

Introduced by Senator Negrete McLeod

July 23, 2009

Senate Resolution No. 25—Relative to state employee furloughs.

1 WHEREAS, The Department of Consumer Affairs is a consumer
2 protection agency that was established to protect and serve
3 California consumers; and
4 WHEREAS, The Department of Consumer Affairs issues
5 licenses in more than 100 business and 200 professional categories,
6 including doctors, dentists, nurses, pharmacists, contractors,
7 cosmetologists, and automotive repair facilities; and
8 WHEREAS, The Department of Consumer Affairs includes 40
9 regulatory entities, which establish minimum qualifications and
10 levels of competency for licensure, including those of the Medical
11 Board of California, the Board of Registered Nursing, the Dental
12 Board of California, and the California State Board of Pharmacy;
13 and
14 WHEREAS, The protection of the public is the highest priority
15 of these health care licensing boards and bureaus in exercising
16 their regulatory functions; and
17 WHEREAS, These health care licensing boards and bureaus
18 not only license, register, or certify specified health care
19 practitioners, but also have the authority to investigate complaints
20 and take disciplinary actions against licensees; and
21 WHEREAS, Some boards handle the investigation and
22 disciplinary functions, and work with health care consumers and
23 health care professionals in identifying practitioners who engaged
24 in any activity which may be unsafe and which may put the public
25 at risk, other boards use the Division of Investigation, Department
26 of Consumer Affairs, for comprehensive investigations; and

1 WHEREAS, Division of Investigation investigators are sworn
2 police officers who conduct interviews, gather evidence, submit
3 reports, and refer cases to the Attorney General's office for review
4 and prosecution; and

5 WHEREAS, On December 19, 2008, Governor Arnold
6 Schwarzenegger ordered two unpaid furlough days each month
7 starting February 1, 2009, to June 30, 2010. A third furlough was
8 recently implemented; and

9 WHEREAS, These furloughs have applied to various executive
10 agencies, including special-fund boards and bureaus of the
11 Department of Consumer Affairs that operate outside of the General
12 Fund and are funded by licensee fees; and

13 WHEREAS, California Highway Patrol officers and the office
14 of the Attorney General have been exempt from furloughs; and

15 WHEREAS, On July 12, 2009, the Los Angeles Times published
16 an investigative article criticizing the timeliness and delays in
17 prosecuting nurses who pose a danger to the safety of the public;
18 and

19 WHEREAS, The Los Angeles Times article pointed out that
20 California takes much longer than other large states to investigate
21 and discipline registered nurses for misconduct. Specifically, the
22 Board of Registered Nursing took more than three years, on
23 average, to investigate and discipline errant nurses; and

24 WHEREAS, Requiring employee furloughs of special fund
25 boards that oversee the health and safety of the public and requiring
26 the closure of these regulatory boards inhibits the consumer
27 protection activities of the boards and further slows the
28 enforcement process down, and is completely unnecessary to
29 resolving any of the state's budget problems; now, therefore, be
30 it

31 *Resolved by the Senate of the State of California, That the*
32 *Legislature urges the Governor to exempt from the furloughs*
33 *enforcement officers of the Department of Consumer Affairs and*
34 *various special-fund health care licensing boards that are directly*
35 *involved in pursuing consumer complaints; and be it further*

36 *Resolved, That the Secretary of the Senate transmit copies of*
37 *this resolution to the author for appropriate distribution.*

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