

AMENDED IN ASSEMBLY JUNE 25, 2007

AMENDED IN SENATE APRIL 16, 2007

**SENATE BILL**

**No. 963**

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**Introduced by Senator Ridley-Thomas**

February 23, 2007

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~~An act to amend Sections 4001 and 4003 of, and to repeal and add Section 101.1 of, the Business and Professions Code, relating to regulatory boards.~~ *An act to amend Sections 22, 102.3, 107, 108, 312, 313.1, 321, 1601.1, 1632.5, 1634.2, 1638.1, 1638.7, 1742, 1751, 2001, 2460, 2531, 2570.19, 2602, 2701, 2841, 2920, 3010.5, 3502.1, 3504, 3685, 3710, 4001, 4003, 4200.1, 4200.3, 4501, 4800, 4928, 4990, 5000, 5510, 5621, 5810, 5811, 6510, 6511, 6710, 7000.5, 7200, 7303, 7810, 8000, 8520, 8710, 9882, 18602, 18602.5, 18824, and 18882 of, to add Sections 27.5, 36, 37, 38, 101.5, 117, 117.5, 127.5, 156.7, and 450.1 to, to add Chapter 4.5 (commencing with Section 360) to Division 1 of, to add Division 1.3 (commencing with Section 474.20) to, to repeal Sections 2569, 4989, 4990.24, 7304, and 22259 of, to repeal Division 1.2 (commencing with Section 473) of, and to repeal and add Section 101.1 of, the Business and Professions Code, and to amend Sections 9148.8 and 9148.51 of, and to repeal Section 9148.52 of, the Government Code, relating to regulatory entities, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 963, as amended, Ridley-Thomas. Regulatory boards: ~~termination~~ operations.

*Existing law creates various regulatory boards, as defined, within the Department of Consumer Affairs and makes their funds separate accounts within the Professions and Vocations Fund. Under existing*

law, the revenue in certain of these accounts is continuously appropriated to the board, other than fine and penalty revenues.

Existing law generally makes the regulatory boards inoperative on a specified date, unless that date is deleted or extended by subsequent legislation, and subjects these boards as well as other boards in state government, as specified, to review by the Joint Committee on Boards, Commissions, and Consumer Protection. Under existing law, that committee, following a specified procedure, recommends whether the board should be continued or its functions modified.

This bill would delete those provisions making the boards inoperative on a specified date and subjecting boards to review by the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would instead make each of those boards subject to review by a standing policy committee of the Legislature upon request by a Member of the Legislature or the chief of the Office of the Consumer Advocate, which the bill would create in the Department of Consumer Affairs. The bill would, upon the committee's determination that a board is deficient, as specified, provide for the removal of all incumbent board members without a hearing and the appointment of a successor board, as specified. The bill would require the Office of the Consumer Advocate to serve as an independent monitor for a board that is found deficient. The bill would authorize the office to appear at meetings and to participate in disciplinary proceedings by a board within the department if required to promote or protect the interests of consumers, as defined, and would require the office to perform other specified duties. The bill would require the office to charge each board a fee to support the office's functions and would thereby make an appropriation by expanding the expenditure purposes of a continuously appropriated fund. The bill would create the Consumer Advocate Fund where these fees would be deposited and would be available to the office upon appropriation by the Legislature. The bill would require the director to report annually to the Governor and the Legislature, as specified, on the office's operations.

The bill would require boards within the department to enter into an agreement with the department for the performance of administrative and ministerial functions and would require the Director of Consumer Affairs, prior to January 1, 2010, to replace the existing technology system serving the department and its component boards and to charge each board its pro rata share of the cost to replace the system.

*The bill would also require each board within the department to adopt performance measures, as specified, and report quarterly to the director and the chief of the Office of Consumer Advocate relating to those measures. The bill would also require boards to post the information on their Internet Web site and to report the information to the Legislative Analyst's Office, the Legislature, and the Department of Finance. The bill would require the Office of the Consumer Advocate to report to the Legislature if a board failed to meet its performance measures. The bill would also require those boards to post annually on their Internet Web sites the number of reports in specified categories that it received that year for its licensees.*

*The bill would allow a person to serve as the public member of more than one of these boards and would require all members of these boards, as well as bureau chiefs, to report annually to their appointing authority on their goals and objectives and success in achieving them, which would be posted on the board's Internet Web site. The bill would require the department to report to the Legislature and Governor if a board was unable to meet because of a lack of a quorum or vacancy. The bill would require members of these boards and other state boards to report ex parte communications, as defined, in the board's minutes. The bill would require boards within the department, the State Bar, the Office of Real Estate Appraisers, and other state boards that license professions or businesses to adopt regulations to provide incentives to licensees to provide services on a pro bono basis and to adopt regulations prior to June 30, 2009, establishing regulatory board staffing requirements.*

~~Existing law creates the Department of Consumer Affairs within the State and Consumer Services Agency. Under existing law, the department consists of boards that license and regulate members of various professions and vocations. Existing law provides for the boards to become inoperative on a specified date unless that date is extended or deleted by the Legislature. Under existing law, when a board becomes inoperative, the department succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the board and its executive officer that are not otherwise repealed or made inoperative.~~

~~This bill would instead, when a board becomes inoperative, create a successor board in the Department of Consumer Affairs that succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction of the board that are not otherwise repealed or made inoperative. The bill would provide for the successor board to have the~~

same number of members and composition as the prior board, would provide that its members be appointed by the same appointing authorities, for the same term, and with the same requirements as the prior board members, and would give the successor board the same authority to appoint an executive officer as the prior board had.

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

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

1     *SECTION 1. Section 22 of the Business and Professions Code*  
2     *is amended to read:*

3     22. ~~(a)~~“Board,” as used in any provision of this code, refers  
4     to the board in which the administration of the provision is vested,  
5     and unless otherwise expressly provided, shall include “bureau,”  
6     “commission,” “committee,” “department,” “division,” “examining  
7     committee,” “program,” and “agency.”

8     ~~(b) Whenever the regulatory program of a board that is subject~~  
9     ~~to review by the Joint Committee on Boards, Commissions, and~~  
10    ~~Consumer Protection, as provided for in Division 1.2 (commencing~~  
11    ~~with Section 473), is taken over by the department, that program~~  
12    ~~shall be designated as a “bureau.”~~

13    *SEC. 2. Section 27.5 is added to the Business and Professions*  
14    *Code, to read:*

15    27.5. A board within the department shall annually post on its  
16    Internet Web site the number of reports it received that year for  
17    its licensees in each of the following categories:

18    (a) Criminal convictions.

19    (b) Judgments, settlements, or arbitration awards.

20    (c) Claims paid by a professional liability insurer caused by  
21    the licensee’s negligence, error, or omission.

22    *SEC. 3. Section 36 is added to the Business and Professions*  
23    *Code, to read:*

24    36. A board within the department, the State Bar, the Office  
25    of Real Estate Appraisers, and any other state board that issues  
26    a license, certificate, or registration authorizing a person to engage  
27    in a business or profession may adopt regulations that provide an  
28    incentive to the holder to provide services within the scope of his  
29    or her license, certificate, or registration on a pro bono basis. The  
30    regulations may reduce the amount of the renewal fee for a

1 licensee, certificate holder, or registrant who demonstrates  
2 compliance with the pro bono requirements set forth in the  
3 regulations.

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

6 37. A board within the department and any other state board  
7 that issues a license, certificate, or registration authorizing a  
8 person to engage in a business or profession shall adopt  
9 regulations prior to June 30, 2009, that establish requirements  
10 for the number of staff required to adequately investigate and, if  
11 appropriate, bring a disciplinary action against a licensee,  
12 certificate holder, or registrant regulated by the board. The staff  
13 level requirements shall, at a minimum, be the number of staff  
14 required per 1,000 persons regulated by the board and include  
15 the appropriate number of staff to complete all investigatory and  
16 disciplinary functions.

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

19 38. A member of a board within the department and a member  
20 of a state board, as defined in Section 9148.2 of the Government  
21 Code, shall disclose all of his or her ex parte communications at  
22 the board's next public meeting, and the ex parte communications  
23 shall be recorded in the board's minutes. "Ex parte  
24 communication" means any oral or written communication  
25 concerning matters, other than purely procedural matters, under  
26 the board's jurisdiction that are subject to a vote by the board that  
27 occurred between the member and a person, other than another  
28 board member or an employee of the board or the department of  
29 which the board is a part, who intends to influence the decision  
30 of the member.

31 SEC. 6. Section 101.1 of the Business and Professions Code  
32 is repealed.

33 ~~101.1. (a) It is the intent of the Legislature that all existing  
34 and proposed consumer-related boards or categories of licensed  
35 professionals be subject to a review every four years to evaluate  
36 and determine whether each board has demonstrated a public need  
37 for the continued existence of that board in accordance with  
38 enumerated factors and standards as set forth in Division 1.2  
39 (commencing with Section 473).~~

1 ~~(b) (1) In the event that any board, as defined in Section 477,~~  
2 ~~becomes inoperative or is repealed in accordance with the act that~~  
3 ~~added this section, or by subsequent acts, the Department of~~  
4 ~~Consumer Affairs shall succeed to and is vested with all the duties,~~  
5 ~~powers, purposes, responsibilities and jurisdiction not otherwise~~  
6 ~~repealed or made inoperative of that board and its executive officer.~~

7 ~~(2) Any provision of existing law that provides for the~~  
8 ~~appointment of board members and specifies the qualifications~~  
9 ~~and tenure of board members shall not be implemented and shall~~  
10 ~~have no force or effect while that board is inoperative or repealed.~~  
11 ~~Every reference to the inoperative or repealed board, as defined~~  
12 ~~in Section 477, shall be deemed to be a reference to the department.~~

13 ~~(3) Notwithstanding Section 107, any provision of law~~  
14 ~~authorizing the appointment of an executive officer by a board~~  
15 ~~subject to the review described in Division 1.2 (commencing with~~  
16 ~~Section 473), or prescribing his or her duties, shall not be~~  
17 ~~implemented and shall have no force or effect while the applicable~~  
18 ~~board is inoperative or repealed. Any reference to the executive~~  
19 ~~officer of an inoperative or repealed board shall be deemed to be~~  
20 ~~a reference to the director or his or her designee.~~

21 ~~(e) It is the intent of the Legislature that subsequent legislation~~  
22 ~~to extend or repeal the inoperative date for any board shall be a~~  
23 ~~separate bill for that purpose.~~

24 *SEC. 7. Section 101.1 is added to the Business and Professions*  
25 *Code, to read:*

26 *101.1. (a) It is the intent of the Legislature that all existing*  
27 *and proposed consumer-related boards or categories of licensed*  
28 *professionals be subject to ongoing and continuous review as well*  
29 *as a periodic thorough review when issues arise requiring that*  
30 *level of review and such a review is requested by a Member of the*  
31 *Legislature or the chief of the Office of the Consumer Advocate*  
32 *as provided in Division 1.3 (commencing with Section 474.20).*  
33 *The review of a board shall evaluate and determine whether its*  
34 *operations are effectively protecting the public and that protection*  
35 *of the public is the highest priority of the board.*

36 *(b) Notwithstanding any other provision of law, if a board is*  
37 *deemed deficient and its members removed, as described in Section*  
38 *474.21, a successor board shall be appointed that shall succeed*  
39 *to, and be vested with, all the duties, powers, purposes,*  
40 *responsibilities, and jurisdiction not otherwise repealed or made*

1 *inoperative of the board that it is succeeding. The successor board*  
2 *shall have the same number of members and composition as the*  
3 *board that it is succeeding, and those members shall be appointed*  
4 *by the same appointing authorities, for the same term, and with*  
5 *the same membership requirements as the members of the board*  
6 *it is succeeding. The successor board shall have the same authority*  
7 *to appoint an executive officer as the board that it is succeeding*  
8 *as of the date that board was found deficient. The successor board*  
9 *members shall be appointed within 10 business days of receipt by*  
10 *the Joint Committee on Rules of the deficiency report, as described*  
11 *in Section 474.21.*

12 *SEC. 8. Section 101.5 is added to the Business and Professions*  
13 *Code, to read:*

14 *101.5. (a) Each board within the department shall enter into*  
15 *an agreement with the department for the department to provide*  
16 *administrative and ministerial functions and services, including,*  
17 *but not limited to, personnel services, information technology, the*  
18 *administration of call centers, and the administration of*  
19 *examinations. The Legislature intends that these agreements shall*  
20 *achieve cost savings resulting from economies of scale and a more*  
21 *consistent delivery of services to California consumers and*  
22 *licensees.*

23 *(b) A board shall not enter into an agreement described in*  
24 *subdivision (a) if it would reduce the board's ability to comply*  
25 *with its duties prescribed by law.*

26 *SEC. 9. Section 102.3 of the Business and Professions Code*  
27 *is amended to read:*

28 *102.3. (a) The director may enter into an interagency*  
29 *agreement with an appropriate entity within the Department of*  
30 *Consumer Affairs as provided for in Section 101 to delegate the*  
31 *duties, powers, purposes, responsibilities, and jurisdiction that*  
32 *have been succeeded and vested with the department, of a board;*  
33 *as defined in Section 477, which that became inoperative and was*  
34 *repealed in accordance with Chapter 908 of the Statutes of 1994.*

35 *(b) (1) ~~Where~~ If, pursuant to subdivision (a), an interagency*  
36 *agreement is entered into between the director and that entity, the*  
37 *entity receiving the delegation of authority may establish a*  
38 *technical committee to regulate, as directed by the entity, the*  
39 *profession subject to the authority that has been delegated. The*  
40 *entity may delegate to the technical committee only those powers*

1 that it received pursuant to the interagency agreement with the  
2 director. The technical committee shall have only those powers  
3 that have been delegated to it by the entity.

4 (2) ~~Where~~ If the entity delegates its authority to adopt, amend,  
5 or repeal regulations to the technical committee, all regulations  
6 adopted, amended, or repealed by the technical committee shall  
7 be subject to the review and approval of the entity.

8 (3) The entity shall not delegate to a technical committee its  
9 authority to discipline a licentiate who has violated the provisions  
10 of the applicable chapter of the Business and Professions Code  
11 that is subject to the director's delegation of authority to the entity.

12 (c) An interagency agreement entered into, pursuant to  
13 subdivision (a), shall continue until ~~such time as~~ the licensing  
14 program administered by the technical committee has undergone  
15 a review by the ~~Joint Committee on Boards, Commissions, and~~  
16 ~~Consumer Protection Office of the Consumer Advocate~~ to evaluate  
17 and determine whether the *highest priority of the* licensing program  
18 ~~has demonstrated a public need for its continued existence is the~~  
19 *protection of the public*. Thereafter, at the ~~director's~~ discretion of  
20 *the chief of that office*, the interagency agreement may be renewed.

21 *SEC. 10. Section 107 of the Business and Professions Code is*  
22 *amended to read:*

23 107. (a) Pursuant to subdivision (e) of Section 4 of Article  
24 VII of the California Constitution, each board may appoint a person  
25 exempt from civil service and may fix his or her salary, with the  
26 approval of the Department of Personnel Administration pursuant  
27 to Section 19825 of the Government Code, who shall be designated  
28 as an executive officer unless the licensing act of the particular  
29 board designates the person as a registrar. *A person may be*  
30 *appointed as an executive officer or registrar for more than one*  
31 *board if approved by each of those boards and may serve in those*  
32 *capacities at the same time if practical and consistent with law*  
33 *and the respective board functions and duties.*

34 (b) *Notwithstanding any other provision of law, all appointments*  
35 *of an executive officer or registrar shall be subject to the approval*  
36 *of the director and confirmation by the Senate.*

37 *SEC. 11. Section 108 of the Business and Professions Code is*  
38 *amended to read:*

39 108. (a) Each of the boards comprising the department exists  
40 as a separate unit, and has the functions of setting standards,

1 holding meetings, and setting dates thereof, preparing and  
2 conducting examinations, passing upon applicants, conducting  
3 investigations of violations of laws under its jurisdiction, issuing  
4 citations and holding hearings for the revocation of licenses, and  
5 the imposing of penalties following ~~such~~ *those* hearings, in so far  
6 as these powers are given by statute to each respective board.

7 *(b) The department shall develop a common method of*  
8 *maintaining, posting, and making available to the public minutes*  
9 *of the meetings of the boards comprising the department. Each of*  
10 *those boards shall use that method and shall post the minutes of*  
11 *its meetings on its Internet Web site within 10 days of the date of*  
12 *the meeting.*

13 *SEC. 12. Section 117 is added to the Business and Professions*  
14 *Code, to read:*

15 *117. (a) Each board within the department shall adopt*  
16 *meaningful, measurable, and manageable performance measures.*  
17 *Performance measures include, but are not limited to, the following*  
18 *information:*

19 *(1) A comprehensive statement of the board's mission, goals,*  
20 *objectives, and legal jurisdiction in protecting the health, safety,*  
21 *and welfare of the public.*

22 *(2) The board's enforcement priorities, complaint and*  
23 *enforcement data, budget expenditures with average- and*  
24 *median-costs per case, and case aging data specific to post and*  
25 *preaccusation cases at the Attorney General's office.*

26 *(3) The board's fund conditions, sources of revenues, and*  
27 *expenditure categories for the last four fiscal years by program*  
28 *component.*

29 *(4) The board's description of its licensing process including*  
30 *the time and costs required to implement and administer its*  
31 *licensing examination, ownership of the license examination,*  
32 *relevancy and validity of the licensing examination, and passage*  
33 *rate and areas of examination.*

34 *(5) The board's initiation of legislative efforts, budget change*  
35 *proposals, and other initiatives it has taken to improve its*  
36 *legislative mandate.*

37 *(b) Each board within the department shall report to the director*  
38 *and the chief of the Office of the Consumer Advocate its*  
39 *performance measures and data relating to those measures on a*  
40 *quarterly basis. Each board shall post quarterly on its Internet*

1 Web site the information it reported pursuant to this subdivision  
2 and provide the information annually to the Department of  
3 Finance, the Legislative Analyst's Office, and the Legislature.

4 (c) The chief of the Office of the Consumer Advocate, in  
5 consultation with the Legislative Analyst's Office, shall annually  
6 review the information reported by boards pursuant to subdivision  
7 (b) and report to the Legislature if it determines that a board has  
8 failed to meet its performance measures.

9 (d) The department may adopt regulations pertaining to the  
10 requirements described in subdivision (a).

11 SEC. 13. Section 117.5 is added to the Business and Professions  
12 Code, to read:

13 117.5. (a) Each member of a board within the department and  
14 the chief of any bureau within the board shall annually report, on  
15 or before December 31 of each year, to the authority that appointed  
16 him or her the extent to which the member or chief achieved his  
17 or her goals and objectives that year and shall also report the  
18 goals and objectives he or she expects to achieve during the  
19 following calendar year.

20 (b) The board or bureau shall post the reports described in  
21 subdivision (a) submitted by its members chief on its Internet Web  
22 site within 30 days of their submission date.

23 SEC. 14. Section 127.5 is added to the Business and Professions  
24 Code, to read:

25 127.5. The department shall report to the Legislature and the  
26 Governor when a board within the department has been unable  
27 to schedule or convene a meeting of the board because of a lack  
28 of a quorum caused by the absence of its members or by a vacancy  
29 in its membership.

30 SEC. 15. Section 156.7 is added to the Business and Professions  
31 Code, to read:

32 156.7. (a) Prior to January 1, 2010, the director, in  
33 consultation with the State Chief Information Officer, shall replace  
34 the department's existing information technology system with a  
35 system that meets the requirements of the department and of the  
36 boards within the department.

37 (b) The director shall charge each of the boards on a pro rata  
38 share basis for the costs of replacing the information technology  
39 system. The charge shall be an administrative expense that may

1 *be levied in advance against the funds of any of the boards*  
2 *pursuant to Section 201.*

3 *(c) Notwithstanding any other provision of this section, the*  
4 *procurement of the information technology system shall be made*  
5 *in accordance with Chapter 3 (commencing with Section 12100)*  
6 *of Part 2 of Division 2 of the Public Contract Code.*

7 *SEC. 16. Section 312 of the Business and Professions Code is*  
8 *amended to read:*

9 312. (a) The director shall submit to the Governor and the  
10 Legislature on or before January 1, 2003, and annually thereafter,  
11 a report of programmatic and statistical information regarding the  
12 activities of the department and its constituent entities. The report  
13 shall include information concerning the director's activities  
14 pursuant to Section 326, including the number and general patterns  
15 of consumer complaints and the action taken on those complaints.

16 (b) *On or before January 1 of each year, beginning in 2009,*  
17 *the director shall submit to the chairperson of the fiscal committee*  
18 *of each house of the Legislature and to the Joint Legislative Budget*  
19 *Committee all of the following information:*

20 (1) *The number of personnel years assigned to the Office of the*  
21 *Consumer Advocate.*

22 (2) *The total dollars expended by the Office of the Consumer*  
23 *Advocate in the prior year, the estimated total dollars expended*  
24 *in the current year, and the total dollars proposed for*  
25 *appropriation in the following budget year.*

26 (3) *Workload standards and measures for the Office of the*  
27 *Consumer Advocate.*

28 *SEC. 17. Section 313.1 of the Business and Professions Code*  
29 *is amended to read:*

30 313.1. (a) Notwithstanding any other provision of law to the  
31 contrary, no rule or regulation, except those relating to  
32 examinations and qualifications for licensure, and no fee change  
33 proposed or promulgated by any of the boards, commissions, or  
34 committees within the department, shall take effect pending  
35 compliance with this section.

36 (b) The director *and the chief of the Office of the Consumer*  
37 *Advocate* shall be formally notified of and shall be provided a full  
38 opportunity to review, in accordance with the requirements of  
39 Article 5 (commencing with Section 11346) of Chapter 3.5 of Part

1 1 of Division 3 of Title 2 of the Government Code, and this section,  
2 all of the following:

3 (1) All notices of proposed action, any modifications and  
4 supplements thereto, and the text of proposed regulations.

5 (2) Any notices of sufficiently related changes to regulations  
6 previously noticed to the public, and the text of proposed  
7 regulations showing modifications to the text.

8 (3) Final rulemaking records.

9 (c) The submission of all notices and final rulemaking records  
10 to the director *and the chief of the Office of the Consumer Advocate*  
11 and the completion of ~~the director's~~ *their* review, as authorized by  
12 this section, shall be a precondition to the filing of any rule or  
13 regulation with the Office of Administrative Law. The Office of  
14 Administrative Law shall have no jurisdiction to review a rule or  
15 regulation subject to this section until after the completion of the  
16 director's review and only then if the director ~~has~~ *and the chief of*  
17 *the Office of the Consumer Advocate* have not disapproved it. The  
18 filing of any document with the Office of Administrative Law shall  
19 be accompanied by a certification that the board, commission, or  
20 committee has complied with the requirements of this section.

21 (d) Following the receipt of any final rulemaking record subject  
22 to subdivision (a), the director *and the chief of the Consumer*  
23 *Advocate* shall have the authority for a period of 30 days to  
24 disapprove a proposed rule or regulation on the ground that it is  
25 injurious to the public health, safety, or welfare.

26 (e) Final rulemaking records shall be filed with the director *and*  
27 *the chief of the Office of the Consumer Advocate* within the  
28 one-year notice period specified in Section 11346.4 of the  
29 Government Code. If necessary for compliance with this section,  
30 the one-year notice period may be extended, as specified by this  
31 subdivision.

32 (1) ~~In the event that~~ *If* the one-year notice period lapses during  
33 ~~the director's~~ 30-day review period, or within 60 days following  
34 the notice of ~~the director's~~ disapproval, it may be extended for a  
35 maximum of 90 days.

36 (2) If the director ~~approves~~ *and the chief approve* the final  
37 rulemaking record or declines to take action on it within 30 days,  
38 the board, commission, or committee shall have five days from  
39 the receipt of the record from the director *and the chief* within  
40 which to file it with the Office of Administrative Law.

1 (3) If the director *or the chief* disapproves a rule or regulation,  
 2 it shall have no force or effect unless, within 60 days of the notice  
 3 of disapproval, (A) the disapproval is overridden by a unanimous  
 4 vote of the members of the board, commission, or committee, and  
 5 (B) the board, commission, or committee files the final rulemaking  
 6 record with the Office of Administrative Law in compliance with  
 7 this section and the procedures required by Chapter 3.5  
 8 (commencing with Section 11340) of Part 1 of Division 3 of Title  
 9 2 of the Government Code.

10 (f) Nothing in this section shall be construed to prohibit the  
 11 director *or the chief of the Office of the Consumer Advocate* from  
 12 affirmatively approving a proposed rule, regulation, or fee change  
 13 at any time within the 30-day period after it has been submitted to  
 14 him or her, in which event it shall become effective upon  
 15 compliance with this section and the procedures required by  
 16 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
 17 3 of Title 2 of the Government Code.

18 *SEC. 18. Section 321 of the Business and Professions Code is*  
 19 *amended to read:*

20 321. Whenever it appears to the director *or the chief of the*  
 21 *Office of Consumer Advocate* that the interests of the consumers  
 22 of this state are being damaged, or may be damaged, by any person  
 23 who engaged in, or intends to engage in, any acts or practices in  
 24 violation of any law of this state, or any federal law, the director  
 25 or any officer or employee designated by the director, or the  
 26 Attorney General, may commence legal proceedings in the  
 27 appropriate forum to enjoin ~~such those~~ acts or practices and may  
 28 seek other appropriate relief on behalf of ~~such those~~ consumers.

29 *SEC. 19. Chapter 4.5 (commencing with Section 360) is added*  
 30 *to Division 1 of the Business and Professions Code, to read:*

31  
 32 *CHAPTER 4.5. OFFICE OF THE CONSUMER ADVOCATE*

33  
 34 *Article 1. General Provisions*

35  
 36 360. *This chapter shall be known and may be cited as the Office*  
 37 *of the Consumer Advocate Act.*

38 361. *It is the intent of the Legislature and the purpose of this*  
 39 *chapter to promote the efficiency of each of the boards that*  
 40 *comprise the department by ensuring that each board properly*

1 discharges its regulatory and disciplinary functions to protect the  
 2 interests of consumers.

3 362. The following definitions apply for purposes of this  
 4 chapter:

- 5 (a) “Board” means any entity listed in Section 101.
- 6 (b) “Chief” means the chief of the Office of the Consumer  
 7 Advocate.
- 8 (c) “Interests of consumers” means the protection of the health,  
 9 welfare, and safety of consumers by a board.
- 10 (d) “Office” means the Office of the Consumer Advocate.

11  
 12 *Article 2. Administration*

13  
 14 370. The Office of the Consumer Advocate is hereby established  
 15 in the department.

16 371. The office is under the supervision and control of a chief.  
 17 The chief shall be appointed by the Governor, subject to  
 18 confirmation by the Senate pursuant to Section 1322 of the  
 19 Government Code. The chief shall be appointed for a term of four  
 20 years. Upon expiration of the chief’s term, the chief shall continue  
 21 to serve in the position until a new chief is appointed by the  
 22 Governor. The director shall fix the amount of the chief’s  
 23 compensation in accordance with law. The Governor may remove  
 24 the chief for any cause specified in Section 106.

25 372. The chief shall administer and enforce the provisions of  
 26 this chapter. Every power granted or duty imposed upon the chief  
 27 under this chapter may be exercised or performed in the name of  
 28 the chief by an employee of the office, subject to any conditions  
 29 and limitations the chief may prescribe.

30 373. (a) The chief, in accordance with the State Civil Service  
 31 Act, shall appoint a chief counsel of the office and an adequate  
 32 number of attorneys, as determined by the chief counsel, to carry  
 33 out the provisions of this chapter.

34 (b) The chief, in accordance with the State Civil Service Act,  
 35 may appoint and fix the compensation of clerical or other personnel  
 36 as may be necessary to carry out the provisions of this chapter.

37 (c) All personnel appointed under this section shall perform  
 38 their duties under the supervision and direction of the chief.

39 374. The chief may contract for the services of experts and  
 40 consultants if necessary to carry out the provisions of this chapter

1 *and may provide compensation and reimbursement of expenses*  
2 *for those experts and consultants in accordance with state law.*

3

4

*Article 3. Powers and Duties*

5

6 380. (a) *The office shall serve as an independent monitor*  
7 *pursuant to Section 474.22.*

8 (b) *The office shall review interagency agreements pursuant to*  
9 *Section 102.3.*

10 381. *The chief may establish through regulations a Consumer*  
11 *Participation Program to allow the office to award reasonable*  
12 *advocacy and witness fees to any person or organization that has*  
13 *made a substantial contribution on behalf of the interests of*  
14 *consumers either through the adoption of a regulation by a board*  
15 *or through an order or decision issued by a board in a disciplinary*  
16 *proceeding.*

17 382. *The office may appear at a meeting of a board and shall*  
18 *be permitted to participate as an amicus curiae in disciplinary*  
19 *proceedings by the board whenever the chief determines that the*  
20 *appearance or participation is required to promote or protect the*  
21 *interests of consumers. The office shall conform with the provisions*  
22 *of the Administrative Procedure Act (Chapter 5 (commencing with*  
23 *Section 11500) of Part 1 of Division 3 of Title 2 of the Government*  
24 *Code) in discharging these duties.*

25 383. *The chief shall have the following powers and it shall be*  
26 *his or her duty to take the following actions:*

27 (a) *Recommend and propose the enactment of legislation that*  
28 *is necessary to protect and promote the interests of consumers.*

29 (b) *Represent the interests of consumers before federal and state*  
30 *legislative and regulatory hearings.*

31 (c) *Assist, advise, and cooperate with federal, state, and local*  
32 *agencies and officials to protect and promote the interests of*  
33 *consumers.*

34 (d) *Study, investigate, research, and analyze matters affecting*  
35 *the interests of consumers.*

36 (e) *Hold public hearings, subpoena witnesses, take testimony,*  
37 *compel the production of books, papers, documents, and other*  
38 *evidence, and call upon state agencies for information.*

39 (f) *Propose and assist in the creation and development of*  
40 *consumer education programs.*

1 (g) Promote ethical standards of conduct for business,  
2 professions, and consumers related to the interest of consumers.

3 (h) Advise the Governor and Legislature on all matters affecting  
4 the interests of consumers.

5 (i) Exercise and perform other functions, powers, and duties as  
6 may be deemed appropriate to protect and promote the interests  
7 of consumers as directed by the Governor or the Legislature.

8 (j) Maintain contact and liaison with consumer groups in  
9 California and nationally.

10 384. The chief shall report annually to the Governor and  
11 appear annually before the appropriate policy committees of the  
12 Legislature to report on the office’s activities.

13

14

Article 4. Revenue

15

16 390. The office shall annually charge each board on a pro rata  
17 share basis an amount that is sufficient, as determined by the chief,  
18 to carry out the provisions of this chapter. The total amount of  
19 charges made pursuant to this section shall not exceed \_\_\_\_ million  
20 dollars (\$\_\_\_\_) annually.

21 391. All moneys collected pursuant to this article shall be  
22 deposited into the Consumer Advocate Fund, which is hereby  
23 created in the State Treasury. The revenue in this fund shall be  
24 expended solely for purposes of this chapter upon appropriation  
25 by the Legislature in the annual Budget Act.

26 SEC. 20. Section 450.1 is added to the Business and Professions  
27 Code, to read:

28 450.1. A person may serve as a public member of more than  
29 one board at the same time if not prohibited by any other law.

30 SEC. 21. Division 1.2 (commencing with Section 473) of the  
31 Business and Professions Code is repealed.

32 SEC. 22. Division 1.3 (commencing with Section 474.20) is  
33 added to the Business and Professions Code, to read:

34

35 DIVISION 1.3. LEGISLATIVE REVIEW OF STATE BOARDS  
36 AND BOARDS WITHIN THE DEPARTMENT OF CONSUMER  
37 AFFAIRS

38

39 474.20. (a) A Member of the Legislature or the chief of the  
40 Office of the Consumer Advocate may submit a written request to

1 *the appropriate standing policy committee of the Legislature to*  
2 *conduct an analysis to evaluate any of the following entities:*

3 *(1) A board, as defined in Section 22.*

4 *(2) A state board, as defined in Section 9148.2 of the*  
5 *Government Code.*

6 *(b) The request made pursuant to subdivision (a) shall describe*  
7 *any perceived deficiencies in the operation of the board and the*  
8 *detailed reasons an analysis of its operation is requested that may*  
9 *include, but not be limited to, the issues subject to investigation*  
10 *under subdivision (c) of Section 474.21.*

11 *474.21. (a) (1) The appropriate standing policy committee of*  
12 *the Legislature shall, through its oversight function, investigate*  
13 *the perceived deficiencies described in the request submitted*  
14 *pursuant to Section 474.20 and hold public hearings on the matter.*  
15 *The committee may request the Office of the Consumer Advocate*  
16 *to assist in the investigation. The committee shall complete these*  
17 *functions within a 60-day period during the regular legislative*  
18 *session, with the period commencing on the date of the committee's*  
19 *receipt of the request.*

20 *(2) Notwithstanding paragraph (1), if, in the two-year period*  
21 *prior to the committee's receipt of the request, public hearings*  
22 *relating to the same board named in the request were held by a*  
23 *standing policy committee of the Legislature that determined no*  
24 *deficiencies exist, the committee may refuse to conduct additional*  
25 *hearings and investigation of the board.*

26 *(b) The committee may find, on the basis of the information it*  
27 *obtained during its investigation, whether a question exists as to*  
28 *the highest priority of the operations of the board being the*  
29 *protection of the public when exercising its licensing, regulatory,*  
30 *and disciplinary functions, and whether the board is effectively*  
31 *protecting the public.*

32 *(c) In determining whether a question exists under subdivision*  
33 *(b), the committee shall review the information and allegations*  
34 *made in the request submitted pursuant to Section 474.20 and any*  
35 *related information and allegations. The committee may review*  
36 *issues such as the following:*

37 *(1) Whether regulation by the board is necessary to protect the*  
38 *public health, safety, and welfare.*

39 *(2) Whether the initial reasons for licensing or regulating a*  
40 *practice or profession have changed.*

1     (3) *Whether other conditions have occurred that would warrant*  
2 *increased, decreased, or the same amount of regulation by the*  
3 *board.*

4     (4) *If regulation of the profession or practice is necessary,*  
5 *whether existing statutes and regulations establish the least*  
6 *restrictive form of regulation consistent with the public interest,*  
7 *considering other available regulatory mechanisms, and whether*  
8 *the board's rules promote the public interest and are within the*  
9 *scope of legislative intent.*

10    (5) *Whether the board operates and enforces its regulatory*  
11 *responsibilities in the public interest and whether its regulatory*  
12 *mission is impeded or enhanced by existing statutes, regulations,*  
13 *policies, practices, or any other circumstances, including*  
14 *budgetary, resources, and personnel matters.*

15    (6) *Whether an analysis of the board's operations indicates that*  
16 *the entity performs its statutory duties efficiently and effectively.*

17    (7) *Whether the composition of the board adequately represents*  
18 *the public interest and whether the board encourages public*  
19 *participation in its decisions rather than participation only by the*  
20 *profession or vocation and the individuals it regulates.*

21    (8) *Whether the board and its laws or regulations stimulate or*  
22 *restrict competition and the extent of the economic impact the*  
23 *board's regulatory practices have on the state's business and*  
24 *technological growth.*

25    (9) *Whether complaint investigation, intervention, and*  
26 *disciplinary procedures adequately protect the public and whether*  
27 *the final disposition of complaints, investigations, restraining*  
28 *orders, and disciplinary actions are in the public interest or these*  
29 *procedures are, instead, self-serving to the profession, vocation,*  
30 *or individuals being regulated by the board.*

31    (10) *Whether the scope of practice of the regulated profession*  
32 *or vocation contributes to the highest utilization of personnel and*  
33 *whether the entry requirements for the profession or vocation*  
34 *encourage affirmative action.*

35    (11) *Whether administrative and statutory changes are*  
36 *necessary to improve the board's operations to promote the public*  
37 *interest.*

38    (d) *The standing policy committee shall determine if a board is*  
39 *deficient. The committee shall report its deficiency determination*  
40 *to the Joint Committee on Rules. Notwithstanding any other*

1 *provision of law, if a board is found deficient, each incumbent*  
2 *member of the board shall be removed from office without a*  
3 *hearing within 10 business days of receipt of the committee's*  
4 *deficiency report by the Joint Committee on Rules, and successor*  
5 *board members shall be appointed within that timeframe pursuant*  
6 *to Section 101.1.*

7 474.22. (a) *Within 10 business days of the date the Joint*  
8 *Committee on Rules receives the deficiency report described in*  
9 *Section 474.21, the Office of the Consumer Advocate shall assume*  
10 *the duties of an independent monitor for the board.*

11 (b) *Within one year of the date it assumes the duties of an*  
12 *independent monitor, the Office of the Consumer Advocate shall*  
13 *report its findings to the Governor, and the Legislature may make*  
14 *recommendations for required reforms of the board.*

15 SEC. 23. *Section 1601.1 of the Business and Professions Code*  
16 *is amended to read:*

17 1601.1. (a) *There shall be in the Department of Consumer*  
18 *Affairs the Dental Board of California in which the administration*  
19 *of this chapter is vested. The board shall consist of eight practicing*  
20 *dentists, one registered dental hygienist, one registered dental*  
21 *assistant, and four public members. Of the eight practicing dentists,*  
22 *one shall be a member of a faculty of any California dental college*  
23 *and one shall be a dentist practicing in a nonprofit community*  
24 *clinic. The appointing powers, described in Section 1603, may*  
25 *appoint to the board a person who was a member of the prior board.*  
26 *The board shall be organized into standing committees dealing*  
27 *with examinations, enforcement, and other subjects as the board*  
28 *deems appropriate.*

29 (b) *For purposes of this chapter, any reference in this chapter*  
30 *to the Board of Dental Examiners shall be deemed to refer to the*  
31 *Dental Board of California.*

32 (c) *The board shall have all authority previously vested in the*  
33 *existing board under this chapter. The board may enforce all*  
34 *disciplinary actions undertaken by the previous board.*

35 ~~(d) This section shall become inoperative on July 1, 2008, and,~~  
36 ~~as of January 1, 2009, is repealed, unless a later enacted statute~~  
37 ~~that is enacted before January 1, 2009, deletes or extends the dates~~  
38 ~~on which it becomes inoperative and is repealed. The repeal of~~  
39 ~~this section renders the board subject to the review required by~~  
40 ~~Division 1.2 (commencing with Section 473).~~

1     *SEC. 24. Section 1632.5 of the Business and Professions Code*  
2     *is amended to read:*

3     1632.5. (a) Prior to implementation of paragraph (2) of  
4     subdivision (c) of Section 1632, the department's Office of  
5     Examination Resources shall review the Western Regional  
6     Examining Board examination to assure compliance with the  
7     requirements of Section 139 and to certify that the examination  
8     process meets those standards. If the department determines that  
9     the examination process fails to meet those standards, paragraph  
10    (2) of subdivision (c) of Section 1632 shall not be implemented.  
11    The review of the Western Regional Examining Board examination  
12    shall be conducted during or after the Dental Board of California's  
13    occupational analysis scheduled for the 2004–05 fiscal year, but  
14    not later than September 30, 2005. However, an applicant who  
15    successfully completes the Western Regional Examining Board  
16    examination on or after January 1, 2005, shall be deemed to have  
17    met the requirements of subdivision (c) of Section 1632 if the  
18    department certifies that the Western Regional Examining Board  
19    examination meets the standards set forth in this subdivision.

20    (b) The Western Regional Examining Board examination  
21    process shall be regularly reviewed by the department pursuant to  
22    Section 139.

23    (c) The Western Regional Examining Board examination shall  
24    meet the mandates of subdivision (a) of Section 12944 of the  
25    Government Code.

26    (d) ~~As part of its next scheduled review by the Joint Committee~~  
27    ~~on Boards, Commissions, and Consumer Protection, the~~ *The Dental*  
28    Board of California shall report *on or before July 1, 2008, to that*  
29    ~~committee and the department and the Office of the Consumer~~  
30    *Advocate* on the pass rates of applicants who sat for the Western  
31    Regional Examining Board examination, compared with the pass  
32    rates of applicants who sat for the state clinical and written  
33    examination administered by the Dental Board of California. This  
34    report shall be a component of the evaluation of the examination  
35    process that is based on psychometrically sound principles for  
36    establishing minimum qualifications and levels of competency.

37    *SEC. 25. Section 1634.2 of the Business and Professions Code*  
38    *is amended to read:*

1 1634.2. (a) An advanced education program's compliance  
2 with subdivision (c) of Section 1634.1 shall be regularly reviewed  
3 by the department pursuant to Section 139.

4 (b) An advanced education program described in subdivision  
5 (c) of Section 1634.1 shall meet the requirements of subdivision  
6 (a) of Section 12944 of the Government Code.

7 (c) The clinical residency program completion certification  
8 required by subdivision (c) of Section 1634.1 shall include a list  
9 of core competencies commensurate to those found in the board's  
10 examinations. The board, together with the department's Office  
11 of Examination Resources, shall ensure the alignment of the  
12 competencies stated in the clinical residency program completion  
13 certification with the board's current occupational analysis. The  
14 board shall implement use of the clinical residency program  
15 completion certification form and use of the core competency list  
16 through the adoption of emergency regulations by January 1, 2008.

17 ~~(d) As part of its next scheduled review after January 1, 2007,~~  
18 ~~by the Joint Committee on Boards, Commissions and Consumer~~  
19 ~~Protection, the~~ The board shall report to that committee and to the  
20 department *and the Office of the Consumer Advocate on or before*  
21 *January 1, 2010*, the number of complaints received for those  
22 dentists who have obtained licensure by passing the state clinical  
23 examination and for those dentists who have obtained licensure  
24 through an advanced education program. The report shall also  
25 contain tracking information on these complaints and their  
26 disposition. This report shall be a component of the evaluation of  
27 the examination process that is based on psychometrically sound  
28 principles for establishing minimum qualifications and levels of  
29 competency.

30 *SEC. 26. Section 1638.1 of the Business and Professions Code*  
31 *is amended to read:*

32 1638.1. (a) (1) A person licensed pursuant to Section 1634  
33 who wishes to perform elective facial cosmetic surgery shall first  
34 apply for and receive a permit to perform elective facial cosmetic  
35 surgery from the board.

36 (2) A permit issued pursuant to this section shall be valid for a  
37 period of two years and must be renewed by the permitholder at  
38 the time his or her license is renewed. Every six years, prior to  
39 renewal of the permitholder's license and permit, the permitholder  
40 shall submit evidence acceptable to the credentialing committee

1 that he or she has maintained continued competence to perform  
2 the procedures authorized by the permit. The credentialing  
3 committee may limit a permit consistent with paragraph (1) of  
4 subdivision (e) if it is not satisfied that the permitholder has  
5 established continued competence.

6 (b) The board may adopt regulations for the issuance of the  
7 permit that it deems necessary to protect the health, safety, and  
8 welfare of the public.

9 (c) A licensee may obtain a permit to perform elective facial  
10 cosmetic surgery by furnishing all of the following information  
11 on an application form approved by the board:

12 (1) Proof of successful completion of an oral and maxillofacial  
13 surgery residency program accredited by the Commission on Dental  
14 Accreditation of the American Dental Association.

15 (2) Proof that the applicant has satisfied the criteria specified  
16 in either subparagraph (A) or (B):

17 (A) (i) Is certified, or is a candidate for certification, by the  
18 American Board of Oral and Maxillofacial Surgery.

19 (ii) Submits to the board a letter from the program director of  
20 the accredited residency program, or from the director of a  
21 postresidency fellowship program accredited by the Commission  
22 on Dental Accreditation of the American Dental Association,  
23 stating that the licensee has the education, training, and competence  
24 necessary to perform the surgical procedures that the licensee has  
25 notified the board he or she intends to perform.

26 (iii) Submits documentation to the board of at least 10 operative  
27 reports from residency training or proctored procedures that are  
28 representative of procedures that the licensee intends to perform  
29 from both of the following categories:

30 (I) Cosmetic contouring of the osteocartilaginous facial structure,  
31 which may include, but is not limited to, rhinoplasty and otoplasty.

32 (II) Cosmetic soft tissue contouring or rejuvenation, which may  
33 include, but is not limited to, facelift, blepharoplasty, facial skin  
34 resurfacing, or lip augmentation.

35 (iv) Submits documentation to the board showing the surgical  
36 privileges the applicant possesses at any licensed general acute  
37 care hospital and any licensed outpatient surgical facility in this  
38 state.

1 (B) (i) Has been granted privileges by the medical staff at a  
2 licensed general acute care hospital to perform the surgical  
3 procedures set forth in paragraph (A) at that hospital.

4 (ii) Submits to the board the documentation described in clause  
5 (iii) of subparagraph (A).

6 (3) Proof that the applicant is on active status on the staff of a  
7 general acute care hospital and maintains the necessary privileges  
8 based on the bylaws of the hospital to maintain that status.

9 (d) The application shall be accompanied by an application fee  
10 of five hundred dollars (\$500) for an initial permit. The fee to  
11 renew a permit shall be two hundred dollars (\$200).

12 (e) (1) The board shall appoint a credentialing committee to  
13 review the qualifications of each applicant for a permit. Upon  
14 completion of the review of an applicant, the committee shall make  
15 a recommendation to the board on whether to issue or not issue a  
16 permit to the applicant. The permit may be unqualified, entitling  
17 the permitholder to perform any facial cosmetic surgical procedure  
18 authorized by this section, or it may contain limitations if the  
19 credentialing committee is not satisfied that the applicant has the  
20 training or competence to perform certain classes of procedures,  
21 or if the applicant has not requested to be permitted for all  
22 procedures authorized by this section.

23 (2) The credentialing committee shall be comprised of five  
24 members, as follows:

25 (A) A physician and surgeon with a specialty in plastic and  
26 reconstructive surgery who maintains active status on the staff of  
27 a licensed general acute care hospital in this state.

28 (B) A physician and surgeon with a specialty in otolaryngology  
29 who maintains active status on the staff of a licensed general acute  
30 care hospital in this state.

31 (C) Three oral and maxillofacial surgeons licensed by the board  
32 who are board certified by the American Board of Oral and  
33 Maxillofacial Surgeons, and who maintain active status on the  
34 staff of a licensed general acute care hospital in this state, at least  
35 one of whom shall be licensed as a physician and surgeon in this  
36 state. Two years after the effective date of this section, any oral  
37 and maxillofacial surgeon appointed to the committee who is not  
38 licensed as a physician and surgeon shall hold a permit pursuant  
39 to this section.

1 (3) The board shall solicit from the following organizations  
2 input and recommendations regarding members to be appointed  
3 to the credentialing committee:

4 (A) The Medical Board of California.

5 (B) The California Dental Association.

6 (C) The California Association of Oral and Maxillofacial  
7 Surgeons.

8 (D) The California Medical Association.

9 (E) The California Society of Plastic Surgeons.

10 (F) Any other source that the board deems appropriate.

11 (4) The credentialing committee shall meet at a time and place  
12 directed by the board to evaluate applicants for permits. A quorum  
13 of three members shall be required for the committee to consider  
14 applicants and make recommendations to the board.

15 (f) A licensee may not perform any elective, facial cosmetic  
16 surgical procedure except at a general acute care hospital, a licensed  
17 outpatient surgical facility, or an outpatient surgical facility  
18 accredited by the Joint Commission on Accreditation of Healthcare  
19 Organizations (JCAHO), the American Association for Ambulatory  
20 Health Care (AAAHC), the Medicare program, or an accreditation  
21 agency approved by the Medical Board of California pursuant to  
22 subdivision (g) of Section 1248.1 of the Health and Safety Code.

23 (g) For purposes of this section, the following terms shall have  
24 the following meanings:

25 (1) “Elective cosmetic surgery” means any procedure defined  
26 as cosmetic surgery in subdivision (d) of Section 1367.63 of the  
27 Health and Safety Code, and excludes any procedure that  
28 constitutes reconstructive surgery, as defined in subdivision (c) of  
29 Section 1367.63 of the Health and Safety Code.

30 (2) “Facial” means those regions of the human body described  
31 in Section 1625 and in any regulations adopted pursuant to that  
32 section by the board.

33 (h) A holder of a permit issued pursuant to this section shall not  
34 perform elective facial cosmetic surgical procedures unless he or  
35 she has malpractice insurance or other financial security protection  
36 that would satisfy the requirements of Section 2216.2 and any  
37 regulations adopted thereunder.

38 (i) A holder of a permit shall comply with the requirements of  
39 subparagraph (D) of paragraph (2) of subdivision (a) of Section  
40 1248.15 of the Health and Safety Code, and the reporting

1 requirements specified in Section 2240, with respect to any surgical  
2 procedure authorized by this section, in the same manner as a  
3 physician and surgeon.

4 (j) Any violation of this section constitutes unprofessional  
5 conduct and is grounds for the revocation or suspension of the  
6 person's permit, license, or both, or the person may be reprimanded  
7 or placed on probation. Proceedings initiated by the board under  
8 this section shall be conducted in accordance with Chapter 5  
9 (commencing with Section 11500) of Part 1 of Division 3 of Title  
10 2 of the Government Code, and the board shall have all the powers  
11 granted therein.

12 (k) On or before January 1, 2009, and every four years thereafter,  
13 the board shall report to the ~~Joint Committee on Boards,~~  
14 ~~Commissions and Consumer Protection~~ *Legislature and the Office*  
15 *of the Consumer Advocate* on all of the following:

16 (1) The number of persons licensed pursuant to Section 1634  
17 who apply to receive a permit to perform elective facial cosmetic  
18 surgery from the board pursuant to subdivision (a).

19 (2) The recommendations of the credentialing committee to the  
20 board.

21 (3) The board's action on recommendations received by the  
22 credentialing committee.

23 (4) The number of persons receiving a permit from the board  
24 to perform elective facial cosmetic surgery.

25 (5) The number of complaints filed by or on behalf of patients  
26 who have received elective facial cosmetic surgery by persons  
27 who have received a permit from the board to perform elective  
28 facial cosmetic surgery.

29 (6) Action taken by the board resulting from complaints filed  
30 by or on behalf of patients who have received elective facial  
31 cosmetic surgery by persons who have received a permit from the  
32 board to perform elective facial cosmetic surgery.

33 *SEC. 27. Section 1638.7 of the Business and Professions Code*  
34 *is amended to read:*

35 1638.7. The next occupational analysis of dental licensees and  
36 oral and maxillofacial facial surgeons pursuant to Section 139 shall  
37 include a survey of the training and practices of oral and  
38 maxillofacial surgeons and, upon completion of that analysis, a  
39 report shall be made to the ~~Joint Committee on Boards,~~

1 ~~Commissions, and Consumer Protection~~ *Legislature and the Office*  
2 *of the Consumer Advocate* regarding the findings.

3 *SEC. 28. Section 1742 of the Business and Professions Code*  
4 *is amended to read:*

5 1742. (a) There is within the jurisdiction of the board a  
6 Committee on Dental Auxiliaries.

7 (b) The Committee on Dental Auxiliaries shall have the  
8 following areas of responsibility and duties:

9 (1) The committee shall have the following duties and authority  
10 related to education programs and curriculum:

11 (A) Shall evaluate all dental auxiliary programs applying for  
12 board approval in accordance with board rules governing the  
13 programs.

14 (B) May appoint board members to any evaluation committee.  
15 Board members so appointed shall not make a final decision on  
16 the issue of program or course approval.

17 (C) Shall report and make recommendations to the board as to  
18 whether a program or course qualifies for approval. The board  
19 retains the final authority to grant or deny approval to a program  
20 or course.

21 (D) Shall review and document any alleged deficiencies that  
22 might warrant board action to withdraw or revoke approval of a  
23 program or course, at the request of the board.

24 (E) May review and document any alleged deficiencies that  
25 might warrant board action to withdraw or revoke approval of a  
26 program or course, at its own initiation.

27 (2) The committee shall have the following duties and authority  
28 related to applications:

29 (A) Shall review and evaluate all applications for licensure in  
30 the various dental auxiliary categories to ascertain whether a  
31 candidate meets the appropriate licensing requirements specified  
32 by statute and board regulations.

33 (B) Shall maintain application records, cashier application fees,  
34 and perform any other ministerial tasks as are incidental to the  
35 application process.

36 (C) May delegate any or all of the functions in this paragraph  
37 to its staff.

38 (D) Shall issue auxiliary licenses in all cases, except where there  
39 is a question as to a licensing requirement. The board retains final  
40 authority to interpret any licensing requirement. If a question arises

1 in the area of interpreting any licensing requirement, it shall be  
2 presented by the committee to the board for resolution.

3 (3) The committee shall have the following duties and authority  
4 regarding examinations:

5 (A) Shall advise the board as to the type of license examination  
6 it deems appropriate for the various dental auxiliary license  
7 categories.

8 (B) Shall, at the direction of the board, develop or cause to be  
9 developed, administer, or both, examinations in accordance with  
10 the board's instructions and periodically report to the board on the  
11 progress of those examinations. The following shall apply to the  
12 examination procedure:

13 (i) The examination shall be submitted to the board for its  
14 approval prior to its initial administration.

15 (ii) Once an examination has been approved by the board, no  
16 further approval is required unless a major modification is made  
17 to the examination.

18 (iii) The committee shall report to the board on the results of  
19 each examination and shall, where appropriate, recommend pass  
20 points.

21 (iv) The board shall set pass points for all dental auxiliary  
22 licensing examinations.

23 (C) May appoint board members to any examination committee  
24 established pursuant to subparagraph (B).

25 (4) The committee shall periodically report and make  
26 recommendations to the board concerning the level of fees for  
27 dental auxiliaries and the need for any legislative fee increase.  
28 However, the board retains final authority to set all fees.

29 (5) The committee shall be responsible for all aspects of the  
30 license renewal process, which shall be accomplished in accordance  
31 with this chapter and board regulations. The committee may  
32 delegate any or all of its functions under this paragraph to its staff.

33 (6) The committee shall have no authority with respect to the  
34 approval of continuing education providers and the board retains  
35 all of this authority.

36 (7) The committee shall advise the board as to appropriate  
37 standards of conduct for auxiliaries, the proper ordering of  
38 enforcement priorities, and any other enforcement-related matters  
39 that the board may, in the future, delegate to the committee. The  
40 board shall retain all authority with respect to the enforcement

1 actions, including, but not limited to, complaint resolution,  
2 investigation, and disciplinary action against auxiliaries.

3 (8) The committee shall have the following duties regarding  
4 regulations:

5 (A) To review and evaluate all suggestions or requests for  
6 regulatory changes related to dental auxiliaries.

7 (B) To report and make recommendations to the board, after  
8 consultation with departmental legal counsel and the board’s  
9 executive officer.

10 (C) To include in any report regarding a proposed regulatory  
11 change, at a minimum, the specific language of the proposed  
12 changes and the reasons for and facts supporting the need for the  
13 change. The board has the final rulemaking authority.

14 ~~(e) This section shall become inoperative on July 1, 2009, and,  
15 as of January 1, 2010, is repealed, unless a later enacted statute  
16 which becomes effective on or before January 1, 2010, deletes or  
17 extends the dates on which it becomes inoperative and is repealed.  
18 The repeal of this section renders the committee subject to the  
19 review required by Division 1.2 (commencing with Section 473).~~

20 *SEC. 29. Section 1751 of the Business and Professions Code,  
21 as amended by Section 8 of Chapter 621 of the Statutes of 2005,  
22 is amended to read:*

23 1751. (a) The board, upon recommendation of the committee,  
24 shall adopt regulations governing the procedures that dental  
25 assistants, registered orthodontic assistants, registered surgery  
26 assistants, registered restorative assistants, registered dental  
27 assistants, registered restorative assistants in extended functions,  
28 and registered dental assistants in extended functions are authorized  
29 to perform consistent with and necessary to implement the  
30 provisions of this article, and the settings within which each may  
31 practice.

32 (b) The board shall conduct an initial review of the procedures,  
33 supervision level, settings under which they may be performed,  
34 and utilization of extended functions dental auxiliaries by January  
35 1, 2012. The board shall submit the results of its review to the ~~Joint  
36 Committee on Boards, Commissions, and Consumer Protection~~  
37 *Legislature and the Office of the Consumer Advocate.* After the  
38 initial review, a review shall be conducted at least once every five  
39 to seven years thereafter, and the board shall update regulations  
40 as necessary to keep them current with the state of dental practice.

1 (c) This section shall become operative on January 1, 2008.

2 *SEC. 30. Section 2001 of the Business and Professions Code*  
3 *is amended to read:*

4 2001. There is in the Department of Consumer Affairs a  
5 Medical Board of California that consists of 21 members, nine of  
6 whom shall be public members.

7 The Governor shall appoint 19 members to the board, subject  
8 to confirmation by the Senate, seven of whom shall be public  
9 members. The Senate Rules Committee and the Speaker of the  
10 Assembly shall each appoint a public member, and their initial  
11 appointment shall be made to fill, respectively, the first and second  
12 public member vacancies that occur on or after January 1, 1983.

13 ~~This section shall become inoperative on July 1, 2010, and, as~~  
14 ~~of January 1, 2011, is repealed, unless a later enacted statute, which~~  
15 ~~becomes effective on or before January 1, 2011, deletes or extends~~  
16 ~~the dates on which it becomes inoperative and is repealed. The~~  
17 ~~repeal of this section renders the board subject to the review~~  
18 ~~required by Division 1.2 (commencing with Section 473).~~

19 *SEC. 31. Section 2460 of the Business and Professions Code*  
20 *is amended to read:*

21 2460. There is created within the jurisdiction of the Medical  
22 Board of California and its divisions the California Board of  
23 Podiatric Medicine. ~~This section shall become inoperative on July~~  
24 ~~1, 2010, and, as of January 1, 2011, is repealed, unless a later~~  
25 ~~enacted statute, which becomes effective on or before January 1,~~  
26 ~~2011, deletes or extends the dates on which it becomes inoperative~~  
27 ~~and is repealed. The repeal of this section renders the California~~  
28 ~~Board of Podiatric Medicine subject to the review required by~~  
29 ~~Division 1.2 (commencing with Section 473).~~

30 *SEC. 32. Section 2531 of the Business and Professions Code*  
31 *is amended to read:*

32 2531. There is in the Department of Consumer Affairs a  
33 Speech-Language Pathology and Audiology Board in which the  
34 enforcement and administration of this chapter is vested. The  
35 Speech-Language Pathology and Audiology Board shall consist  
36 of nine members, three of whom shall be public members.

37 ~~This section shall become inoperative on July 1, 2008, and, as~~  
38 ~~of January 1, 2009, is repealed, unless a later enacted statute, that~~  
39 ~~becomes effective on or before January 1, 2009, deletes or extends~~  
40 ~~the inoperative and repeal dates. The repeal of this section renders~~

1 ~~the board subject to the review required by Division 1.2~~  
2 ~~(commencing with Section 473).~~

3 *SEC. 33. Section 2569 of the Business and Professions Code*  
4 *is repealed.*

5 ~~2569. The powers and duties of the board, as set forth in this~~  
6 ~~chapter, shall be subject to the review required by Division 1.2~~  
7 ~~(commencing with Section 473). The review shall be performed~~  
8 ~~as if this chapter were scheduled to become inoperative on July 1,~~  
9 ~~2003, and would be repealed as of January 1, 2004, as described~~  
10 ~~in Section 473.1.~~

11 *SEC. 34. Section 2570.19 of the Business and Professions Code*  
12 *is amended to read:*

13 2570.19. (a) There is hereby created a California Board of  
14 Occupational Therapy, hereafter referred to as the board. The board  
15 shall enforce and administer this chapter.

16 (b) The members of the board shall consist of the following:

17 (1) Three occupational therapists who shall have practiced  
18 occupational therapy for five years.

19 (2) One occupational therapy assistant who shall have assisted  
20 in the practice of occupational therapy for five years.

21 (3) Three public members who shall not be licentiates of the  
22 board or of any board referred to in Section 1000 or 3600.

23 (c) The Governor shall appoint the three occupational therapists  
24 and one occupational therapy assistant to be members of the board.  
25 The Governor, the Senate Rules Committee, and the Speaker of  
26 the Assembly shall each appoint a public member. Not more than  
27 one member of the board shall be appointed from the full-time  
28 faculty of any university, college, or other educational institution.

29 (d) All members shall be residents of California at the time of  
30 their appointment. The occupational therapist and occupational  
31 therapy assistant members shall have been engaged in rendering  
32 occupational therapy services to the public, teaching, or research  
33 in occupational therapy for at least five years preceding their  
34 appointments.

35 (e) The public members may not be or have ever been  
36 occupational therapists or occupational therapy assistants or in  
37 training to become occupational therapists or occupational therapy  
38 assistants. The public members may not be related to, or have a  
39 household member who is, an occupational therapist or an  
40 occupational therapy assistant, and may not have had, within two

1 years of the appointment, a substantial financial interest in a person  
2 regulated by the board.

3 (f) The Governor shall appoint two board members for a term  
4 of one year, two board members for a term of two years, and one  
5 board member for a term of three years. Appointments made  
6 thereafter shall be for four-year terms, but no person shall be  
7 appointed to serve more than two consecutive terms. Terms shall  
8 begin on the first day of the calendar year and end on the last day  
9 of the calendar year or until successors are appointed, except for  
10 the first appointed members who shall serve through the last  
11 calendar day of the year in which they are appointed, before  
12 commencing the terms prescribed by this section. Vacancies shall  
13 be filled by appointment for the unexpired term. The board shall  
14 annually elect one of its members as president.

15 (g) The board shall meet and hold at least one regular meeting  
16 annually in the Cities of Sacramento, Los Angeles, and San  
17 Francisco. The board may convene from time to time until its  
18 business is concluded. Special meetings of the board may be held  
19 at any time and place designated by the board.

20 (h) Notice of each meeting of the board shall be given in  
21 accordance with the Bagley-Keene Open Meeting Act (Article 9  
22 commencing with Section 11120) of Chapter 1 of Part 1 of  
23 Division 3 of Title 2 of the Government Code).

24 (i) Members of the board shall receive no compensation for  
25 their services, but shall be entitled to reasonable travel and other  
26 expenses incurred in the execution of their powers and duties in  
27 accordance with Section 103.

28 (j) The appointing power shall have the power to remove any  
29 member of the board from office for neglect of any duty imposed  
30 by state law, for incompetency, or for unprofessional or  
31 dishonorable conduct.

32 (k) A loan is hereby authorized from the General Fund to the  
33 Occupational Therapy Fund on or after July 1, 2000, in an amount  
34 of up to one million dollars (\$1,000,000) to fund operating,  
35 personnel, and other startup costs of the board. Six hundred ten  
36 thousand dollars (\$610,000) of this loan amount is hereby  
37 appropriated to the board to use in the 2000–01 fiscal year for the  
38 purposes described in this subdivision. In subsequent years, funds  
39 from the Occupational Therapy Fund shall be available to the board  
40 upon appropriation by the Legislature in the annual Budget Act.

1 The loan shall be repaid to the General Fund over a period of up  
2 to five years, and the amount paid shall also include interest at the  
3 rate accruing to moneys in the Pooled Money Investment Account.  
4 The loan amount and repayment period shall be minimized to the  
5 extent possible based upon actual board financing requirements  
6 as determined by the Department of Finance.

7 ~~(f) This section shall become inoperative on July 1, 2013, and,  
8 as of January 1, 2014, is repealed, unless a later enacted statute  
9 that is enacted before January 1, 2014, deletes or extends the dates  
10 on which it becomes inoperative and is repealed. The repeal of  
11 this section renders the board subject to the review required by  
12 Division 1.2 (commencing with Section 473).~~

13 *SEC. 35. Section 2602 of the Business and Professions Code*  
14 *is amended to read:*

15 2602. The Physical Therapy Board of California, hereafter  
16 referred to as the board, shall enforce and administer this chapter.  
17 ~~This section shall become inoperative on July 1, 2013, and, as of  
18 January 1, 2014, is repealed, unless a later enacted statute, which  
19 becomes effective on or before January 1, 2014, deletes or extends  
20 the dates on which it becomes inoperative and is repealed.~~

21 ~~The repeal of this section renders the board subject to the review  
22 required by Division 1.2 (commencing with Section 473).~~

23 *SEC. 36. Section 2701 of the Business and Professions Code*  
24 *is amended to read:*

25 2701. There is in the Department of Consumer Affairs the  
26 Board of Registered Nursing consisting of nine members.

27 Within the meaning of this chapter, board, or the board, refers  
28 to the Board of Registered Nursing. Any reference in state law to  
29 the Board of Nurse Examiners of the State of California or  
30 California Board of Nursing Education and Nurse Registration  
31 shall be construed to refer to the Board of Registered Nursing.

32 ~~This section shall become inoperative on July 1, 2010, and, as  
33 of January 1, 2011, is repealed, unless a later enacted statute, that  
34 becomes operative on or before January 1, 2011, deletes or extends  
35 the dates on which it becomes inoperative and is repealed. The  
36 repeal of this section renders the board subject to the review  
37 required by Division 1.2 (commencing with Section 473).~~

38 *SEC. 37. Section 2841 of the Business and Professions Code*  
39 *is amended to read:*

1 2841. There is in the Department of Consumer Affairs a Board  
2 of Vocational Nursing and Psychiatric Technicians of the State of  
3 California, consisting of 11 members.

4 Within the meaning of this chapter, board, or the board, refers  
5 to the Board of Vocational Nursing and Psychiatric Technicians  
6 of the State of California.

7 ~~This section shall become inoperative on July 1, 2008, and, as~~  
8 ~~of January 1, 2009, is repealed, unless a later enacted statute, which~~  
9 ~~becomes effective on or before January 1, 2009, deletes or extends~~  
10 ~~the dates on which it becomes inoperative and is repealed. The~~  
11 ~~repeal of this section renders the board subject to the review~~  
12 ~~required by Division 1.2 (commencing with Section 473).~~

13 *SEC. 38. Section 2920 of the Business and Professions Code*  
14 *is amended to read:*

15 2920. The Board of Psychology shall enforce and administer  
16 this chapter. The board shall consist of nine members, four of  
17 whom shall be public members.

18 ~~This section shall become inoperative on July 1, 2009, and, as~~  
19 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~  
20 ~~becomes effective on or before January 1, 2010, deletes or extends~~  
21 ~~the dates on which it becomes inoperative and is repealed.~~

22 *SEC. 39. Section 3010.5 of the Business and Professions Code*  
23 *is amended to read:*

24 3010.5. (a) There is in the Department of Consumer Affairs  
25 a State Board of Optometry in which the enforcement of this  
26 chapter is vested. The board consists of 11 members, five of whom  
27 shall be public members.

28 Six members of the board shall constitute a quorum.

29 (b) The board shall, with respect to conducting investigations,  
30 inquiries, and disciplinary actions and proceedings, have the  
31 authority previously vested in the board as created pursuant to  
32 Section 3010. The board may enforce any disciplinary actions  
33 undertaken by that board.

34 ~~(c) This section shall remain in effect only until July 1, 2010,~~  
35 ~~and, as of January 1, 2011, is repealed, unless a later enacted~~  
36 ~~statute, that is enacted before January 1, 2011, deletes or extends~~  
37 ~~that date.~~

38 *SEC. 40. Section 3502.1 of the Business and Professions Code*  
39 *is amended to read:*

1 3502.1. (a) In addition to the services authorized in the  
2 regulations adopted by the board, and except as prohibited by  
3 Section 3502, while under the supervision of a licensed physician  
4 and surgeon or physicians and surgeons authorized by law to  
5 supervise a physician assistant, a physician assistant may  
6 administer or provide medication to a patient, or transmit orally,  
7 or in writing on a patient's record or in a drug order, an order to a  
8 person who may lawfully furnish the medication or medical device  
9 pursuant to subdivisions (c) and (d).

10 (1) A supervising physician and surgeon who delegates authority  
11 to issue a drug order to a physician assistant may limit this authority  
12 by specifying the manner in which the physician assistant may  
13 issue delegated prescriptions.

14 (2) Each supervising physician and surgeon who delegates the  
15 authority to issue a drug order to a physician assistant shall first  
16 prepare and adopt, or adopt, a written, practice specific, formulary  
17 and protocols that specify all criteria for the use of a particular  
18 drug or device, and any contraindications for the selection. The  
19 drugs listed shall constitute the formulary and shall include only  
20 drugs that are appropriate for use in the type of practice engaged  
21 in by the supervising physician and surgeon. When issuing a drug  
22 order, the physician assistant is acting on behalf of and as an agent  
23 for a supervising physician and surgeon.

24 (b) "Drug order" for purposes of this section means an order  
25 for medication which is dispensed to or for a patient, issued and  
26 signed by a physician assistant acting as an individual practitioner  
27 within the meaning of Section 1306.02 of Title 21 of the Code of  
28 Federal Regulations. Notwithstanding any other provision of law,  
29 (1) a drug order issued pursuant to this section shall be treated in  
30 the same manner as a prescription or order of the supervising  
31 physician, (2) all references to "prescription" in this code and the  
32 Health and Safety Code shall include drug orders issued by  
33 physician assistants pursuant to authority granted by their  
34 supervising physicians, and (3) the signature of a physician  
35 assistant on a drug order shall be deemed to be the signature of a  
36 prescriber for purposes of this code and the Health and Safety  
37 Code.

38 (c) A drug order for any patient cared for by the physician  
39 assistant that is issued by the physician assistant shall either be  
40 based on the protocols described in subdivision (a) or shall be

1 approved by the supervising physician before it is filled or carried  
2 out.

3 (1) A physician assistant shall not administer or provide a drug  
4 or issue a drug order for a drug other than for a drug listed in the  
5 formulary without advance approval from a supervising physician  
6 and surgeon for the particular patient. At the direction and under  
7 the supervision of a physician and surgeon, a physician assistant  
8 may hand to a patient of the supervising physician and surgeon a  
9 properly labeled prescription drug prepackaged by a physician and  
10 surgeon, manufacturer as defined in the Pharmacy Law, or a  
11 pharmacist.

12 (2) A physician assistant may not administer, provide or issue  
13 a drug order for Schedule II through Schedule V controlled  
14 substances without advance approval by a supervising physician  
15 and surgeon for the particular patient.

16 (3) Any drug order issued by a physician assistant shall be  
17 subject to a reasonable quantitative limitation consistent with  
18 customary medical practice in the supervising physician and  
19 surgeon's practice.

20 (d) A written drug order issued pursuant to subdivision (a),  
21 except a written drug order in a patient's medical record in a health  
22 facility or medical practice, shall contain the printed name, address,  
23 and phone number of the supervising physician and surgeon, the  
24 printed or stamped name and license number of the physician  
25 assistant, and the signature of the physician assistant. Further, a  
26 written drug order for a controlled substance, except a written drug  
27 order in a patient's medical record in a health facility or a medical  
28 practice, shall include the federal controlled substances registration  
29 number of the physician assistant. The requirements of this  
30 subdivision may be met through stamping or otherwise imprinting  
31 on the supervising physician and surgeon's prescription blank to  
32 show the name, license number, and if applicable, the federal  
33 controlled substances number of the physician assistant, and shall  
34 be signed by the physician assistant. When using a drug order, the  
35 physician assistant is acting on behalf of and as the agent of a  
36 supervising physician and surgeon.

37 (e) The medical record of any patient cared for by a physician  
38 assistant for whom the supervising physician and surgeon's  
39 Schedule II drug order has been issued or carried out shall be

1 reviewed and countersigned and dated by a supervising physician  
2 and surgeon within seven days.

3 (f) All physician assistants who are authorized by their  
4 supervising physicians to issue drug orders for controlled  
5 substances shall register with the United States Drug Enforcement  
6 Administration (DEA).

7 (g) The committee shall consult with the Medical Board of  
8 California and report ~~during its sunset review required by Division~~  
9 ~~1.2 (commencing with Section 473) to the Legislature and the~~  
10 ~~Office of the Consumer Advocate periodically, as necessary, on~~  
11 ~~the impacts of exempting Schedule III and Schedule IV drug orders~~  
12 ~~from the requirement for a physician and surgeon to review and~~  
13 ~~countersign the affected medical record of a patient.~~

14 *SEC. 41. Section 3504 of the Business and Professions Code*  
15 *is amended to read:*

16 3504. There is established a Physician Assistant Committee  
17 of the Medical Board of California. The committee consists of  
18 nine members. ~~This section shall become inoperative on July 1,~~  
19 ~~2011, and, as of January 1, 2012, is repealed, unless a later enacted~~  
20 ~~statute, which becomes effective on or before January 1, 2012,~~  
21 ~~deletes or extends the dates on which it becomes inoperative and~~  
22 ~~is repealed. The repeal of this section renders the committee subject~~  
23 ~~to the review required by Division 1.2 (commencing with Section~~  
24 ~~473).~~

25 *SEC. 42. Section 3685 of the Business and Professions Code*  
26 *is amended to read:*

27 3685. ~~(a)~~ The provisions of Article 8 (commencing with  
28 Section 3680) shall become operative on January 1, 2004, but the  
29 remaining provisions of this chapter shall become operative on  
30 July 1, 2004. It is the intent of the Legislature that the initial  
31 implementation of this chapter be administered by fees collected  
32 in advance from applicants. Therefore, the bureau shall have the  
33 power and authority to establish fees and receive applications for  
34 licensure or intents to file application statements on and after  
35 January 1, 2004. The department shall certify that sufficient funds  
36 are available prior to implementing this chapter. Funds from the  
37 General Fund may not be used for the purpose of implementing  
38 this chapter.

39 ~~(b) This chapter shall become inoperative on July 1, 2010, and,~~  
40 ~~as of January 1, 2011, is repealed, unless a later enacted statute~~

1 that is enacted before January 1, 2011, deletes or extends the dates  
2 on which it becomes inoperative and is repealed. The repeal of  
3 this chapter renders the bureau subject to the review required by  
4 Division 1.2 (commencing with Section 473).

5 (e) The bureau shall prepare the report required by Section 473.2  
6 no later than September 1, 2008.

7 *SEC. 43. Section 3710 of the Business and Professions Code*  
8 *is amended to read:*

9 3710. The Respiratory Care Board of California, hereafter  
10 referred to as the board, shall enforce and administer this chapter.

11 This section shall become inoperative on July 1, 2010, and, as  
12 of January 1, 2011, is repealed, unless a later enacted statute, that  
13 becomes operative on or before January 1, 2011, deletes or extends  
14 the dates on which it becomes inoperative and is repealed.

15 The repeal of this section renders the board subject to the review  
16 required by Division 1.2 (commencing with Section 473).

17 *SEC. 44. Section 4001 of the Business and Professions Code*  
18 *is amended to read:*

19 4001. (a) There is in the Department of Consumer Affairs a  
20 California State Board of Pharmacy in which the administration  
21 and enforcement of this chapter is vested. The board consists of  
22 13 members.

23 (b) The Governor shall appoint seven competent pharmacists  
24 who reside in different parts of the state to serve as members of  
25 the board. The Governor shall appoint four public members, and  
26 the Senate Committee on Rules and the Speaker of the Assembly  
27 shall each appoint a public member who shall not be a licensee of  
28 the board, any other board under this division, or any board referred  
29 to in Section 1000 or 3600.

30 (c) At least five of the seven pharmacist appointees to the board  
31 shall be pharmacists who are actively engaged in the practice of  
32 pharmacy. Additionally, the membership of the board shall include  
33 at least one pharmacist representative from each of the following  
34 practice settings: an acute care hospital, an independent community  
35 pharmacy, a chain community pharmacy, and a long-term health  
36 care or skilled nursing facility. The pharmacist appointees shall  
37 also include a pharmacist who is a member of a labor union that  
38 represents pharmacists. For the purposes of this subdivision, a  
39 “chain community pharmacy” means a chain of 75 or more stores  
40 in California under the same ownership, and an “independent

1 community pharmacy” means a pharmacy owned by a person or  
2 entity who owns no more than four pharmacies in California.

3 (d) Members of the board shall be appointed for a term of four  
4 years. No person shall serve as a member of the board for more  
5 than two consecutive terms. Each member shall hold office until  
6 the appointment and qualification of his or her successor or until  
7 one year shall have elapsed since the expiration of the term for  
8 which the member was appointed, whichever first occurs.  
9 Vacancies occurring shall be filled by appointment for the  
10 unexpired term.

11 (e) Each member of the board shall receive a per diem and  
12 expenses as provided in Section 103.

13 ~~(f) In accordance with Sections 101.1 and 473.1, this section  
14 shall become inoperative on July 1, 2010, and, as of January 1,  
15 2011, is repealed, unless a later enacted statute, that becomes  
16 effective on or before January 1, 2011, deletes or extends the dates  
17 on which it becomes inoperative and is repealed. The repeal of  
18 this section renders the board subject to the review required by  
19 Division 1.2 (commencing with Section 473).~~

20 *SEC. 45. Section 4003 of the Business and Professions Code*  
21 *is amended to read:*

22 4003. (a) The board may appoint a person exempt from civil  
23 service who shall be designated as an executive officer and who  
24 shall exercise the powers and perform the duties delegated by the  
25 board and vested in him or her by this chapter. The executive  
26 officer may or may not be a member of the board as the board may  
27 determine.

28 (b) The executive officer shall receive the compensation as  
29 established by the board with the approval of the Director of  
30 Finance. The executive officer shall also be entitled to travel and  
31 other expenses necessary in the performance of his or her duties.

32 (c) The executive officer shall maintain and update in a timely  
33 fashion records containing the names, titles, qualifications, and  
34 places of business of all persons subject to this chapter.

35 (d) The executive officer shall give receipts for all money  
36 received by him or her and pay it to the Department of Consumer  
37 Affairs, taking its receipt therefor. Besides the duties required by  
38 this chapter, the executive officer shall perform other duties  
39 pertaining to the office as may be required of him or her by the  
40 board.

1 ~~(e) In accordance with Sections 101.1 and 473.1, this section~~  
2 ~~shall become inoperative on July 1, 2010, and, as of January 1,~~  
3 ~~2011, is repealed, unless a later enacted statute, that becomes~~  
4 ~~effective on or before January 1, 2011, deletes or extends the dates~~  
5 ~~on which it becomes inoperative and is repealed.~~

6 *SEC. 46. Section 4200.1 of the Business and Professions Code*  
7 *is amended to read:*

8 4200.1. (a) Notwithstanding Section 135, an applicant may  
9 take the North American Pharmacist Licensure Examination four  
10 times, and may take the Multi-State Pharmacy Jurisprudence  
11 Examination for California four times.

12 (b) Notwithstanding Section 135, an applicant may take the  
13 North American Pharmacist Licensure Examination and the  
14 Multi-State Pharmacy Jurisprudence Examination for California  
15 four additional times each if he or she successfully completes, at  
16 minimum, 16 additional semester units of education in pharmacy  
17 as approved by the board.

18 (c) The applicant shall comply with the requirements of Section  
19 4200 for each application for reexamination made pursuant to  
20 subdivision (b).

21 (d) An applicant may use the same coursework to satisfy the  
22 additional educational requirement for each examination under  
23 subdivision (b), if the coursework was completed within 12 months  
24 of the date of his or her application for reexamination.

25 (e) For purposes of this section, the board shall treat each failing  
26 score on the pharmacist licensure examination administered by  
27 the board prior to January 1, 2004, as a failing score on both the  
28 North American Pharmacist Licensure Examination and the  
29 Multi-State Pharmacy Jurisprudence Examination for California.

30 (f) From January 1, 2004, to July 1, 2008, inclusive, the board  
31 shall collect data on the applicants who are admitted to, and take,  
32 the licensure examinations required by Section 4200. The board  
33 shall report to the ~~Joint Committee on Boards, Commissions, and~~  
34 ~~Consumer Protection~~ *Legislature and the Office of the Consumer*  
35 *Advocate* before September 1, 2008, regarding the impact on those  
36 applicants of the examination limitations imposed by this section.  
37 The report shall include, but not be limited to, the following  
38 information:

39 (1) The number of applicants taking the examination and the  
40 number who fail the examination for the fourth time.

1 (2) The number of applicants who, after failing the examination  
2 for the fourth time, complete a pharmacy studies program in  
3 California or another state to satisfy the requirements of this section  
4 and who apply to take the licensure examination required by  
5 Section 4200.

6 (3) To the extent possible, the school from which the applicant  
7 graduated and the school's location and the pass/fail rates on the  
8 examination for each school.

9 (g) This section shall remain in effect only until January 1, 2010,  
10 and as of that date is repealed, unless a later enacted statute, that  
11 is enacted before January 1, 2010, deletes or extends that date.

12 *SEC. 47. Section 4200.3 of the Business and Professions Code*  
13 *is amended to read:*

14 4200.3. (a) The examination process shall be regularly  
15 reviewed pursuant to Section 139.

16 (b) The examination process shall meet the standards and  
17 guidelines set forth in the Standards for Educational and  
18 Psychological Testing and the Federal Uniform Guidelines for  
19 Employee Selection Procedures. The board shall work with the  
20 Office of Examination Resources of the department or with an  
21 equivalent organization who shall certify at minimum once every  
22 five years that the examination process meets these national testing  
23 standards. If the department determines that the examination  
24 process fails to meet these standards, the board shall terminate its  
25 use of the North American Pharmacy Licensure Examination and  
26 shall use only the written and practical examination developed by  
27 the board.

28 (c) The examination shall meet the mandates of subdivision (a)  
29 of Section 12944 of the Government Code.

30 (d) The board shall work with the Office of Examination  
31 Resources or with an equivalent organization to develop the state  
32 jurisprudence examination to ensure that applicants for licensure  
33 are evaluated on their knowledge of applicable state laws and  
34 regulations.

35 (e) The board shall annually publish the pass and fail rates for  
36 the pharmacist's licensure examination administered pursuant to  
37 Section 4200, including a comparison of historical pass and fail  
38 rates before utilization of the North American Pharmacist Licensure  
39 Examination.

1 (f) The board shall *annually* report to the ~~Joint Committee on~~  
2 ~~Boards, Commissions, and Consumer Protection~~ *Legislature, the*  
3 *Office of the Consumer Advocate,* and the department ~~as part of~~  
4 ~~its next scheduled review,~~ the pass rates of applicants who sat for  
5 the national examination compared with the pass rates of applicants  
6 who sat for the prior state examination. This report shall be a  
7 component of the evaluation of the examination process that is  
8 based on psychometrically sound principles for establishing  
9 minimum qualifications and levels of competency.

10 *SEC. 48. Section 4501 of the Business and Professions Code*  
11 *is amended to read:*

12 4501. ~~(a)~~ “Board,” as used in this chapter, means the Board  
13 of Vocational Nursing and Psychiatric Technicians.

14 ~~(b) This section shall become inoperative on July 1, 2008, and,~~  
15 ~~as of January 1, 2009, is repealed, unless a later enacted statute,~~  
16 ~~which becomes effective on or before January 1, 2009, deletes or~~  
17 ~~extends the dates on which it becomes inoperative and is repealed.~~

18 *SEC. 49. Section 4800 of the Business and Professions Code*  
19 *is amended to read:*

20 4800. There is in the Department of Consumer Affairs a  
21 Veterinary Medical Board in which the administration of this  
22 chapter is vested. The board consists of seven members, three of  
23 whom shall be public members.

24 ~~This section shall become inoperative on July 1, 2011, and, as~~  
25 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~  
26 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
27 ~~the dates on which it becomes inoperative and is repealed.~~

28 ~~The repeal of this section renders the board subject to the review~~  
29 ~~provided for by Division 1.2 (commencing with Section 473).~~

30 *SEC. 50. Section 4928 of the Business and Professions Code*  
31 *is amended to read:*

32 4928. The Acupuncture Board, which consists of seven  
33 members, shall enforce and administer this chapter. The appointing  
34 powers, as described in Section 4929, may appoint to the board a  
35 person who was a member of the prior board prior to the repeal of  
36 that board on January 1, 2006.

37 ~~This section shall become inoperative on July 1, 2009, and, as~~  
38 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~  
39 ~~becomes effective on or before January 1, 2010, deletes or extends~~  
40 ~~the dates on which it becomes inoperative and is repealed.~~

1 The repeal of this section renders the board subject to the review  
2 required by Division 1.2 (commencing with Section 473).

3 *SEC. 51. Section 4989 of the Business and Professions Code*  
4 *is repealed.*

5 4989. The powers and duties of the board, as set forth in this  
6 chapter, shall be subject to the review required by Division 1.2  
7 (commencing with Section 473). The review shall be performed  
8 as if this chapter were scheduled to become inoperative on July 1,  
9 2005, and would be repealed as of January 1, 2006, as described  
10 in Section 473.1.

11 *SEC. 52. Section 4990 of the Business and Professions Code*  
12 *is amended to read:*

13 4990. (a) There is in the Department of Consumer Affairs, a  
14 Board of Behavioral Sciences that consists of 11 members  
15 composed as follows:

- 16 (1) Two state licensed clinical social workers.
- 17 (2) One state licensed educational psychologist.
- 18 (3) Two state licensed marriage and family therapists.
- 19 (4) Six public members.

20 (b) Each member, except the six public members, shall have at  
21 least two years of experience in his or her profession.

22 (c) Each member shall reside in the State of California.

23 (d) The Governor shall appoint four of the public members and  
24 the five licensed members with the advice and consent of the  
25 Senate. The Senate Committee on Rules and the Speaker of the  
26 Assembly shall each appoint a public member.

27 (e) Each member of the board shall be appointed for a term of  
28 four years. A member appointed by the Speaker of the Assembly  
29 or the Senate Committee on Rules shall hold office until the  
30 appointment and qualification of his or her successor or until one  
31 year from the expiration date of the term for which he or she was  
32 appointed, whichever first occurs. Pursuant to Section 1774 of the  
33 Government Code, a member appointed by the Governor shall  
34 hold office until the appointment and qualification of his or her  
35 successor or until 60 days from the expiration date of the term for  
36 which he or she was appointed, whichever first occurs.

37 (f) A vacancy on the board shall be filled by appointment for  
38 the unexpired term by the authority who appointed the member  
39 whose membership was vacated.

1 (g) Not later than the first of June of each calendar year, the  
2 board shall elect a chairperson and a vice chairperson from its  
3 membership.

4 (h) Each member of the board shall receive a per diem and  
5 reimbursement of expenses as provided in Section 103.

6 ~~(i) This section shall become inoperative on July 1, 2009, and,  
7 as of January 1, 2010, is repealed, unless a later enacted statute,  
8 that is enacted before January 1, 2010, deletes or extends the dates  
9 on which it becomes inoperative and is repealed.~~

10 *SEC. 53. Section 4990.24 of the Business and Professions Code*  
11 *is repealed.*

12 ~~4990.24. The powers and duties of the board, as set forth in  
13 this chapter, shall be subject to the review required by Division  
14 1.2 (commencing with Section 473).~~

15 *SEC. 54. Section 5000 of the Business and Professions Code*  
16 *is amended to read:*

17 5000. There is in the Department of Consumer Affairs the  
18 California Board of Accountancy, which consists of 15 members,  
19 seven of whom shall be licensees, and eight of whom shall be  
20 public members who shall not be licentiates of the board or  
21 registered by the board. The board has the powers and duties  
22 conferred by this chapter.

23 The Governor shall appoint four of the public members, and the  
24 seven licensee members as provided in this section. The Senate  
25 ~~Rules Committee~~ *Committee on Rules* and the Speaker of the  
26 Assembly shall each appoint two public members. In appointing  
27 the seven licensee members, the Governor shall appoint members  
28 representing a cross section of the accounting profession with at  
29 least two members representing a small public accounting firm.  
30 For the purposes of this chapter, a small public accounting firm  
31 shall be defined as a professional firm that employs a total of no  
32 more than four licensees as partners, owners, or full-time  
33 employees in the practice of public accountancy within the State  
34 of California.

35 ~~This section shall become inoperative on July 1, 2011, and as  
36 of January 1, 2012, is repealed, unless a later enacted statute, that  
37 becomes effective on or before January 1, 2012, deletes or extends  
38 the dates on which this section becomes inoperative and is repealed.  
39 The repeal of this section renders the board subject to the review  
40 required by Division 1.2 (commencing with Section 473).~~

1 ~~However, the review of the board shall be limited to reports or~~  
2 ~~studies specified in this chapter and those issues identified by the~~  
3 ~~Joint Committee on Boards, Commissions, and Consumer~~  
4 ~~Protection and the board regarding the implementation of new~~  
5 ~~licensing requirements.~~

6 *SEC. 55. Section 5510 of the Business and Professions Code*  
7 *is amended to read:*

8 5510. There is in the Department of Consumer Affairs a  
9 California Architects Board which consists of 10 members.

10 Any reference in law to the California Board of Architectural  
11 Examiners shall mean the California Architects Board.

12 ~~This section shall become inoperative on July 1, 2011, and, as~~  
13 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~  
14 ~~becomes effective on or before January 1, 2012, deletes or extends~~  
15 ~~the dates on which it becomes inoperative and is repealed. The~~  
16 ~~repeal of this section renders the board subject to the review~~  
17 ~~required by Division 1.2 (commencing with Section 473).~~

18 *SEC. 56. Section 5621 of the Business and Professions Code*  
19 *is amended to read:*

20 5621. (a) There is hereby created within the jurisdiction of the  
21 board, a Landscape Architects Technical Committee, hereinafter  
22 referred to in this chapter as the landscape architects committee.

23 (b) The landscape architects committee shall consist of five  
24 members who shall be licensed to practice landscape architecture  
25 in this state. The Governor shall appoint three of the members.  
26 The Senate Committee on Rules and the Speaker of the Assembly  
27 shall appoint one member each.

28 (c) The initial members to be appointed by the Governor are as  
29 follows: one member for a term of one year; one member for a  
30 term of two years; and one member for a term of three years. The  
31 Senate Committee on Rules and the Speaker of the Assembly shall  
32 initially each appoint one member for a term of four years.  
33 Thereafter, appointments shall be made for four-year terms,  
34 expiring on June 1 of the fourth year and until the appointment  
35 and qualification of his or her successor or until one year shall  
36 have elapsed whichever first occurs. Vacancies shall be filled for  
37 the unexpired term.

38 (d) No person shall serve as a member of the landscape  
39 architects committee for more than two consecutive terms.

1 ~~(e) This section shall become inoperative on July 1, 2011, and,~~  
2 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
3 ~~that becomes operative on or before January 1, 2012, deletes or~~  
4 ~~extends the dates on which it becomes inoperative and is repealed.~~

5 *SEC. 57. Section 5810 of the Business and Professions Code*  
6 *is amended to read:*

7 5810. ~~(a) This chapter shall be subject to the review required~~  
8 ~~by Division 1.2 (commencing with Section 473) process described~~  
9 ~~in Division 1.3 (commencing with Section 474.20).~~

10 ~~(b) This chapter shall remain in effect only until January 1,~~  
11 ~~2010, and as of that date is repealed, unless a later enacted statute,~~  
12 ~~that is enacted before January 1, 2010, deletes or extends that date.~~

13 *SEC. 58. Section 5811 of the Business and Professions Code*  
14 *is amended to read:*

15 5811. An interior design organization issuing stamps under  
16 Section 5801 shall provide to the ~~Joint Committee on Boards,~~  
17 ~~Commissions, and Consumer Protection Legislature and the Office~~  
18 ~~of the Consumer Advocate~~ by September 1, 2008, a report that  
19 reviews and assesses the costs and benefits associated with the  
20 California Code and Regulations Examination and explores feasible  
21 alternatives to that examination.

22 *SEC. 59. Section 6510 of the Business and Professions Code*  
23 *is amended to read:*

24 6510. (a) There is within the jurisdiction of the department  
25 the Professional Fiduciaries Bureau. The bureau is under the  
26 supervision and control of the director. The duty of enforcing and  
27 administering this chapter is vested in the chief of the bureau, who  
28 is responsible to the director. Every power granted or duty imposed  
29 upon the director under this chapter may be exercised or performed  
30 in the name of the director by a deputy director or by the chief,  
31 subject to conditions and limitations as the director may prescribe.

32 (b) The Governor shall appoint, subject to confirmation by the  
33 Senate, the chief of the bureau, at a salary to be fixed and  
34 determined by the director with the approval of the Director of  
35 Finance. The chief shall serve under the direction and supervision  
36 of the director and at the pleasure of the Governor.

37 ~~(e) This section shall become inoperative on July 1, 2011, and,~~  
38 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
39 ~~that becomes operative on or before January 1, 2011, deletes or~~  
40 ~~extends the dates on which it becomes inoperative and is repealed.~~

1 The repeal of this section renders the bureau subject to the review  
2 required by Division 1.2 (commencing with Section 473).

3 Notwithstanding any other provision of law, upon the repeal of  
4 this section, the responsibilities and jurisdiction of the bureau shall  
5 be transferred to the Professional Fiduciaries Advisory Committee,  
6 as provided by Section 6511.

7 *SEC. 60. Section 6511 of the Business and Professions Code*  
8 *is amended to read:*

9 6511. (a) There is within the bureau a Professional Fiduciaries  
10 Advisory Committee. The committee shall consist of seven  
11 members; three of whom shall be licensees actively engaged as  
12 professional fiduciaries in this state, and four of whom shall be  
13 public members. One of the public members shall be a member  
14 of a nonprofit organization advocating on behalf of the elderly,  
15 and one of the public members shall be a probate court investigator.

16 (b) Each member of the committee shall be appointed for a term  
17 of four years, and shall hold office until the appointment of his or  
18 her successor or until one year shall have elapsed since the  
19 expiration of the term for which he or she was appointed,  
20 whichever first occurs.

21 (c) Vacancies shall be filled by the appointing power for the  
22 unexpired portion of the terms in which they occur. No person  
23 shall serve as a member of the committee for more than two  
24 consecutive terms.

25 (d) The Governor shall appoint the member from a nonprofit  
26 organization advocating on behalf of the elderly, the probate court  
27 investigator, and the three licensees. The Senate Committee on  
28 Rules and the Speaker of the Assembly shall each appoint a public  
29 member.

30 (e) Every member of the committee shall receive per diem and  
31 expenses as provided in Sections 103 and 113.

32 (f) The committee shall do all of the following:

33 (1) Examine the functions and policies of the bureau and make  
34 recommendations with respect to policies, practices, and  
35 regulations as may be deemed important and necessary by the  
36 director or the chief to promote the interests of consumers or that  
37 otherwise promote the welfare of the public.

38 (2) Consider and make appropriate recommendations to the  
39 bureau in any matter relating to professional fiduciaries in this  
40 state.

1 (3) Provide assistance as may be requested by the bureau in the  
2 exercise of its powers or duties.

3 (4) Meet at least once each quarter. All meetings of the  
4 committee shall be public meetings.

5 (g) The bureau shall meet and consult with the committee  
6 regarding general policy issues related to professional fiduciaries.

7 ~~(h) Notwithstanding any other provision of law, if the bureau  
8 becomes inoperative or is repealed in accordance with Section  
9 6510, or by subsequent acts, the committee shall succeed to and  
10 is vested with all the duties, powers, purposes, responsibilities,  
11 and jurisdiction, not otherwise repealed or made inoperative, of  
12 the bureau and its chief. The succession of the committee to the  
13 functions of the bureau as provided in this subdivision shall  
14 establish the committee as the Professional Fiduciaries Committee  
15 in the department within the meaning of Section 22, and all  
16 references to the bureau in this code shall be considered as  
17 references to the committee.~~

18 *SEC. 61. Section 6710 of the Business and Professions Code*  
19 *is amended to read:*

20 6710. (a) There is in the Department of Consumer Affairs a  
21 Board for Professional Engineers and Land Surveyors, which  
22 consists of 13 members.

23 (b) Any reference in any law or regulation to the Board of  
24 Registration for Professional Engineers and Land Surveyors is  
25 deemed to refer to the Board for Professional Engineers and Land  
26 Surveyors.

27 ~~(c) This section shall become inoperative on July 1, 2011, and,  
28 as of January 1, 2012, is repealed, unless a later enacted statute,  
29 that becomes effective on or before January 1, 2012, deletes or  
30 extends the dates on which it becomes inoperative and is repealed.  
31 The repeal of this section renders the board subject to the review  
32 required by Division 1.2 (commencing with Section 473).~~

33 *SEC. 62. Section 7000.5 of the Business and Professions Code*  
34 *is amended to read:*

35 7000.5. ~~(a)~~ There is in the Department of Consumer Affairs  
36 a Contractors' State License Board, which consists of 15 members.

37 ~~(b) The repeal of this section renders the board subject to the  
38 review required by Division 1.2 (commencing with Section 473).  
39 However, the review of this board by the department shall be~~

1 ~~limited to only those unresolved issues identified by the Joint~~  
2 ~~Committee on Boards, Commissions, and Consumer Protection.~~

3 ~~(e) This section shall become inoperative on July 1, 2009, and,~~  
4 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~  
5 ~~which becomes effective on or before January 1, 2010, deletes or~~  
6 ~~extends the dates on which it becomes inoperative and is repealed.~~  
7 ~~The repeal of this section renders the board subject to the review~~  
8 ~~required by Division 1.2 (commencing with Section 473).~~

9 *SEC. 63. Section 7200 of the Business and Professions Code*  
10 *is amended to read:*

11 7200. ~~(a)~~ There is in the Department of Consumer Affairs a  
12 State Board of Guide Dogs for the Blind in whom enforcement of  
13 this chapter is vested. The board shall consist of seven members  
14 appointed by the Governor. One member shall be the Director of  
15 Rehabilitation or his or her designated representative. The  
16 remaining members shall be persons who have shown a particular  
17 interest in dealing with the problems of the blind, and at least two  
18 of them shall be blind persons who use guide dogs.

19 ~~(b) This section shall become inoperative on July 1, 2011, and,~~  
20 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
21 ~~which becomes effective on or before January 1, 2012, deletes or~~  
22 ~~extends the dates on which it becomes inoperative and is repealed.~~

23 *SEC. 64. Section 7303 of the Business and Professions Code*  
24 *is amended to read:*

25 7303. (a) Notwithstanding Article 8 (commencing with Section  
26 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the  
27 Government Code, there is in the Department of Consumer Affairs  
28 the State Board of Barbering and Cosmetology in which the  
29 administration of this chapter is vested.

30 (b) The board shall consist of nine members. Five members  
31 shall be public members and four members shall represent the  
32 professions. The Governor shall appoint three of the public  
33 members and the four professions members. The Senate Committee  
34 on Rules and the Speaker of the Assembly shall each appoint one  
35 public member. Members of the board shall be appointed for a  
36 term of four years, except that of the members appointed by the  
37 Governor, two of the public members and two of the professions  
38 members shall be appointed for an initial term of two years. No  
39 board member may serve longer than two consecutive terms.

1 (c) The board shall appoint an executive officer who is exempt  
2 from civil service. The executive officer shall exercise the powers  
3 and perform the duties delegated by the board and vested in him  
4 or her by this chapter. The appointment of the executive officer is  
5 subject to the approval of the director. In the event that a newly  
6 authorized board replaces an existing or previous bureau, the  
7 director may appoint an interim executive officer for the board  
8 who shall serve temporarily until the new board appoints a  
9 permanent executive officer.

10 (d) The executive officer shall provide examiners, inspectors,  
11 and other personnel necessary to carry out the provisions of this  
12 chapter.

13 ~~(e) This section shall become inoperative on July 1, 2008, and,  
14 as of January 1, 2009, is repealed, unless a later enacted statute,  
15 which becomes effective on or before January 1, 2009, deletes or  
16 extends the dates on which it becomes inoperative and is repealed.~~

17 *SEC. 65. Section 7304 of the Business and Professions Code*  
18 *is repealed.*

19 ~~7304. The board shall be subject to review pursuant to Division  
20 1.2 (commencing with Section 473):~~

21 *SEC. 66. Section 7810 of the Business and Professions Code*  
22 *is amended to read:*

23 7810. The Board for Geologists and Geophysicists is within  
24 the department and is subject to the jurisdiction of the department.  
25 Except as provided in this section, the board shall consist of eight  
26 members, five of whom shall be public members, two of whom  
27 shall be geologists, and one of whom shall be a geophysicist.

28 Each member shall hold office until the appointment and  
29 qualification of the member's successor or until one year has  
30 elapsed from the expiration of the term for which the member was  
31 appointed, whichever occurs first. Vacancies occurring prior to  
32 the expiration of the term shall be filled by appointment for the  
33 remainder of the unexpired term.

34 Each appointment shall be for a four-year term expiring June 1  
35 of the fourth year following the year in which the previous term  
36 expired. No person shall serve as a member of the board for more  
37 than two consecutive terms.

38 The Governor shall appoint three of the public members and the  
39 three members qualified as provided in Section 7811. The Senate  
40 Committee on Rules and the Speaker of the Assembly shall each

1 appoint a public member, and their initial appointment shall be  
2 made to fill, respectively, the first and second public member  
3 vacancies that occurred on or after January 1, 1983.

4 At the time the first vacancy is created by the expiration of the  
5 term of a public member appointed by the Governor, the board  
6 shall be reduced to consist of seven members, four of whom shall  
7 be public members, two of whom shall be geologists, and one of  
8 whom shall be a geophysicist. Notwithstanding any other provision  
9 of law, the term of that member shall not be extended for any  
10 reason, except as provided in this section.

11 ~~This section shall become inoperative on July 1, 2009, and, as~~  
12 ~~of January 1, 2010, is repealed, unless a later enacted statute, that~~  
13 ~~becomes operative on or before January 1, 2010, deletes or extends~~  
14 ~~the dates on which it becomes inoperative and is repealed. The~~  
15 ~~repeal of this section renders the board subject to the review~~  
16 ~~required by Division 1.2 (commencing with Section 473).~~

17 *SEC. 67. Section 8000 of the Business and Professions Code*  
18 *is amended to read:*

19 8000. There is in the Department of Consumer Affairs a Court  
20 Reporters Board of California, which consists of five members,  
21 three of whom shall be public members and two of whom shall be  
22 holders of certificates issued under this chapter who have been  
23 actively engaged as shorthand reporters within this state for at least  
24 five years immediately preceding their appointment.

25 ~~This section shall become inoperative on July 1, 2009, and, as~~  
26 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~  
27 ~~becomes effective on or before January 1, 2010, deletes or extends~~  
28 ~~the dates on which it becomes inoperative and is repealed.~~

29 *SEC. 68. Section 8520 of the Business and Professions Code*  
30 *is amended to read:*

31 8520. (a) There is in the Department of Consumer Affairs a  
32 Structural Pest Control Board, which consists of seven members.

33 (b) Subject to the jurisdiction conferred upon the director by  
34 Division 1 (commencing with Section 100) of this code, the board  
35 is vested with the power to and shall administer the provisions of  
36 this chapter.

37 (c) It is the intent of the Legislature that consumer protection  
38 is the primary mission of the board.

39 ~~(d) This section shall become inoperative on July 1, 2011, and,~~  
40 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~

1 which becomes effective on or before January 1, 2012, deletes or  
2 extends the dates on which it becomes inoperative and is repealed.  
3 The repeal of this section renders the board subject to the review  
4 required by Division 1.2 (commencing with Section 473).

5 *SEC. 69. Section 8710 of the Business and Professions Code*  
6 *is amended to read:*

7 8710. (a) The Board for Professional Engineers and Land  
8 Surveyors is vested with power to administer the provisions and  
9 requirements of this chapter, and may make and enforce rules and  
10 regulations that are reasonably necessary to carry out its provisions.

11 (b) The board may adopt rules and regulations of professional  
12 conduct that are not inconsistent with state and federal law. The  
13 rules and regulations may include definitions of incompetence and  
14 negligence. Every person who holds a license or certificate issued  
15 by the board pursuant to this chapter, or a license or certificate  
16 issued to a civil engineer pursuant to Chapter 7 (commencing with  
17 Section 6700), shall be governed by these rules and regulations.

18 ~~(c) This section shall become inoperative on July 1, 2011, and,~~  
19 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~  
20 ~~which becomes effective on or before January 1, 2012, deletes or~~  
21 ~~extends the dates on which it becomes inoperative and is repealed.~~  
22 ~~The repeal of this section shall render the board subject to the~~  
23 ~~review required by Division 1.2 (commencing with Section 473).~~

24 *SEC. 70. Section 9882 of the Business and Professions Code*  
25 *is amended to read:*

26 9882. ~~(a) There is in the Department of Consumer Affairs a~~  
27 ~~Bureau of Automotive Repair under the supervision and control~~  
28 ~~of the director. The duty of enforcing and administering this chapter~~  
29 ~~is vested in the chief who is responsible to the director. The director~~  
30 ~~may adopt and enforce those rules and regulations that he or she~~  
31 ~~determines are reasonably necessary to carry out the purposes of~~  
32 ~~this chapter and declaring the policy of the bureau, including a~~  
33 ~~system for the issuance of citations for violations of this chapter~~  
34 ~~as specified in Section 125.9. These rules and regulations shall be~~  
35 ~~adopted pursuant to Chapter 3.5 (commencing with Section 11340)~~  
36 ~~of Part 1 of Division 3 of Title 2 of the Government Code.~~

37 ~~(b) In 2003 and every four years thereafter, the Joint Committee~~  
38 ~~on Boards, Commissions, and Consumer Protection shall hold a~~  
39 ~~public hearing to receive testimony from the Director of Consumer~~  
40 ~~Affairs and the bureau. In those hearings, the bureau shall have~~

1 ~~the burden of demonstrating a compelling public need for the~~  
2 ~~continued existence of the bureau and its regulatory program, and~~  
3 ~~that its function is the least restrictive regulation consistent with~~  
4 ~~the public health, safety, and welfare. The committee shall evaluate~~  
5 ~~and review the effectiveness and efficiency of the bureau based~~  
6 ~~on factors and minimum standards of performance that are specified~~  
7 ~~in Section 473.4. The committee shall report its findings and~~  
8 ~~recommendations as specified in Section 473.5. The bureau shall~~  
9 ~~prepare an analysis and submit a report to the committee as~~  
10 ~~specified in Section 473.2.~~

11 *SEC. 71. Section 18602 of the Business and Professions Code*  
12 *is amended to read:*

13 18602. (a) Except as provided in this section, there is in the  
14 Department of Consumer Affairs the State Athletic Commission,  
15 which consists of seven members. Five members shall be appointed  
16 by the Governor, one member shall be appointed by the Senate  
17 ~~Rules~~ *Rules Committee on Rules*, and one member shall be appointed  
18 by the Speaker of the Assembly.

19 The members of the commission appointed by the Governor are  
20 subject to confirmation by the Senate pursuant to Section 1322 of  
21 the Government Code.

22 No person who is currently licensed, or who was licensed within  
23 the last two years, under this chapter may be appointed or  
24 reappointed to, or serve on, the commission.

25 (b) In appointing commissioners under this section, the  
26 Governor, the Senate ~~Rules~~ *Rules Committee on Rules*, and the Speaker  
27 of the Assembly shall make every effort to ensure that at least four  
28 of the members of the commission shall have experience and  
29 demonstrate expertise in one of the following areas:

30 (1) A licensed physician or surgeon having expertise or  
31 specializing in neurology, neurosurgery, head trauma, or sports  
32 medicine. Sports medicine includes, but is not limited to,  
33 physiology, kinesiology, or other aspects of sports medicine.

34 (2) Financial management.

35 (3) Public safety.

36 (4) Past experience in the activity regulated by this chapter,  
37 either as a contestant, a referee or official, a promoter, or a venue  
38 operator.

39 (c) Each member of the commission shall be appointed for a  
40 term of four years. All terms shall end on January 1. Vacancies

1 occurring prior to the expiration of the term shall be filled by  
2 appointment for the unexpired term. No commission member may  
3 serve more than two consecutive terms.

4 (d) Notwithstanding any other provision of this chapter,  
5 members first appointed shall be subject to the following terms:

6 (1) The Governor shall appoint two members for two years, two  
7 members for three years, and one member for four years.

8 (2) The Senate Committee on Rules shall appoint one member  
9 for four years.

10 (3) The Speaker of the Assembly shall appoint one member for  
11 four years.

12 (4) The appointing powers, as described in subdivision (a), may  
13 appoint to the commission a person who was a member of the prior  
14 commission prior to the repeal of that commission on July 1, 2006.

15 ~~(e) This section shall become inoperative on July 1, 2009, and  
16 as of January 1, 2010, is repealed, unless a later enacted statute,  
17 which becomes operative on or before January 1, 2010, deletes or  
18 extends the dates on which it becomes inoperative and is repealed.  
19 The repeal of this section renders the commission subject to the  
20 review required by Division 1.2 (commencing with Section 473).~~

21 *SEC. 72. Section 18602.5 of the Business and Professions Code*  
22 *is amended to read:*

23 18602.5. (a) The commission shall adopt and submit a strategic  
24 plan to the Governor and the Legislature on or before September  
25 30, 2008. The commission shall also submit a report to the  
26 Governor and the Legislature on the status of the adoption of the  
27 strategic plan ~~during the commission's next regularly scheduled~~  
28 ~~sunset review after January 1, 2007 on or before March 1, 2008.~~  
29 The strategic plan shall include, but shall not be limited to, efforts  
30 to resolve prior State Athletic Commission deficiencies in the  
31 following areas:

32 (1) Regulation of the profession, what fees should be paid for  
33 this regulation, and the structure and equity of the fees charged.

34 (2) The effect and appropriateness of contracts made pursuant  
35 to Section 18828.

36 (3) Costs to train ringside physicians, referees, timekeepers, and  
37 judges.

38 (4) Steps that need to be taken to ensure sufficient sources of  
39 revenue and funding.

1 (5) Necessity for review and modification of organizational  
 2 procedures, the licensing process, and the complaint process.

3 (6) Outdated information technology.

4 (7) Unorganized and improper accounting.

5 (8) Miscalculations at events, a lack of technology to record  
 6 proper calculations, and funding issues.

7 (9) The health and safety of the participants and the public in  
 8 attendance at events regulated under this chapter, including costs  
 9 of examinations under Section 18711.

10 (b) The commission shall solicit input from the public, the State  
 11 Auditor, the Little Hoover Commission, the Center for Public  
 12 Interest Law, and others as necessary in preparing and adopting  
 13 the strategic plan.

14 (c) The commission shall report on progress in implementing  
 15 the strategic plan to the Director of Consumer Affairs, the  
 16 Governor, and the Legislature on or before September 30, 2009.

17 *SEC. 73. Section 18824 of the Business and Professions Code*  
 18 *is amended to read:*

19 18824. (a) Except as provided in Sections 18646 and 18832,  
 20 every person who conducts a contest or wrestling exhibition shall,  
 21 within five working days after the determination of every contest  
 22 or wrestling exhibition for which admission is charged and  
 23 received, furnish to the commission the following:

24 (1) A written report executed under penalty of perjury by one  
 25 of the officers, showing the amount of the gross receipts, not to  
 26 exceed two million dollars (\$2,000,000), and the gross price for  
 27 the contest or wrestling exhibition charged directly or indirectly  
 28 and no matter by whom received, for the sale, lease, or other  
 29 exploitation of broadcasting and television rights of the contest or  
 30 wrestling exhibition, and without any deductions, except for  
 31 expenses incurred for one broadcast announcer, telephone line  
 32 connection, and transmission mobile equipment facility, which  
 33 may be deducted from the gross taxable base when those expenses  
 34 are approved by the commission.

35 (2) A fee of 5 percent, exclusive of any federal taxes paid  
 36 thereon, of the amount paid for admission to the contest or  
 37 wrestling exhibition, except that for any one contest, the fee shall  
 38 not exceed the amount of one hundred thousand dollars (\$100,000).  
 39 The commission shall report to the ~~Joint Committee on Boards,~~  
 40 ~~Commissions, and Consumer Protection~~ *Legislature and the Office*

1 *of the Consumer Advocate* on the fiscal impact of the one hundred  
2 thousand dollar (\$100,000) limit on fees collected by the  
3 commission for admissions revenues.

4 (A) The amount of the gross receipts upon which the fee  
5 provided for in paragraph (2) is calculated shall not include any  
6 assessments levied by the commission under Section 18711.

7 (B) (i) If the fee for any one boxing contest exceeds seventy  
8 thousand dollars (\$70,000), the amount in excess of seventy  
9 thousand dollars (\$70,000) shall be paid one-half to the commission  
10 and one-half to the Boxers' Pension Fund.

11 (ii) If the report required by subdivision (b) of Section 18618  
12 recommends that the Boxers' Pension Fund shall be expanded to  
13 include all athletes licensed under this chapter, the commission,  
14 by regulation, shall require, for all contests where the fee exceeds  
15 seventy thousand dollars (\$70,000), the amount in excess of  
16 seventy thousand dollars (\$70,000) shall be paid one-half to the  
17 commission and one-half to the Boxers' Pension Fund only if all  
18 athletes licensed under this chapter are made eligible for the  
19 Boxers' Pension Fund.

20 (C) The fee shall apply to the amount actually paid for admission  
21 and not to the regular established price.

22 (D) No fee is due in the case of a person admitted free of charge.  
23 However, if the total number of persons admitted free of charge  
24 to a boxing, kickboxing, or martial arts contest, or wrestling  
25 exhibition exceeds 33 percent of the total number of spectators,  
26 then a fee of one dollar (\$1) per complimentary ticket or pass used  
27 to gain admission to the contest shall be paid to the commission  
28 for each complimentary ticket or pass that exceeds the numerical  
29 total of 33 percent of the total number of spectators.

30 (E) The minimum fee for an amateur contest or exhibition shall  
31 not be less than five hundred dollars (\$500).

32 (3) A fee of up to 5 percent, to be established by the commission  
33 through regulations to become operative on or before July 1, 2008,  
34 and updated periodically as needed, of the gross price, exclusive  
35 of any federal taxes paid thereon, for the sale, lease, or other  
36 exploitation of broadcasting or television rights thereof, except  
37 that in no case shall the fee be less than one thousand dollars  
38 (\$1,000) or more than twenty-five thousand dollars (\$25,000).

39 (b) As used in this section, "person" includes a promoter, club,  
40 individual, corporation, partnership, association, or other

1 organization, and “wrestling exhibition” means a performance of  
2 wrestling skills and techniques by two or more individuals, to  
3 which admission is charged or which is broadcast or televised, in  
4 which the participating individuals are not required to use their  
5 best efforts in order to win, and for which the winner may have  
6 been selected before the performance commences.

7 *SEC. 74. Section 18882 of the Business and Professions Code*  
8 *is amended to read:*

9 18882. (a) At the time of payment of the fee required by  
10 Section 18824, a promoter shall pay to the commission all amounts  
11 scheduled for contribution to the pension plan. If the commission,  
12 in its discretion, requires pursuant to Section 18881, that  
13 contributions to the pension plan be made by the boxer and his or  
14 her manager, those contributions shall be made at the time and in  
15 the manner prescribed by the commission.

16 (b) All contributions to finance the pension plan shall be  
17 deposited in the State Treasury and credited to the Boxers’ Pension  
18 Fund, which is hereby created. Notwithstanding the provisions of  
19 Section 13340 of the Government Code, all moneys in the Boxers’  
20 Pension Fund are hereby continuously appropriated to be used  
21 exclusively for the purposes and administration of the pension  
22 plan.

23 (c) The Boxers’ Pension Fund is a retirement fund, and no  
24 moneys within it shall be deposited or transferred to the General  
25 Fund.

26 (d) The commission has exclusive control of all funds in the  
27 Boxers’ Pension Fund. No transfer or disbursement in any amount  
28 from this fund shall be made except upon the authorization of the  
29 commission and for the purpose and administration of the pension  
30 plan.

31 (e) Except as otherwise provided in this subdivision, the  
32 commission or its designee shall invest the money contained in  
33 the Boxers’ Pension Fund according to the same standard of care  
34 as provided in Section 16040 of the Probate Code. The commission  
35 has exclusive control over the investment of all moneys in the  
36 Boxers’ Pension Fund. Except as otherwise prohibited or restricted  
37 by law, the commission may invest the moneys in the fund through  
38 the purchase, holding, or sale of any investment, financial  
39 instrument, or financial transaction that the commission in its  
40 informed opinion determines is prudent.

1 (f) The administrative costs associated with investing, managing,  
2 and distributing the Boxers' Pension Fund shall be limited to no  
3 more than 20 percent of the average annual contribution made to  
4 the fund in the previous two years, not including any investment  
5 income derived from the corpus of the fund. Diligence shall be  
6 exercised by administrators in order to lower the fund's expense  
7 ratio as far below 20 percent as feasible and appropriate. The  
8 commission shall report to the ~~Joint Committee on Boards,~~  
9 ~~Commissions, and Consumer Protection~~ *Legislature and the Office*  
10 *of the Consumer Advocate* on the impact of this provision ~~during~~  
11 ~~the next regularly scheduled sunset review after January 1, 2007~~  
12 ~~on or before March 1, 2008.~~

13 *SEC. 75. Section 22259 of the Business and Professions Code*  
14 *is repealed.*

15 ~~22259. This chapter shall be subject to the review required by~~  
16 ~~Division 1.2 (commencing with Section 473).~~

17 ~~This chapter shall become inoperative on July 1, 2008, and, as~~  
18 ~~of January 1, 2009, is repealed, unless a later enacted statute, which~~  
19 ~~becomes effective on or before January 1, 2009, deletes or extends~~  
20 ~~that date on which it becomes inoperative and is repealed.~~

21 *SEC. 76. Section 9148.8 of the Government Code is amended*  
22 *to read:*

23 9148.8. (a) ~~The Joint Committee on Boards, Commissions,~~  
24 ~~and Consumer Protection~~ *Office of the Consumer Advocate*, acting  
25 pursuant to a request from the chairperson of the appropriate policy  
26 committee, shall evaluate a plan prepared pursuant to Section  
27 9148.4 or 9148.6.

28 (b) Evaluations prepared by the ~~Joint Committee on Boards,~~  
29 ~~Commissions, and Consumer Protection~~ *Office of the Consumer*  
30 *Advocate* pursuant to this section shall be provided to the respective  
31 policy and fiscal committees of the Legislature pursuant to rules  
32 adopted by each committee for this purpose.

33 *SEC. 77. Section 9148.51 of the Government Code is amended*  
34 *to read:*

35 9148.51. (a) It is the intent of the Legislature that all existing  
36 and proposed state boards be subject to review ~~every four years~~  
37 ~~upon request by a Member of the Legislature or the chief of the~~  
38 ~~Office of the Consumer Advocate, as provided in Division 1.3~~  
39 ~~(commencing with Section 474.20) of the Business and Professions~~  
40 ~~Code, to evaluate and determine whether each has demonstrated~~

1 a public need for its continued existence in accordance with  
2 enumerated factors and standards as set forth in Chapter 2  
3 (commencing with Section 474) of Division 1.2 of the Business  
4 and Professions Code *the highest priority of each board is the*  
5 *protection of the public.*

6 (b) ~~In the event that~~ *If any state board becomes inoperative or*  
7 *is repealed in accordance with the act that added this section, any*  
8 *provision of existing law that provides for the appointment of*  
9 *board members and specifies the qualifications and tenure of board*  
10 *members shall not be implemented and shall have no force or effect*  
11 *while that state board is inoperative or repealed is determined to*  
12 *be deficient pursuant to Section 474.21 of the Business and*  
13 *Professions Code, the incumbent members of the board shall be*  
14 *removed from office without a hearing as described in Section*  
15 *474.21 of the Business and Professions Code, and a successor*  
16 *board shall be appointed pursuant to Section 101.1 of the Business*  
17 *and Professions Code.*

18 (e) ~~Any provision of law authorizing the appointment of an~~  
19 ~~executive officer by a state board subject to the review described~~  
20 ~~in Chapter 2 (commencing with Section 474) of Division 1.2 of~~  
21 ~~the Business and Professions Code, or prescribing his or her duties,~~  
22 ~~shall not be implemented and shall have no force or effect while~~  
23 ~~the applicable state board is inoperative or repealed.~~

24 (d) ~~It is the intent of the Legislature that subsequent legislation~~  
25 ~~to extend or repeal the inoperative date for any state board shall~~  
26 ~~be a separate bill for that purpose.~~

27 ~~SEC. 78. Section 9148.52 of the Government Code is repealed.~~

28 ~~9148.52. (a) The Joint Committee on Boards, Commissions,~~  
29 ~~and Consumer Protection established pursuant to Section 473 of~~  
30 ~~the Business and Professions Code shall review all state boards,~~  
31 ~~as defined in Section 9148.2, other than a board subject to review~~  
32 ~~pursuant to Chapter 1 (commencing with Section 473) of Division~~  
33 ~~1.2 of the Business and Professions Code, every four years.~~

34 (b) ~~The committee shall evaluate and make determinations~~  
35 ~~pursuant to Chapter 2 (commencing with Section 474) of Division~~  
36 ~~1.2 of the Business and Professions Code.~~

37 ~~SECTION 1. Section 101.1 of the Business and Professions~~  
38 ~~Code is repealed.~~

39 ~~SEC. 2. Section 101.1 is added to the Business and Professions~~  
40 ~~Code, to read:~~

1     ~~101.1. In the event that any board, as defined in Section 477,~~  
2 ~~becomes inoperative or is repealed, a successor board shall be~~  
3 ~~created in the Department of Consumer Affairs that shall succeed~~  
4 ~~to and is vested with all the duties, powers, purposes,~~  
5 ~~responsibilities, and jurisdiction not otherwise repealed or made~~  
6 ~~inoperative of the board that it is succeeding. The successor board~~  
7 ~~shall have the same number of members and composition as the~~  
8 ~~board that it is succeeding, and those members shall be appointed~~  
9 ~~by the same appointing authorities, for the same term, and with~~  
10 ~~the same membership requirements as the members of that board.~~  
11 ~~The successor board shall also have the same authority to appoint~~  
12 ~~an executive officer as was possessed by the board that it is~~  
13 ~~succeeding on the date upon which that board became inoperative.~~

14     ~~SEC. 3. Section 4001 of the Business and Professions Code is~~  
15 ~~amended to read:~~

16     ~~4001. (a) There is in the Department of Consumer Affairs a~~  
17 ~~California State Board of Pharmacy in which the administration~~  
18 ~~and enforcement of this chapter is vested. The board consists of~~  
19 ~~13 members.~~

20     ~~(b) The Governor shall appoint seven competent pharmacists~~  
21 ~~who reside in different parts of the state to serve as members of~~  
22 ~~the board. The Governor shall appoint four public members, and~~  
23 ~~the Senate Committee on Rules and the Speaker of the Assembly~~  
24 ~~shall each appoint a public member who shall not be a licensee of~~  
25 ~~the board, any other board under this division, or any board referred~~  
26 ~~to in Section 1000 or 3600.~~

27     ~~(c) At least five of the seven pharmacist appointees to the board~~  
28 ~~shall be pharmacists who are actively engaged in the practice of~~  
29 ~~pharmacy. Additionally, the membership of the board shall include~~  
30 ~~at least one pharmacist representative from each of the following~~  
31 ~~practice settings: an acute care hospital, an independent community~~  
32 ~~pharmacy, a chain community pharmacy, and a long-term health~~  
33 ~~care or skilled nursing facility. The pharmacist appointees shall~~  
34 ~~also include a pharmacist who is a member of a labor union that~~  
35 ~~represents pharmacists. For the purposes of this subdivision, a~~  
36 ~~“chain community pharmacy” means a chain of 75 or more stores~~  
37 ~~in California under the same ownership, and an “independent~~  
38 ~~community pharmacy” means a pharmacy owned by a person or~~  
39 ~~entity who owns no more than four pharmacies in California.~~

1 ~~(d) Members of the board shall be appointed for a term of four~~  
2 ~~years. No person shall serve as a member of the board for more~~  
3 ~~than two consecutive terms. Each member shall hold office until~~  
4 ~~the appointment and qualification of his or her successor or until~~  
5 ~~one year shall have elapsed since the expiration of the term for~~  
6 ~~which the member was appointed, whichever first occurs.~~  
7 ~~Vacancies occurring shall be filled by appointment for the~~  
8 ~~unexpired term.~~

9 ~~(e) Each member of the board shall receive a per diem and~~  
10 ~~expenses as provided in Section 103.~~

11 ~~(f) In accordance with Section 473.1, this section shall become~~  
12 ~~inoperative on July 1, 2010, and, as of January 1, 2011, is repealed,~~  
13 ~~unless a later enacted statute, that becomes effective on or before~~  
14 ~~January 1, 2011, deletes or extends the dates on which it becomes~~  
15 ~~inoperative and is repealed. The repeal of this section renders the~~  
16 ~~board subject to the review required by Division 1.2 (commencing~~  
17 ~~with Section 473).~~

18 ~~SEC. 4. Section 4003 of the Business and Professions Code is~~  
19 ~~amended to read:~~

20 ~~4003. (a) The board may appoint a person exempt from civil~~  
21 ~~service who shall be designated as an executive officer and who~~  
22 ~~shall exercise the powers and perform the duties delegated by the~~  
23 ~~board and vested in him or her by this chapter. The executive~~  
24 ~~officer may or may not be a member of the board as the board may~~  
25 ~~determine.~~

26 ~~(b) The executive officer shall receive the compensation as~~  
27 ~~established by the board with the approval of the Director of~~  
28 ~~Finance. The executive officer shall also be entitled to travel and~~  
29 ~~other expenses necessary in the performance of his or her duties.~~

30 ~~(c) The executive officer shall maintain and update in a timely~~  
31 ~~fashion records containing the names, titles, qualifications, and~~  
32 ~~places of business of all persons subject to this chapter.~~

33 ~~(d) The executive officer shall give receipts for all money~~  
34 ~~received by him or her and pay it to the Department of Consumer~~  
35 ~~Affairs, taking its receipt therefor. Besides the duties required by~~  
36 ~~this chapter, the executive officer shall perform other duties~~  
37 ~~pertaining to the office as may be required of him or her by the~~  
38 ~~board.~~

39 ~~(e) In accordance with Section 473.1, this section shall become~~  
40 ~~inoperative on July 1, 2010, and, as of January 1, 2011, is repealed,~~

- 1 ~~unless a later enacted statute, that becomes effective on or before~~
- 2 ~~January 1, 2011, deletes or extends the dates on which it becomes~~
- 3 ~~inoperative and is repealed.~~

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