marriage, family, and child  
10 counselor intern employed under this chapter shall:

11 (1) Have earned at least a master's degree as specified in  
12 Section 4980.40.

13 (2) Be registered with the board prior to the intern performing  
14 any duties, except as otherwise provided in subdivision (e) of  
15 Section 4980.43.

16 (3) File for renewal of registration annually for a maximum of  
17 five years after initial registration with the board. *The following*  
18 *is required in order to renew this registration:*

19 (A) *Filing an application with the board.*

20 (B) *Paying the renewal fee in the sum of seventy-five dollars*  
21 *(\$75).*

22 (C) *Notifying the board of any conviction, as defined in Section*  
23 *490, of a misdemeanor or felony offense and of any disciplinary*  
24 *action by a regulatory or licensing board in this or any other state*  
25 *that occurred after the time of the prior registration renewal.*

26 (4) Inform each client or patient prior to performing any  
27 professional services that he or she is unlicensed and under the  
28 supervision of a licensed marriage, family, and child counselor,  
29 licensed clinical social worker, licensed psychologist, licensed  
30 physician certified in psychiatry by the American Board of  
31 Psychiatry and Neurology, or a licensed physician who has  
32 completed a residency in psychiatry and who is described in  
33 subdivision (f) of Section 4980.40, whichever is applicable.  
34 Continued employment as an unlicensed marriage, family, and  
35 child counselor intern shall cease after six years unless the  
36 requirements of subdivision (b) are met.

37 (b) *No application to renew or to reinstate a registration shall*  
38 *be granted if the application is made more than six years after the*  
39 *registration was initially issued. This provision applies to a*



1 *registration that was revoked for any period of time after its*  
2 *issuance.*

3 (c) When no further renewals are possible, either because the  
4 applicant has exhausted the number of renewals available or  
5 because of the repeal of Section 4980.44, as amended by Chapter  
6 1114 of the Statutes of 1991, an applicant may apply for and obtain  
7 new intern registration status if the applicant meets the educational  
8 requirements for registration in effect at the time of the application  
9 for a new intern registration. An applicant who is issued a  
10 subsequent intern registration pursuant to this subdivision may be  
11 employed or volunteer in all allowable work settings except in  
12 private practice, and shall fulfill all of the required hours of  
13 experience for licensure within that intern registration period.  
14 Hours of experience fulfilled under a prior intern registration shall  
15 not be used to satisfy licensure requirements.

16 ~~(e) This section shall become operative on January 1, 1999.~~

17 SEC. 39. Section 4980.50 of the Business and Professions  
18 Code is amended to read:

19 4980.50. Every applicant who meets the educational and  
20 experience requirements and applies for a license as a marriage,  
21 family, and child counselor shall be examined by the board. The  
22 examinations shall be as set forth in subdivision (g) of Section  
23 4980.40. The examinations shall be given at least twice a year at  
24 a time and place and under supervision as the board may  
25 determine. The board shall examine the candidate with regard to  
26 his or her knowledge and professional skills and his or her  
27 judgment in the utilization of appropriate techniques and methods.

28 The board shall not deny any applicant, who has submitted a  
29 complete application for examination, admission to the licensure  
30 examinations required by this section if the applicant meets the  
31 educational and experience requirements of this chapter, and has  
32 not committed any acts or engaged in any conduct which would  
33 constitute grounds to deny licensure.

34 The board shall not deny any applicant, whose application for  
35 licensure is complete, admission to the written examination, nor  
36 shall the board postpone or delay any applicant's written  
37 examination or delay informing the candidate of the results of any  
38 written examination, solely upon the receipt by the board of a  
39 complaint alleging acts or conduct which would constitute  
40 grounds to deny licensure.



1 ~~When~~

2 *If* an applicant for examination who has passed the written  
3 examination is the subject of a complaint or is under board  
4 investigation for acts or conduct ~~which~~ *that*, if proven to be true,  
5 would constitute grounds for the board to deny licensure, the board  
6 shall permit the applicant to take the oral examination for  
7 licensure, but may withhold the results of the examination or  
8 notify the applicant that licensure will not be granted pending  
9 completion of the investigation.

10 Notwithstanding Section 135, the board may deny any applicant  
11 who has previously failed either the written or oral examination  
12 permission to retake either examination pending completion of the  
13 investigation of any complaints against the applicant. Nothing in  
14 this section shall prohibit the board from denying an applicant  
15 admission to any examination, withholding the results, or refusing  
16 to issue a license to any applicant when an accusation or statement  
17 of issues has been filed against the applicant pursuant to Sections  
18 11503 and 11504 of the Government Code, respectively, or the  
19 applicant has been denied in accordance with subdivision (b) of  
20 Section 485 ~~of the Business and Professions Code~~.

21 Notwithstanding any other provision of law, the board may  
22 destroy all written and oral examination materials two years  
23 following the date of the examination.

24 *A passing score achieved on the examination shall be valid and*  
25 *accepted by the board for the purpose of qualifying for licensure*  
26 *as a marriage, family, and child counselor for a period of seven*  
27 *years from the date on which the examination occurred.*

28 An applicant who has qualified pursuant to this chapter shall be  
29 issued a license as a marriage, family, and child counselor in the  
30 form that the board may deem appropriate.

31 SEC. 40. Section 4986.21 of the Business and Professions  
32 Code is amended to read:

33 4986.21. (a) Only individuals who have the qualifications  
34 prescribed by the board under this chapter are eligible to take the  
35 examination. Every applicant who is issued a license as an  
36 educational psychologist shall be examined by the board.

37 (b) Notwithstanding any other provision of law, the board may  
38 destroy all written and oral examination materials two years  
39 following the date of the examination.



1     (c) *A passing score achieved on the examination shall be valid*  
2 *and accepted by the board for the purpose of qualifying for*  
3 *licensure under this article for a period of seven years from the date*  
4 *on which the examination occurred.*

5     SEC. 41. Section 4986.47 of the Business and Professions  
6 Code is amended to read:

7     4986.47. A licensee ~~or registrant~~ shall give written notice to  
8 the board of a name change within 30 days after each change,  
9 providing both the old and new names. A copy of the legal  
10 document affecting the name change, such as a court order or  
11 marriage certificate, shall be submitted with the notice.

12     SEC. 42. Section 4992.1 of the Business and Professions  
13 Code is amended to read:

14     4992.1. (a) Only individuals who have the qualifications  
15 prescribed by the board under this chapter are eligible to take the  
16 examination.

17     Every applicant who is issued a clinical social worker license  
18 shall be examined by the board.

19     (b) Notwithstanding any other provision of law, the board may  
20 destroy all written and oral examination materials two years  
21 following the date of the examination.

22     (c) *A passing score achieved on the examination shall be valid*  
23 *and accepted by the board for the purpose of qualifying for*  
24 *licensure under this chapter for a period of seven years from the*  
25 *date on which the examination occurred.*

26     SEC. 43. Section 4992.3 of the Business and Professions  
27 Code is amended to read:

28     4992.3. The board may refuse to issue a registration or a  
29 license, or may suspend or revoke the license or registration of any  
30 registrant or licensee if the applicant, licensee, or registrant has  
31 been guilty of unprofessional conduct. Unprofessional conduct  
32 includes, but is not limited to:

33     (a) The conviction of a crime substantially related to the  
34 qualifications, functions, or duties of a licensee or registrant under  
35 this chapter. The record of conviction shall be conclusive evidence  
36 only of the fact that the conviction occurred. The board may  
37 inquire into the circumstances surrounding the commission of the  
38 crime in order to fix the degree of discipline or to determine if the  
39 conviction is substantially related to the qualifications, functions,  
40 or duties of a licensee or registrant under this chapter. A plea or



1 verdict of guilty or a conviction following a plea of nolo  
2 contendere made to a charge substantially related to the  
3 qualifications, functions, or duties of a licensee or registrant under  
4 this chapter is a conviction within the meaning of this section. The  
5 board may order any license or registration suspended or revoked,  
6 or may decline to issue a license or registration when the time for  
7 appeal has elapsed, or the judgment of conviction has been  
8 affirmed on appeal, or, when an order granting probation is made  
9 suspending the imposition of sentence, irrespective of a  
10 subsequent order under Section 1203.4 of the Penal Code allowing  
11 the person to withdraw a plea of guilty and enter a plea of not  
12 guilty, or setting aside the verdict of guilty, or dismissing the  
13 accusation, information, or indictment.

14 (b) Securing a license or registration by fraud, deceit, or  
15 misrepresentation on any application for licensure or registration  
16 submitted to the board, whether engaged in by an applicant for a  
17 license or registration, or by a licensee in support of any  
18 application for licensure or registration.

19 (c) Administering to himself or herself any controlled  
20 substance or using of any of the dangerous drugs specified in  
21 Section ~~4211~~ 4022, or of any alcoholic beverage to the extent, or  
22 in a manner, as to be dangerous or injurious to the person applying  
23 for a registration or license or holding a registration or license  
24 under this chapter, or to any other person, or to the public, or, to  
25 the extent that the use impairs the ability of the person applying for  
26 or holding a registration or license to conduct with safety to the  
27 public the practice authorized by the registration or license, or the  
28 conviction of more than one misdemeanor or any felony involving  
29 the use, consumption, or self-administration of any of the  
30 substances referred to in this subdivision, or any combination  
31 thereof. The board shall deny an application for a registration or  
32 license or revoke the license or registration of any person who uses  
33 or offers to use drugs in the course of performing clinical social  
34 work. This provision does not apply to any person also licensed as  
35 a physician and surgeon under Chapter 5 (commencing with  
36 Section 2000) or the Osteopathic Act who lawfully prescribes  
37 drugs to a patient under his or her care.

38 (d) Gross negligence or incompetence in the performance of  
39 clinical social work.



- 1 (e) Violating, attempting to violate, or conspiring to violate this  
2 chapter or any regulation adopted by the board.
- 3 (f) Misrepresentation as to the type or status of a license or  
4 registration held by the person, or otherwise misrepresenting or  
5 permitting misrepresentation of his or her education, professional  
6 qualifications, or professional affiliations to any person or entity.  
7 For purposes of this subdivision, this misrepresentation includes,  
8 but is not limited to, misrepresentation of the person's  
9 qualifications as an adoption service provider pursuant to Section  
10 8502 of the Family Code.
- 11 (g) Impersonation of another by any licensee, registrant, or  
12 applicant for a license or registration, or, in the case of a licensee,  
13 allowing any other person to use his or her license or registration.
- 14 (h) Aiding or abetting any unlicensed or unregistered person to  
15 engage in conduct for which a license or registration is required  
16 under this chapter.
- 17 (i) Intentionally or recklessly causing physical or emotional  
18 harm to any client.
- 19 (j) The commission of any dishonest, corrupt, or fraudulent act  
20 substantially related to the qualifications, functions, or duties of a  
21 licensee or registrant.
- 22 (k) Engaging in sexual relations with a client *or with a former*  
23 *client within two years from the termination date of therapy with*  
24 *the client*, soliciting sexual relations with a client, or committing  
25 an act of sexual abuse, or sexual misconduct with a client, or  
26 committing an act punishable as a sexually related crime, if that act  
27 or solicitation is substantially related to the qualifications,  
28 functions, or duties of a clinical social worker.
- 29 (l) Performing, or holding one's self out as being able to  
30 perform, or offering to perform or permitting, any registered  
31 associate clinical social worker or intern under supervision to  
32 perform any professional services beyond the scope of the license  
33 authorized by this chapter.
- 34 (m) Failure to maintain confidentiality, except as otherwise  
35 required or permitted by law, of all information that has been  
36 received from a client in confidence during the course of treatment  
37 and all information about the client which is obtained from tests  
38 or other means.
- 39 (n) Prior to the commencement of treatment, failing to disclose  
40 to the client or prospective client the fee to be charged for the



1 professional services, or the basis upon which that fee will be  
2 computed.

3 (o) Paying, accepting, or soliciting any consideration,  
4 compensation, or remuneration, whether monetary or otherwise,  
5 for the referral of professional clients. All consideration,  
6 compensation, or remuneration shall be in relation to professional  
7 counseling services actually provided by the licensee. Nothing in  
8 this subdivision shall prevent collaboration among two or more  
9 licensees in a case or cases. However, no fee shall be charged for  
10 that collaboration, except when disclosure of the fee has been  
11 made in compliance with subdivision (n).

12 (p) Advertising in a manner which is false, misleading, or  
13 deceptive.

14 (q) Reproduction or description in public, or in any publication  
15 subject to general public distribution, of any psychological test or  
16 other assessment device, the value of which depends in whole or  
17 in part on the naivete of the subject, in ways that might invalidate  
18 the test or device.

19 (r) Any conduct in the supervision of any registered associate  
20 clinical social worker or intern by any licensee that violates this  
21 chapter or any rules or regulations adopted by the board.

22 (s) Failure to keep records consistent with sound clinical  
23 judgment, the standards of the profession, and the nature of the  
24 services being rendered.

25 SEC. 44. Section 4992.6 of the Business and Professions  
26 Code is repealed.

27 ~~4992.6. No blind person shall be denied admission to any  
28 school of social work, training, or admission to any examination,  
29 or denied a license as a licensed clinical social worker, on the  
30 ground that he or she is blind.~~

31 SEC. 45. Section 4996.2 of the Business and Professions  
32 Code is amended to read:

33 4996.2. Each applicant shall furnish evidence satisfactory to  
34 the board that he or she complies with all of the following  
35 requirements:

36 (a) Is at least 21 years of age.

37 (b) Has received a master's degree from an accredited school  
38 of social work.

39 (c) Has had two years of supervised post-masters degree  
40 experience, as specified in Section 4996.20, 4996.21, or 4996.23.



1 (d) Has not committed any crimes or acts constituting grounds  
2 for denial of licensure under Section 480. The board shall not issue  
3 a registration or license to any person who has been convicted of  
4 any crime in *this or another state or in a territory of the United*  
5 *States that involves sexual abuse of children or who has been*  
6 ~~*ordered to register as a mentally disordered sex offender is*~~  
7 *required to register pursuant to Section 290 of the Penal Code or*  
8 *the equivalent in another state or territory.*

9 (e) Has completed adequate instruction and training in the  
10 subject of alcoholism and other chemical substance dependency.  
11 This requirement applies only to applicants who matriculate on or  
12 after January 1, 1986.

13 (f) Has completed instruction and training in spousal or partner  
14 abuse assessment, detection, and intervention. Coursework  
15 required under this subdivision may be satisfactory if taken either  
16 in fulfillment of other educational requirements for licensure or in  
17 a separate course. This requirement applies only to applicants who  
18 begin graduate training on or after January 1, 1995. This  
19 requirement for coursework in spousal or partner abuse detection  
20 and treatment shall be satisfied by, and the board shall accept in  
21 satisfaction of the requirement, a certification from the chief  
22 academic officer of the educational institution from which the  
23 applicant graduated that the required coursework is included  
24 within the institution's required curriculum for graduation.

25 (g) *Has completed a minimum of 10 contact hours of training*  
26 *or coursework in human sexuality as specified in Section 1807 of*  
27 *Title 16 of the California Code of Regulations. This training or*  
28 *coursework may be satisfactory if taken either in fulfillment of*  
29 *other educational requirements for licensure or in a separate*  
30 *course.*

31 (h) *Has completed a minimum of seven contact hours of*  
32 *training or coursework in child abuse assessment and reporting as*  
33 *specified in Section 1807.2 of Title 16 of the California Code of*  
34 *Regulations. This training or coursework may be satisfactory if*  
35 *taken either in fulfillment of other educational requirements for*  
36 *licensure or in a separate course.*

37 SEC. 46. Section 4996.18 of the Business and Professions  
38 Code is amended to read:

39 4996.18. (a) Any person who wishes to be credited with  
40 experience toward licensure requirements shall register with the



1 board as an associate clinical social worker prior to obtaining that  
2 experience. The application shall be made on a form prescribed by  
3 the board and shall be accompanied by a fee of ninety dollars  
4 (\$90). An applicant for registration shall (1) possess a master's  
5 degree from an accredited school or department of social work,  
6 and (2) not have committed any crimes or acts constituting  
7 grounds for denial of licensure under Section 480. On and after  
8 January 1, 1993, an applicant who possesses a master's degree  
9 from a school or department of social work that is a candidate for  
10 accreditation by the Commission on Accreditation of the Council  
11 on Social Work Education shall be eligible, and shall be required,  
12 to register as an associate clinical social worker in order to gain  
13 experience toward licensure if the applicant has not committed any  
14 crimes or acts that constitute grounds for denial of licensure under  
15 Section 480. That applicant shall not, however, be eligible for  
16 examination until the school or department of social work has  
17 received accreditation by the Commission on Accreditation of the  
18 Council on Social Work Education.

19 (b) Registration as an associate clinical social worker shall  
20 expire one year from the last day of the month during which it was  
21 issued. A registration may be renewed annually after initial  
22 registration *on or before the date on which the registration expires,*  
23 *by filing an application for renewal and, paying a renewal fee of*  
24 *seventy-five dollars (\$75) ~~on or before the date on which the~~*  
25 *registration expires, and notifying the board of any conviction, as*  
26 *defined in Section 490, of a misdemeanor or felony offense, and*  
27 *any disciplinary action by a regulatory or licensing board in this*  
28 *or another state that occurred after the date of the prior*  
29 *registration renewal.* Each person who registers or has registered  
30 as an associate clinical social worker, may retain that status for a  
31 total of six years.

32 (c) Notwithstanding the limitations on the length of an  
33 associate registration in subdivision (b), an associate may apply  
34 for, and the board shall grant, one-year extensions beyond the  
35 six-year period when no grounds exist for denial, suspension, or  
36 revocation of the registration pursuant to Section 480. An  
37 associate shall be eligible to receive a maximum of three one-year  
38 extensions. An associate who practices pursuant to an extension  
39 shall not practice independently and shall comply with all  
40 requirements of this chapter governing experience, including



1 supervision, even if the associate has completed the hours of  
2 experience required for licensure. Each extension shall commence  
3 on the date when the last associate renewal or extension expires.  
4 An application for extension shall be made on a form prescribed  
5 by the board and shall be accompanied by a renewal fee of fifty  
6 dollars (\$50). An associate who is granted this extension may work  
7 in all work settings authorized pursuant to this chapter.

8 ~~(d) Experience gained before January 1, 1990, shall be credited~~  
9 ~~toward the licensure requirements so long as the applicant applies~~  
10 ~~for registration not later than December 31, 1989, and that~~  
11 ~~registration is thereafter granted by the board.~~

12 ~~(e) A registrant shall not provide clinical social work services~~  
13 ~~to the public for a fee, monetary or otherwise, except as an~~  
14 ~~employee of the licensed person by whom the registrant is being~~  
15 ~~supervised.~~

16 ~~(f).~~

17 (e) A registrant shall inform each client or patient prior to  
18 performing any professional services that he or she is unlicensed  
19 and is under the supervision of a licensed professional.

20 ~~(g)~~

21 (f) Any experience obtained under the supervision of a spouse  
22 or relative by blood or marriage shall not be credited toward the  
23 required hours of supervised experience. Any experience obtained  
24 under the supervision of a supervisor with whom the applicant has  
25 a personal relationship that undermines the authority or  
26 effectiveness of the supervision shall not be credited toward the  
27 required hours of supervised experience.

28 ~~(h)~~

29 (g) An applicant who possesses a master's degree from an  
30 approved school or department of social work shall be able to  
31 apply experience the applicant obtained during the time the  
32 approved school or department was in candidacy status by the  
33 Commission on Accreditation of the Council on Social Work  
34 Education toward the licensure requirements, if the experience  
35 meets the requirements of Section 4996.20 or 4996.21. This  
36 subdivision shall apply retroactively to persons who possess a  
37 master's degree from an approved school or department of social  
38 work and who obtained experience during the time the approved  
39 school or department was in candidacy status by the Commission  
40 on Accreditation of the Council on Social Work Education.



1 ~~(i) The board shall report to the Legislature on or before~~  
2 ~~October 1, 1999, concerning its efforts to identify educational~~  
3 ~~issues that relate to licensure.~~

4 SEC. 47. Section 4996.21 of the Business and Professions  
5 Code is amended to read:

6 4996.21. The experience required by subdivision (c) of  
7 Section 4996.2 shall meet the following criteria:

8 (a) On or after January 1, 1999, a registrant shall have at least  
9 3,200 hours of post-master's experience, supervised by a licensed  
10 clinical social worker, in providing clinical social work services as  
11 permitted by Section 4996.9. Experience shall consist of the  
12 following:

13 (1) A minimum of 2,000 hours in psychosocial diagnosis,  
14 assessment, and treatment, including psychotherapy and  
15 counseling.

16 (2) A maximum of 1,200 hours in client-centered advocacy,  
17 consultation, evaluation, and research.

18 (3) Experience shall have been gained in not less than two nor  
19 more than six years and shall have been gained within the six years  
20 immediately preceding the date on which the application for  
21 licensure was filed.

22 (b) Notwithstanding the requirements of subdivision (a), up to  
23 1,000 hours of the required experience may be gained under the  
24 supervision of a licensed mental health professional acceptable to  
25 the board.

26 (1) Supervision means responsibility for and control of the  
27 quality of clinical social work services being provided.

28 (2) Consultation shall not be considered to be supervision.

29 (3) Supervision shall include at least one hour of direct  
30 supervisor contact for each week of experience claimed and shall  
31 include at least one hour of direct supervisor contact for every 10  
32 hours of client contact in each setting where experience is gained.  
33 Not less than one-half of the hours of required supervision shall be  
34 individual supervision. The remaining hours may be group  
35 supervision. For purposes of this section, "one hour of direct  
36 supervisor contact" means one hour of face-to-face contact on an  
37 individual basis or two hours of face-to-face contact in a group  
38 setting of not more than eight persons.

39 (4) The supervisor and the supervisee shall develop a  
40 supervisory plan that describes the goals and objectives of



1 supervision. These goals shall include the ongoing assessment of  
2 strengths and limitations and the assurance of practice in  
3 accordance with the laws and regulations. The associate shall  
4 submit to the board the initial supervisory plan within 30 days of  
5 commencement of supervision. ~~The supervisor shall submit to the~~  
6 ~~board within 30 days of termination of supervision evidence of~~  
7 ~~satisfactorily completed supervised experience by the supervisee.~~

8 (c) A “private practice setting” is any setting other than a  
9 governmental entity, a school, college, or university, a nonprofit  
10 and charitable corporation, a licensed health facility, as defined in  
11 Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code,  
12 a social rehabilitation facility or a community treatment facility,  
13 as defined in subdivision (a) of Section 1502 of the Health and  
14 Safety Code, a pediatric day health and respite care facility, as  
15 defined in Section 1760.2 of the Health and Safety Code, or a  
16 licensed alcoholism or drug abuse recovery or treatment facility,  
17 as defined in Section 11834.02 of the Health and Safety Code.

18 (1) In a setting that is not a private practice, a registrant shall  
19 be employed on either a voluntary or paid basis.

20 (2) If volunteering, the registrant shall provide the board with  
21 a letter from his or her employer verifying his or her voluntary  
22 status upon application for licensure.

23 (3) If employed, the registrant shall provide the board with  
24 copies of his or her W-2 tax forms for each year of experience  
25 claimed upon application for licensure.

26 (d) Employment in a private practice setting shall not  
27 commence until the applicant has been registered as an associate  
28 clinical social worker. A registrant employed in a private practice  
29 setting shall not do any of the following:

30 (1) Pay his or her employer or supervisor for supervision, and  
31 shall receive fair remuneration from his or her employer.

32 (2) Receive any remuneration from patients or clients and shall  
33 only be paid by his or her employer.

34 (3) Perform services at any place except where the registrant’s  
35 employer regularly conducts business.

36 (4) Have any proprietary interest in the employer’s business.

37 (e) A person employed in a setting other than a private practice  
38 setting may obtain supervision from a person not employed by the  
39 registrant’s employer if that person has signed a written agreement



1 with the employer to take supervisory responsibility for the  
2 registrant’s social work services.

3 SEC. 48. Section 4996.23 is added to the Business and  
4 Professions Code, to read:

5 4996.23. The experience required by subdivision (c) of  
6 Section 4996.2 shall meet the following criteria:

7 (a) All persons registered with the board on and after January  
8 1, 2002, shall have at least 3,200 hours of postmaster’s supervised  
9 experience providing clinical social work services as permitted by  
10 Section 4996.9. This experience shall consist of the following:

11 (1) A minimum of 2,000 hours in clinical psychosocial  
12 diagnosis, assessment, and treatment, including psychotherapy  
13 and counseling. A minimum of 750 hours of experience shall  
14 consist of face-to-face individual or group psychotherapy  
15 provided to clients in the context of clinical social work services.

16 (2) A maximum of 1,200 hours in client-centered advocacy,  
17 consultation, evaluation, and research.

18 (b) A minimum of two years of the experience required by this  
19 section shall be acquired within the six years immediately  
20 preceding the date on which the application for licensure was filed.

21 (c) Two thousand two hundred of the 3,200 hours of supervised  
22 experience required by this section shall be acquired under the  
23 supervision of a licensed clinical social worker. The remaining  
24 1,000 hours of the required supervised experience may be acquired  
25 under the supervision of a licensed mental health professional who  
26 is acceptable to the board.

27 (d) Experience shall not be credited for more than 40 hours in  
28 any week.

29 (e) (1) Supervision means responsibility for and control of the  
30 quality of clinical social work services being provided.  
31 Consultation shall not be considered to be supervision.

32 (2) In order to qualify as experience under supervision for the  
33 purposes of this section, a supervisor shall, prior to commencing  
34 the supervision, comply with all requirements in Section 1870 of  
35 Title 16 of the California Code of Regulations and sign under  
36 penalty of perjury the “Responsibility Statement for Supervisors  
37 of an Associate Clinical Social Worker” form.

38 (3) Supervised experience shall include at least one hour of  
39 direct supervisor contact for each week of experience claimed by  
40 the registrant. A registrant shall receive an average of at least one



1 hour of direct supervisor contact for every 10 hours of face-to-face  
2 psychotherapy the registrant performs in each setting in which  
3 experience is acquired. No more than five hours of supervision,  
4 whether individual or group, shall be credited during any single  
5 week. Of the 3,200 hours of supervised experience required in this  
6 section, 1,600 hours shall consist of individual supervision, and  
7 the remaining hours may consist of group supervision. For  
8 purposes of this section “one hour of direct supervisor contact”  
9 means one hour of face-to-face contact on an individual basis or  
10 two hours of face-to-face contact in a group of not more than eight  
11 persons receiving supervision.

12 (4) The supervisor and the registrant shall develop a  
13 supervisory plan that describes the goals and objectives of  
14 supervision. These goals shall include the ongoing assessment of  
15 the registrant’s strengths and limitations and the assurance of  
16 practice in accordance with laws and regulations governing the  
17 practice of social work. The registrant shall submit to the board the  
18 initial supervisory plan within 30 days of the commencement of  
19 supervision.

20 (f) Acceptable settings for gaining experience required by this  
21 section are private practice; a governmental entity; a school; a  
22 college; a university; a nonprofit and charitable corporation; a  
23 licensed health facility, as defined in Sections 1250, 1250.2, and  
24 1250.3 of the Health and Safety Code; a social rehabilitation  
25 facility or a community treatment facility, as defined in  
26 subdivision (a) of Section 1502 of the Health and Safety Code; a  
27 pediatric day health and respite care facility, as defined in Section  
28 1760.2 of the Health and Safety Code; or a licensed alcoholism or  
29 drug abuse recovery or treatment facility, as defined in Section  
30 11834.02 of the Health and Safety Code.

31 (1) If the setting is not a private practice, a registrant shall be  
32 employed on either a voluntary or paid basis.

33 (2) If volunteering, the registrant shall upon application for  
34 licensure, provide the board with a letter from the person or entity  
35 where he or she is volunteering, verifying this voluntary status.

36 (3) If employed, the registrant shall upon application for  
37 licensure, provide the board with copies of his or her W-2 tax forms  
38 for each year of experience claimed.

39 (g) (1) Employment in a private practice setting shall not  
40 commence until the applicant has been registered as an associate



1 clinical social worker. A registrant employed in a private practice  
2 setting shall receive fair remuneration from his or her employer  
3 and shall not engage in any of the following actions:

4 (A) Pay his or her employer or supervisor for supervision.

5 (B) Receive any remuneration from patients or clients.

6 (C) Perform services at any place other than the location at  
7 which his or her employer and supervisor regularly conduct  
8 business.

9 (D) Have any proprietary interest in the employer's business.

10 (2) A registrant employed in a setting other than private  
11 practice may obtain supervision from a person who is not  
12 employed by the registrant's employer if that person has signed a  
13 written agreement with the employer to assume supervisory  
14 responsibility for the registrant's social work services.

15 SEC. 49. No reimbursement is required by this act pursuant  
16 to Section 6 of Article XIII B of the California Constitution  
17 because the only costs that may be incurred by a local agency or  
18 school district will be incurred because this act creates a new crime  
19 or infraction, eliminates a crime or infraction, or changes the  
20 penalty for a crime or infraction, within the meaning of Section  
21 17556 of the Government Code, or changes the definition of a  
22 crime within the meaning of Section 6 of Article XIII B of the  
23 California Constitution.

