

Senate Bill No. 1244

CHAPTER 1079

An act to amend Sections 5094, 8022, 8028, and 8028.2 of, to add Sections 153.5, 2570.26, 2570.27, 2570.28, 2570.29, 2570.30, 2570.31, and 2570.32 to, to amend and repeal Sections 805.2 and 8020 of, and to repeal Section 2570.17 of, the Business and Professions Code, relating to professions and vocations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2002. Filed with Secretary of State September 29, 2002.]

I am signing Senate Bill 1244. However, I am vetoing Section 2 (8) (d) of this measure, which would authorize the Medical Board of California to expend the first \$300,000 deposited in the Contingent Fund of the Medical Board of California in the 2002–03 fiscal year pursuant to Section 125.3. Existing law already requires the Board to complete the peer review study for which this funding would be provided and I do not support appropriating additional funds for this purpose, especially given the already insecure fiscal condition of the fund.

GRAY DAVIS, Governor

LEGISLATIVE COUNSEL'S DIGEST

SB 1244, Figueroa. Professions and vocations.

(1) Existing law provides for the licensing and regulation of various professions and vocations by specified boards within the Department of Consumer Affairs. Existing law authorizes a board to designate an executive officer.

This bill would authorize the Director of Consumer Affairs to appoint an interim executive officer if a new board replaces an existing or previous board. The bill would provide that the interim executive officer would serve temporarily until the new board appoints a permanent executive officer.

(2) Existing law provides for the professional review of specified healing arts licentiates through a peer review process. Existing law provides for a peer review study by the Medical Board of California which is required to contract with the Institute for Medical Quality for the study. The institute is required to submit a written report of its findings and recommendations to the Medical Board of California and to the Legislature by November 1, 2002. Existing law provides for disciplinary actions by the boards and commissions within the Department of Consumer Affairs. Existing law authorizes the imposition of a requirement that a licentiate found in violation of the



licensing law pay the costs of investigation and enforcement, and provides that payment be deposited into the appropriate fund.

This bill would extend the deadline for the written report to the Legislature to November 1, 2003. The bill would also authorize the board to expend, for purposes of the peer review study, the first \$300,000 deposited into the Contingent Medical Board Fund in the 2002-03 fiscal year that are derived from licentiates' paying the costs of investigation and enforcement of the licensing laws.

Because the bill would authorize the expenditure of money in the Contingent Medical Board Fund for a new purpose, the bill would make an appropriation.

(3) Existing law provides for the licensure of occupational therapists and the certification of occupational therapy assistants by the California Board of Occupational Therapy. The board is authorized, after a hearing meeting certain requirements, to deny a license or certificate to an applicant for licensure or to suspend or revoke the license or certificate of, or place on probation, reprimand, censure, or otherwise discipline, a licensee or certified person.

This bill would delete the provisions authorizing censure or other discipline of a licensee or certified person by the board. The bill would instead specify disciplinary methods and application, define unprofessional conduct, and authorize a holder of a license to petition the board for reinstatement or for modification of a penalty.

(4) Existing law establishes the California Board of Accountancy in the Department of Consumer Affairs for the purpose of licensing and regulating public accountants.

Existing law sets forth certain education requirements for license applicants, and requires that the education meet certain criteria, including that it be from a university, college, or other institution of learning accredited by a regional institutional agency meeting specified requirements.

This bill would require that the university, college, or institution be degree granting, and would allow it to be accredited by either a regional or national accredited agency meeting specified requirements.

(5) Existing law provides for the certification and regulation of shorthand reporters and for the regulation of shorthand reporting corporations by the Court Reporters Board. Under existing law, shorthand reporting corporations are professional corporations, governed generally under the Moscone-Knox Professional Corporations Act, that render professional services through certified shorthand reporters. Existing law authorizes the board between January 1, 2001, and July 1, 2002, to examine, evaluate, and investigate complaints against shorthand reporting entities, as defined, for the purpose of



determining the necessity to register these entities and requires the board to report its findings in this regard to the Legislature on or before July 1, 2002.

This bill would extend the board’s authorization to examine, investigate, and evaluate complaints to January 1, 2004. The bill would specify that partnerships, unincorporated associations, and limited liability companies are entities for the purpose of qualifying as shorthand reporting entities. The bill would extend the board’s reporting deadline to January 1, 2004.

Existing law requires an applicant for a certificate as a shorthand reporter to file an application at least 45 days before the date set for the licensing examination.

This bill would delete the 45-day deadline and instead authorize the board to set the deadline by regulation.

Under existing law, an applicant for a shorthand reporter certificate is required to satisfy certain requirements within the 5-year period immediately preceding the date of his or her application. Existing law, effective January 1, 2004, changes the time period to require that the applicant satisfy these requirements within the 3-year period immediately preceding the date of his or her application

This bill would remove the time limit for fulfilling the requirements.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. Section 153.5 is added to the Business and Professions Code, to read:

153.5. In the event that a newly authorized board replaces an existing or a previous board, the director may appoint an interim executive officer for the board who shall serve temporarily until the new board appoints a permanent executive officer.

SEC. 2. Section 805.2 of the Business and Professions Code, as added by Section 2 of Chapter 615 of the Statutes of 2001, is amended to read:

805.2. (a) It is the intent of the Legislature to provide for a comprehensive study of the peer review process as it is conducted by peer review bodies defined in paragraph (1) of subdivision (a) of Section 805, in order to evaluate the continuing validity of Section 805 and Sections 809 to 809.8, inclusive, and their relevance to the conduct of peer review in California. The Medical Board of California shall contract



with the Institute for Medical Quality to conduct this study, which shall include, but not be limited to, the following components:

(1) A comprehensive description of the various steps of and decisionmakers in the peer review process as it is conducted by peer review bodies throughout the state, including the role of other related committees of acute care health facilities and clinics involved in the peer review process.

(2) A survey of peer review cases to determine the incidence of peer review by peer review bodies, and whether they are complying with the reporting requirement in Section 805.

(3) A description and evaluation of the roles and performance of various state agencies, including the State Department of Health Services and occupational licensing agencies that regulate healing arts professionals, in receiving, reviewing, investigating, and disclosing peer review actions, and in sanctioning peer review bodies for failure to comply with Section 805.

(4) An assessment of the cost of peer review to licentiates and the facilities which employ them.

(5) An assessment of the time consumed by the average peer review proceeding, including the hearing provided pursuant to Section 809.2, and a description of any difficulties encountered by either licentiates or facilities in assembling peer review bodies or panels to participate in peer review decisionmaking.

(6) An assessment of the need to amend Section 805 and Sections 809 to 809.8, inclusive, to ensure that they continue to be relevant to the actual conduct of peer review as described in paragraph (1), and to evaluate whether the current reporting requirement is yielding timely and accurate information to aid licensing boards in their responsibility to regulate and discipline healing arts practitioners when necessary, and to assure that peer review bodies function in the best interest of patient care.

(7) Recommendations of additional mechanisms to stimulate the appropriate reporting of peer review actions under Section 805.

(8) Recommendations regarding the Section 809 hearing process to improve its overall effectiveness and efficiency.

(b) The Institute of Medical Quality shall exercise no authority over the peer review processes of peer review bodies. However, peer review bodies, health care facilities, health care clinics, and health care service plans shall cooperate with the institute and provide data, information, and case files as requested in the timeframes specified by the institute.

(c) The institute shall work in cooperation with and under the general oversight of the Medical Director of the Medical Board of California and



shall submit a written report with its findings and recommendations to the board and the Legislature no later than November 1, 2003.

(d) For the purpose of carrying out this section, the board is authorized to expend the first three hundred thousand dollars (\$300,000) that is deposited in the Contingent Fund of the Medical Board of California in the 2002–03 fiscal year pursuant to Section 125.3.

SEC. 3. Section 805.2 of the Business and Professions Code, as added by Section 4 of Chapter 614 of the Statutes of 2001, is repealed.

SEC. 4. Section 2570.17 of the Business and Professions Code is repealed.

SEC. 5. Section 2570.26 is added to the Business and Professions Code, to read:

2570.26. (a) The board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit.

(b) As used in this chapter, “license” includes a license, certificate, limited permit, or any other authorization to engage in practice regulated by this chapter.

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

SEC. 6. Section 2570.27 is added to the Business and Professions Code, to read:

2570.27. (a) The board may discipline a licensee by any or a combination of the following methods:

(1) Placing the license on probation with terms and conditions.

(2) Suspending the license and the right to practice occupational therapy for a period not to exceed one year.

(3) Revoking the license.

(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

(5) Taking other action as the board, in its discretion, deems proper.

(b) The board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure.

SEC. 7. Section 2570.28 is added to the Business and Professions Code, to read:

2570.28. The board may deny or discipline a licensee for any of the following:

(a) Unprofessional conduct, including, but not limited to, the following:



(1) Incompetence or gross negligence in carrying out usual occupational therapy functions.

(2) Repeated similar negligent acts in carrying out usual occupational therapy functions.

(3) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000), in which event a certified copy of the record of conviction shall be conclusive evidence thereof.

(4) The use of advertising relating to occupational therapy which violates Section 17500.

(5) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a licensee by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, or judgment shall be conclusive evidence thereof.

(b) Procuring a license by fraud, misrepresentation, or mistake.

(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter or any regulation adopted pursuant to this chapter.

(d) Making or giving any false statement or information in connection with the application for issuance or renewal of a license.

(e) Conviction of a crime or of any offense substantially related to the qualifications, functions, or duties of a licensee, in which event the record of the conviction shall be conclusive evidence thereof.

(f) Impersonating an applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license.

(g) Impersonating a licensed practitioner, or permitting or allowing another unlicensed person to use a license.

(h) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a licensee.

(i) Committing any act punishable as a sexually related crime, if that act is substantially related to the qualifications, functions, or duties of a licensee, in which event a certified copy of the record of conviction shall be conclusive evidence thereof.

(j) Using excessive force upon or mistreating or abusing any patient. For the purposes of this subdivision, “excessive force” means force clearly in excess of that which would normally be applied in similar clinical circumstances.

(k) Falsifying or making grossly incorrect, grossly inconsistent, or unintelligible entries in a patient or hospital record or any other record.



(l) Changing the prescription of a physician and surgeon or falsifying verbal or written orders for treatment or a diagnostic regime received, whether or not that action resulted in actual patient harm.

(m) Failing to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law.

(n) Delegating to an unlicensed employee or person a service that requires the knowledge, skills, abilities, or judgement of a licensee.

(o) Committing any act that would be grounds for denial of a license under Section 480.

(p) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, or from patient to licensee.

(1) In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 63001) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary to encourage appropriate consistency in the implementation of this subdivision, the board shall consult with the Medical Board of California, the Board of Podiatric Medicine, the Dental Board of California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians.

(2) The board shall seek to ensure that licensees are informed of their responsibility to minimize the risk of transmission of blood-borne infectious diseases from health care provider to patient, from patient to patient, and from patient to health care provider, and are informed of the most recent scientifically recognized safeguards for minimizing the risks of transmission.

SEC. 8. Section 2570.29 is added to the Business and Professions Code, to read:

2570.29. In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or, except as directed by a licensed physician and surgeon, dentist, optometrist, or podiatrist, to administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10



(commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use to an extent or in a manner dangerous or injurious to himself or herself, to any other person, or to the public, or that impairs his or her ability to conduct with safety to the public the practice authorized by his or her license, of any of the following:

(1) A controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code.

(2) A dangerous drug or dangerous device as defined in Section 4022.

(3) Alcoholic beverages.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of the commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital or patient record, or any other record, pertaining to the substances described in subdivision (a) of this section.

SEC. 9. Section 2570.30 is added to the Business and Professions Code, to read:

2570.30. The board shall retain jurisdiction to proceed with any investigation, action or disciplinary proceeding against a license, or to render a decision suspending or revoking a license, regardless of the expiration, lapse, or suspension of the license by operation of law, by order or decision of the board or a court of law, or by the voluntary surrender of a license by the licensee.

SEC. 10. Section 2570.31 is added to the Business and Professions Code, to read:

2570.31. If a license is suspended, the holder may not practice occupational therapy during the term of suspension. Upon the expiration of the term of suspension, the license shall be reinstated and the holder entitled to resume practice under any remaining terms of the discipline, unless it is established to the satisfaction of the board that the holder of the license practiced in this state during the term of suspension. In this event, the board may, after a hearing on this issue alone, revoke the license.



SEC. 11. Section 2570.32 is added to the Business and Professions Code, to read:

2570.32. (a) A holder of a license that has been revoked, suspended, or placed on probation, may petition the board for reinstatement or modification of a penalty, including reduction or termination of probation, after a period not less than the applicable following minimum period has elapsed from either the effective date of the decision ordering that disciplinary action, or, if the order of the board or any portion of it was stayed, from the date the disciplinary action was actually implemented in its entirety. The minimum periods that shall elapse prior to a petition are as follows:

(1) For a license that was revoked for any reason other than mental or physical illness, at least three years.

(2) For early termination of probation scheduled for three or more years, at least two years.

(3) For modification of a penalty, reinstatement of a license revoked for mental or physical illness, or termination of probation scheduled for less than three years, at least one year.

(4) The board may, in its discretion, specify in its disciplinary order a lesser period of time, provided that the period shall not be less than one year.

(b) The petition submitted shall contain any information required by the board, which may include a current set of fingerprints accompanied by the fingerprinting fee.

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

(d) The board itself shall hear the petition and the administrative law judge shall prepare a written decision setting forth the reasons supporting the decision.

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

(f) The board may refuse to consider a petition while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or subject to an order of registration pursuant to Section 290 of the Penal Code.

(g) No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.



SEC. 12. Section 5094 of the Business and Professions Code, as added by Section 19 of Chapter 704 of the Statutes of 2001, is amended to read:

5094. (a) In order for education to be qualifying, education shall meet the standards described in subdivision (b) or (c) of this section.

(b) At a minimum, education must be from a degree-granting university, college, or other institution of learning accredited by a regional or national accrediting agency included in a list of these agencies published by the United States Secretary of Education under the requirements of the Higher Education Act of 1965 as amended (20 U.S.C. Sec. 1001, et seq.).

(c) Education from a college, university, or other institution of learning located outside the United States may be qualifying provided it is deemed by the board to be equivalent to education obtained under subdivision (b). The board may require an applicant to submit documentation of his or her education to a credential evaluation service approved by the board for evaluation and to cause the results of this evaluation to be reported to the board in order to assess educational equivalency.

(d) The board shall adopt regulations specifying the criteria and procedures for approval of credential evaluation services. These regulations shall, at a minimum, require that the credential evaluation service (1) furnish evaluations directly to the board, (2) furnish evaluations written in English, (3) be a member of the American Association of Collegiate Registrars and Admission Officers, the National Association of Foreign Student Affairs, or the National Association of Credential Evaluation Services, (4) be used by accredited colleges and universities, (5) be reevaluated by the board every five years, (6) maintain a complete set of reference materials as specified by the board, (7) base evaluations only upon authentic, original transcripts and degrees and have a written procedure for identifying fraudulent transcripts, (8) include in the evaluation report, for each degree held by the applicant, the equivalent degree offered in the United States, the date the degree was granted, the institution granting the degree, an English translation of the course titles, and the semester unit equivalence for each of the courses, (9) have an appeal procedure for applicants, and (10) furnish the board with information concerning the credential evaluation service that includes biographical information on evaluators and translators, three letters of references from public or private agencies, statistical information on the number of applications processed annually for the past five years, and any additional information the board may require in order to ascertain that the credential evaluation service meets



the standards set forth in this subdivision and in any regulations adopted by the board.

SEC. 13. Section 5094 of the Business and Professions Code, as added by Section 22 of Chapter 718 of the Statutes of 2001, is amended to read:

5094. (a) In order for education to be qualifying, it shall meet the standards described in subdivision (b) or (c) of this section.

(b) At a minimum, education must be from a degree-granting university, college, or other institution of learning accredited by a regional or national accrediting agency included in a list of these agencies published by the United States Secretary of Education under the requirements of the Higher Education Act of 1965 as amended (20 U.S.C. Sec. 1001, et seq.).

(c) Education from a college, university, or other institution of learning located outside the United States may be qualifying provided it is deemed by the board to be equivalent to education obtained under subdivision (b). The board may require an applicant to submit documentation of his or her education to a credential evaluation service approved by the board for evaluation and to cause the results of this evaluation to be reported to the board in order to assess educational equivalency.

(d) The board shall adopt regulations specifying the criteria and procedures for approval of credential evaluation services. These regulations shall, at a minimum, require that the credential evaluation service (1) furnish evaluations directly to the board, (2) furnish evaluations written in English, (3) be a member of the American Association of Collegiate Registrars and Admission Officers, the National Association of Foreign Student Affairs, or the National Association of Credential Evaluation Services, (4) be used by accredited colleges and universities, (5) be reevaluated by the board every five years, (6) maintain a complete set of reference materials as specified by the board, (7) base evaluations only upon authentic, original transcripts and degrees and have a written procedure for identifying fraudulent transcripts, (8) include in the evaluation report, for each degree held by the applicant, the equivalent degree offered in the United States, the date the degree was granted, the institution granting the degree, an English translation of the course titles, and the semester unit equivalence for each of the courses, (9) have an appeal procedure for applicants, and (10) furnish the board with information concerning the credential evaluation service that includes biographical information on evaluators and translators, three letters of references from public or private agencies, statistical information on the number of applications processed annually for the past five years, and any additional information the board may



require in order to ascertain that the credential evaluation service meets the standards set forth in this subdivision and in any regulations adopted by the board.

SEC. 14. Section 8020 of the Business and Professions Code, as added by Section 3 of Chapter 616 of the Statutes of 2001, is amended to read:

8020. Any person over the age of 18 years, who has not committed any acts or crimes constituting grounds for the denial of licensure under Sections 480, 8025, and 8025.1, who has a high school education or its equivalent as determined by the board, and who has satisfactorily passed an examination under any regulations that the board may prescribe, shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the examination without first presenting satisfactory evidence to the board that the applicant has obtained one of the following:

(a) One year of experience in making verbatim records of depositions, arbitrations, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine shorthand writing and transcribing these records.

(b) A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or a certificate from the school that evidences an equivalent proficiency and the ability to make a verbatim record of material dictated in accordance with regulations adopted by the board contained in Title 16 of the California Code of Regulations.

(c) A certificate from the National Court Reporters Association demonstrating proficiency in machine shorthand reporting.

(d) A passing grade on the California state hearing reporters examination.

(e) A valid certified shorthand reporters certificate or license to practice shorthand reporting issued by a state other than California whose requirements and licensing examination are substantially the same as those in California.

SEC. 15. Section 8020 of the Business and Professions Code, as added by Section 4 of Chapter 616 of the Statutes of the 2001, is repealed.

SEC. 16. Section 8022 of the Business and Professions Code is amended to read:

8022. (a) Each applicant for a certificate under this chapter shall file an application with the executive officer, on a form as prescribed by the board. The last date to file an application shall be a set number of days as established by the board's regulations. The application shall be accompanied by the required fee. For purposes of determining the date



upon which an application is deemed filed with the executive officer, the date of postmark as affixed by the United States Postal Service, or the date certified by a bona fide private courier service on the envelope containing the application shall control.

(b) Nothing in this section shall be construed to limit the board's authority to seek from any applicant any other information pertinent to the background, education, and experience of the applicant that may be deemed necessary in order to evaluate the applicant's qualifications and fitness for licensure.

SEC. 17. Section 8028 of the Business and Professions Code is amended to read:

8028. (a) For the purposes of determining the necessity for the board to register shorthand reporting entities and subject those entities to its discipline and oversight, the board shall, until January 1, 2004, be authorized to examine, evaluate, and investigate complaints against shorthand reporting entities. Nothing in this subdivision shall be construed to grant the board any authority to discipline or sanction shorthand reporting entities that is not otherwise permitted by law.

(b) For purposes of this article, a "shorthand reporting entity" is an entity or person, including partnerships, unincorporated associations, and limited liability companies, that holds itself out as a deposition agency, offers a booking or billing service for certified shorthand reporters, or in any manner whatsoever acts as an intermediary for a person, entity, or organization that employs, hires, or engages the services of any person licensed as a certified shorthand reporter. This article does not apply to any department or agency of the state that employs hearing reporters.

(c) The board may examine, evaluate, and investigate complaints pursuant to subdivision (a) beginning January 1, 2001, and continuing until no later than January 1, 2004.

SEC. 18. Section 8028.2 of the Business and Professions Code is amended to read:

8028.2. Based on the information gathered pursuant to Section 8028, the board shall, on or before January 1, 2004, submit a report to the Legislature, including recommendations on the necessity for the board to register shorthand reporting entities, as defined in subdivision (b) of Section 8028. If the report recommends the registration of shorthand reporting entities, the report shall include:

(a) A description of the problem that establishing the new registration requirement would address, including the specific evidence of the necessity for the state to address the problem.

(b) The reasons this proposed registration requirement was selected to address this problem, including the full range of alternatives



considered and the reason each of these other alternatives was not selected.

(c) The specific public benefit or harm that would result from the establishment of the proposed registration requirements, the specific manner in which the registration requirements would achieve this public benefit, and the specific standards of performance that shall be used in reviewing the subsequent operation of the shorthand reporting entities.

(d) The specific source or sources of revenue and funding the board will utilize to regulate the newly registered entities in order to achieve its mandate.

SEC. 19. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To authorize the appointment of interim executive officers, to create necessary funding for the peer review process study, to extend reporting deadlines regarding the peer review process and regarding complaints to the Court Reporters Board prior to the expiration of those deadlines, to expand and define the California Board of Occupational Therapy's ability to enforce the provisions of its licensing law and alter its application requirements, and to change education qualification requirements as soon as possible, it is necessary that this act take effect immediately.

