

AMENDED IN ASSEMBLY JUNE 16, 2010

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN ASSEMBLY JUNE 8, 2009

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 294

Introduced by Senator Negrete McLeod

February 25, 2009

An act to amend Sections 27, 116, 160, 726, 802.1 803, 803.5, 803.6, 1695.5, 2365, 2663, 2666, 2715, 2770.7, 3534.1, 3534.5, 4365, 4369, and 4870 of, to add Sections 1695.7, 1699.2, 2365.5, 2372, 2669.2, 2770.16, 2770.18, 2835.7, 3534.12, 4375, 4870.5, and 4873.2 to, to add Article 10.1 (commencing with Section 720) to Chapter 1 of Division 2 of, to add and repeal Section 2719 of, and to repeal Article 4.7 (commencing with Section 1695) of Chapter 4 of, Article 15 (commencing with Section 2360) of Chapter 5 of, Article 5.5 (commencing with Section 2662) of Chapter 5.7 of, Article 3.1 (commencing with Section 2770) of Chapter 6 of, Article 6.5 (commencing with Section 3534) of Chapter 7.7 of, Article 21 (commencing with Section 4360) of Chapter 9 of, and Article 3.5 (commencing with Section 4860) of Chapter 11 of, Division 2 of, the Business and Professions Code, relating to healing arts. An act to amend Sections 2001, 2020, 2531, 2569, 2570.19, 2701, 2708, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3685, 3686, 4800, 4804.5, 4928, 4934, 4990, 4990.04, 5000, 5015.6, 5510, 5517, 5552.5, 5620, 5621, 5622, 5810, 6510, 6710, 6714, 7000.5, 7011, 7200, 7303, 8000, 8005, 8520, 8528, 8710, 11506, 18602, 18613, 22259 of, and to amend and repeal Section 2531.75 of, the Business and Professions Code, and to amend

Section 94950 of the Education Code, relating to the Department of Consumer Affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 294, as amended, Negrete McLeod. ~~Healing arts—Department of Consumer Affairs: regulatory boards.~~

(1) Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs, including the California Board of Occupational Therapy, the Physician Assistant Committee of the Medical Board of California, and the Veterinary Medical Board. Existing law requires the committee and authorizes the Veterinary Medical Board to appoint an executive officer. Under existing law, those provisions regarding the California Board of Occupational Therapy will become inoperative on July 1, 2013, and will be repealed on January 1, 2014. Those provisions governing the Physician Assistant Committee of the Medical Board of California and the Veterinary Medical Board will become inoperative on July 1, 2011, and will be repealed on January 1, 2012.

Under this bill, the provisions relating to the California Board of Occupational Therapy would become inoperative and be repealed on January 1, 2014, and the provisions concerning the Physician Assistant Committee of the Medical Board of California and the Veterinary Medical Board would become inoperative and be repealed on January 1, 2013.

Existing law provides for the licensure and regulation of certain healing arts licensees by the Medical Board of California and the State Board of Optometry. Existing law authorizes these boards to employ an executive director or appoint an executive officer, respectively. Existing law repeals these provisions on January 1, 2013. Existing law makes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board responsible for the licensure of speech-language pathologists and audiologists and authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2012. Under existing law, the Board of Psychology is responsible for the licensure and regulation of psychologists and is authorized to employ an executive officer. Existing law repeals these provisions on January 1, 2011.

Existing law provides for the regulation of registered dispensing opticians by the Medical Board of California and provides that the powers and duties of the board in that regard shall be subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection as if those provisions were scheduled to become inoperative on July 1, 2003, and repealed on January 1, 2004.

This bill would make the powers and duties of the board subject to that review as if those provisions were scheduled to be repealed on January 1, 2014.

Existing law provides for the licensure and regulation of specified healing arts licensees by the Acupuncture Board and the Board of Behavioral Sciences (BBS). Existing law authorizes the Acupuncture Board to appoint an executive officer and requires BBS to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2011.

Under this bill, these provisions would be repealed on January 1, 2013.

Existing law provides for the licensure and regulation of registered nurses by the Board of Registered Nursing and requires the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2013.

This bill would instead repeal these provisions on January 1, 2012.

Existing law provides for the licensure and regulation of naturopathic doctors by the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Existing law provides that these regulatory provisions are repealed on January 1, 2013.

This bill would provide that those regulatory provisions are repealed on January 1, 2014.

(2) Existing law also provides for the licensure and regulation of various profession and vocations by boards within the department, including, the California Board of Accountancy, the California Architects Board, the Landscape Architects Technical Committee, Professional Fiduciaries Bureau, the Board for Professional Engineers and Land Surveyors, and the State Board of Guide Dogs for the Blind. Existing law requires or authorizes, with certain exceptions, these boards to appoint an executive officer or a registrar. With respect to the Professional Fiduciaries Bureau, existing law authorizes the Governor to appoint the chief of the bureau. Under existing law, these provisions will become inoperative on July 1, 2011, and will be repealed on January 1, 2012.

This bill would make these provisions, inoperative and repealed on January 1, 2012.

Existing law authorizes the California Architects Board to implement an intern development program until July 1, 2011.

This bill would authorize the board to implement that program until July 1, 2012.

Existing law establishes in the Department of Pesticide Regulation a Structural Pest Control Board and requires the board, with the approval of the director of the department, to appoint a registrar. These provisions shall become inoperative on July 1, 2011, and are repealed on January 1, 2012.

This bill would make those provisions inoperative and repealed on January 1, 2015.

Existing law provides for the certification and regulation of interior designers until January 1, 2013.

This bill would extend the operation of these provisions to January 1, 2014.

Existing law provides for the regulation of certified common interest development managers and tax preparers and repeals these provisions on January 1, 2012.

This bill would repeal these provisions on January 1, 2015.

Under existing law, there is the Contractors' State License Board within the department and it is responsible for the licensure and regulation of contractors and existing law requires the board to appoint a registrar. Under existing law, these provisions are repealed on January 1, 2011.

This bill would repeal these provisions on January 1, 2012.

Existing law provides for the licensure and regulation of barbering and cosmetology by the Board of Barbering and Cosmetology and existing law authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2012.

This bill would repeal these provisions on January 1, 2014.

Under existing law, the practice of shorthand reporting is regulated by the Court Reporters Board of California and existing law authorizes the board to appoint committees. These provisions are repealed on January 1, 2011.

This bill would repeal these provisions January 1, 2013.

Under existing law, the State Athletic Commission is responsible for licensing and regulating boxing, kickboxing, and martial arts matches

and is required to appoint an executive officer. Existing law repeals these provisions on January 1, 2011.

This bill would repeal these provisions on January 1, 2012.

(3) Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education in the Department of Consumer Affairs. Existing law repeals that act on January 1, 2016.

This bill would repeal the act on January 1, 2015.

~~Existing law provides for the regulation of healing arts licensees by various boards within the Department of Consumer Affairs. The department is under the control of the Director of Consumer Affairs.~~

~~(1) Existing law requires certain boards within the department to disclose on the Internet information on their respective licensees.~~

~~This bill would additionally require specified healing arts boards to disclose on the Internet information on their respective licensees.~~

~~Existing law authorizes the director to audit and review, among other things, inquiries and complaints regarding licensees, dismissals of disciplinary cases, and discipline short of formal accusation by the Medical Board of California and the California Board of Podiatric Medicine.~~

~~This bill would additionally authorize the director to audit and review the aforementioned activities by any of the healing arts boards. The bill would also declare the intent of the Legislature that the department establish an information technology system to create and update healing arts license information and track enforcement cases pertaining to these licensees.~~

~~Existing law requires a physician and surgeon, osteopathic physician and surgeon, and a doctor of podiatric medicine to report to his or her respective board when there is an indictment or information charging a felony against the licensee or he or she been convicted of a felony or misdemeanor.~~

~~This bill would expand that requirement to any licensee of a healing arts board, as specified, would require these licensees to submit a written report, and would require a report when disciplinary action is taken against a licensee by another healing arts board or by a healing arts board of another state.~~

~~Existing law requires the district attorney, city attorney, and other prosecuting agencies to notify the Medical Board of California, the Osteopathic Medical Board of California, the California Board of~~

~~Podiatric Medicine, the State Board of Chiropractic Examiners, and other allied health boards and the court clerk if felony charges have been filed against one of the board's licensees.~~

~~This bill would instead require that notice to be provided to any healing arts board and the court clerk if felony charges are filed against a licensee. By imposing additional duties on these local agencies, the bill would impose a state-mandated local program.~~

~~Existing law requires, within 10 days after a court judgment, the clerk of the court to report to the appropriate board when a licentiate has committed a crime or is liable for any death or personal injury resulting in a specified judgment. Existing law also requires the clerk of the court to transmit to certain boards specified felony preliminary transcript hearings concerning a defendant licentiate.~~

~~This bill would instead require the clerk of the court to report that information and to transmit those transcripts to any described healing arts board.~~

~~(2) Under existing law, healing arts licensees are regulated by various boards and these boards are authorized to issue, deny, suspend, and revoke licenses based on various grounds and these boards are also authorized to take disciplinary action against their licensees for the failure to comply with its laws and regulations. Existing law requires or authorizes the board to appoint an executive officer or an executive director to, among other things, perform duties delegated by the board.~~

~~This bill would authorize the executive officer or the executive director of specified healing arts licensing boards, where an administrative action has been filed by the board to revoke the license of a licensee and the licensee has failed to file a notice of defense, appear at the hearing, or has agreed to surrender his or her license, to adopt a proposed default decision or a proposed settlement agreement. The bill would also provide that the license of a licensee shall be suspended if the licensee is incarcerated after the conviction of a felony and would require the board to notify the licensee of the suspension and of his or her right to a specified hearing. The bill would also specify the timeframes for suspending a license under certain circumstances if the conviction was substantially related to the qualifications, functions, or duties of the licensee's respective board.~~

~~The bill would also prohibit a licensee of specified healing arts boards from including certain provisions in an agreement to settle a civil dispute arising from his or her practice, as specified. The bill would make a licensee or a health care facility that fails to comply with a patient's~~

medical record request, as specified, within 15 days, or who fails or refuses to comply with a court order mandating release of records, subject to civil and criminal penalties, as specified. By creating a new crime, the bill would impose a state-mandated local program.

The bill would authorize the Attorney General and his or her investigative agents, and these healing arts boards to inquire into any alleged violation of the laws under the board's jurisdiction and to inspect documents subject to specified procedures.

The bill would require these healing arts boards to report annually, by October 1, to the department and the Legislature certain information, including, but not limited to, the total number of consumer calls received by the board, the total number of complaint forms received by the board, the total number of convictions reported to the board, and the total number of licensees in diversion or on probation for alcohol or drug abuse.

(3) Existing law establishes diversion and recovery programs to identify and rehabilitate dentists, osteopathic physicians and surgeons, physical therapists and physical therapy assistants, registered nurses, physician assistants, pharmacists and intern pharmacists, and veterinarians and registered veterinary technicians whose competency may be impaired due to, among other things, alcohol and drug abuse.

The bill would make the provisions establishing these diversion programs inoperative on January 1, 2012.

Existing law makes a licentiate terminated from a diversion program for failing to comply with the program's requirements subject to disciplinary action by his or her respective board.

This bill would instead provide that the participant's license shall be suspended until the participant petitions the board for reinstatement of his or her license, certificate, or board approval and is granted a probationary or unrestricted license, certificate, or board approval. The bill would also require a third party or state agency or private organization administering the diversion program to report, as specified, to the program manager or chairperson any act of substantial noncompliance, as defined, by the participant with the program.

(4) Existing law, the Nursing Practice Act, provides for the licensure and regulation of nurses by the Board of Registered Nursing. Existing law authorizes the board to employ personnel as it deems necessary to carry out the act's provisions, except that the employment of personnel to provide investigative services shall be in the Division of Investigations within the Department of Consumer Affairs.

~~This bill would remove that limitation and would authorize the board to employ investigators, nurse consultants, and other personnel as it deems necessary. The bill would also specify that these investigators have the authority of peace officers while carrying out their board duties.~~

~~The bill would require the Director of Consumer Affairs, by March 1, 2010, to appoint an enforcement program monitor to serve until October 1, 2011, who would be required to, among other things, monitor and evaluate the board's disciplinary system and procedures. The bill would prohibit the enforcement program monitor from exercising authority over the board's disciplinary operations or staff. The bill would require the enforcement program monitor, by December 1, 2010, to submit a specified initial written report to the board, the department, and the Legislature and to issue a final written report by October 1, 2011.~~

~~Existing law provides for the certification and regulation of nurse practitioners and nurse-midwives by the Board of Registered Nursing and specifies requirements for qualification or certification as a nurse practitioner. Under the act, the practice of nursing is defined, in part, as providing direct and indirect patient care services, as specified, including the dispensing of drugs or devices under specified circumstances. The practice of nursing is also described as the implementation, based on observed abnormalities, of standardized procedures, defined as policies and protocols developed by specified facilities in collaboration with administrators and health professionals, including physicians and surgeons and nurses.~~

~~This bill would authorize the implementation of standardized procedures that would expand the duties of a nurse practitioner in the scope of his or her practice, as enumerated. The bill would make specified findings and declarations in that regard.~~

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

1 *SECTION 1. Section 2001 of the Business and Professions*
2 *Code is amended to read:*

3 2001. (a) There is in the Department of Consumer Affairs a
4 Medical Board of California that consists of 15 members, seven
5 of whom shall be public members.

6 (b) The Governor shall appoint 13 members to the board, subject
7 to confirmation by the Senate, five of whom shall be public
8 members. The Senate Committee on Rules and the Speaker of the
9 Assembly shall each appoint a public member.

10 (c) Notwithstanding any other provision of law, to reduce the
11 membership of the board to 15, the following shall occur:

12 (1) Two positions on the board that are public members having
13 a term that expires on June 1, 2010, shall terminate instead on
14 January 1, 2008.

15 (2) Two positions on the board that are not public members
16 having a term that expires on June 1, 2008, shall terminate instead
17 on August 1, 2008.

18 (3) Two positions on the board that are not public members
19 having a term that expires on June 1, 2011, shall terminate instead
20 on January 1, 2008.

21 (d) This section shall remain in effect only until January 1, ~~2013~~
22 2014, and as of that date is repealed, unless a later enacted statute,
23 that is enacted before January 1, ~~2013~~ 2014, deletes or extends
24 that date. The repeal of this section renders the board subject to
25 the review required by Division 1.2 (commencing with Section
26 473).

27 *SEC. 2. Section 2020 of the Business and Professions Code is*
28 *amended to read:*

29 2020. (a) The board may employ an executive director exempt
30 from the provisions of the Civil Service Act and may also employ
31 investigators, legal counsel, medical consultants, and other
32 assistance as it may deem necessary to carry into effect this chapter.
33 The board may fix the compensation to be paid for services subject
34 to the provisions of applicable state laws and regulations and may
35 incur other expenses as it may deem necessary. Investigators
36 employed by the board shall be provided special training in
37 investigating medical practice activities.

1 (b) The Attorney General shall act as legal counsel for the board
2 for any judicial and administrative proceedings and his or her
3 services shall be a charge against it.

4 (c) This section shall remain in effect only until January 1, ~~2013~~
5 2014, and as of that date is repealed, unless a later enacted statute,
6 that is enacted before January 1, ~~2013~~ 2014, deletes or extends
7 that date.

8 *SEC. 3. Section 2531 of the Business and Professions Code is*
9 *amended to read:*

10 2531. (a) There is in the Department of Consumer Affairs a
11 Speech-Language Pathology and Audiology and Hearing Aid
12 Dispensers Board in which the enforcement and administration of
13 this chapter are vested. The Speech-Language Pathology and
14 Audiology and Hearing Aid Dispensers Board shall consist of nine
15 members, three of whom shall be public members.

16 (b) This section shall remain in effect only until January 1, ~~2012~~
17 2014, and as of that date is repealed, unless a later enacted statute,
18 that is enacted before January 1, ~~2012~~ 2014, deletes or extends
19 that date. The repeal of this section renders the board subject to
20 the review required by Division 1.2 (commencing with Section
21 473).

22 *SEC. 4. Section 2531.75 of the Business and Professions Code,*
23 *as added by Section 4 of Chapter 35 of the Statutes of 2008, is*
24 *amended to read:*

25 2531.75. (a) The board may appoint a person exempt from
26 civil service who shall be designated as an executive officer and
27 who shall exercise the powers and perform the duties delegated
28 by the board and vested in him or her by this chapter.

29 (b) This section shall remain in effect only until January 1, ~~2012~~
30 2014, and as of that date is repealed, unless a later enacted statute,
31 that is enacted before January 1, ~~2012~~ 2014, deletes or extends
32 that date.

33 *SEC. 5. Section 2531.75 of the Business and Professions Code,*
34 *as amended by Section 5 of Chapter 33 of the Statutes of 2008, is*
35 *repealed.*

36 ~~2531.75. (a) The board may appoint a person exempt from~~
37 ~~civil service who shall be designated as an executive officer and~~
38 ~~who shall exercise the powers and perform the duties delegated~~
39 ~~by the board and vested in him or her by this chapter.~~

1 ~~(b) This section shall remain in effect only until January 1, 2012,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2012, deletes or extends that date.~~

4 *SEC. 6. Section 2569 of the Business and Professions Code is*
5 *amended to read:*

6 2569. The powers and duties of the board, as set forth in this
7 chapter, shall be subject to the review required by Division 1.2
8 (commencing with Section 473). The review shall be performed
9 as if this chapter were scheduled to ~~become inoperative on July 1,~~
10 ~~2003, and would be repealed as of January 1, 2004~~ 2014, as
11 described in Section 473.1.

12 *SEC. 7. Section 2570.19 of the Business and Professions Code*
13 *is amended to read:*

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

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

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

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

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

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

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

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

1 occupational therapy assistant, and may not have had, within two
2 years of the appointment, a substantial financial interest in a person
3 regulated by the board.

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

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

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

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

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

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

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

8 ~~(l) This section shall become inoperative on July 1, 2013, and,~~
9 ~~as of January 1, 2014, is repealed, unless a later enacted statute~~
10 ~~that is enacted before January 1, 2014, deletes or extends the dates~~
11 ~~on which it becomes inoperative and is repealed. This section shall~~
12 ~~remain in effect only until January 1, 2014, and as of that date is~~
13 ~~repealed, unless a later enacted statute, that is enacted before~~
14 ~~January 1, 2014, deletes or extends that date.~~ The repeal of this
15 section renders the board subject to the review required by Division
16 1.2 (commencing with Section 473).

17 *SEC. 8. Section 2701 of the Business and Professions Code is*
18 *amended to read:*

19 2701. (a) There is in the Department of Consumer Affairs the
20 Board of Registered Nursing consisting of nine members.

21 (b) Within the meaning of this chapter, board, or the board,
22 refers to the Board of Registered Nursing. Any reference in state
23 law to the Board of Nurse Examiners of the State of California or
24 California Board of Nursing Education and Nurse Registration
25 shall be construed to refer to the Board of Registered Nursing.

26 (c) This section shall remain in effect only until January 1, ~~2013~~
27 ~~2012~~, and as of that date is repealed, unless a later enacted statute,
28 that is enacted before January 1, ~~2013~~ ~~2012~~, deletes or extends
29 that date. The repeal of this section renders the board subject to
30 the review required by Division 1.2 (commencing with Section
31 473).

32 *SEC. 9. Section 2708 of the Business and Professions Code is*
33 *amended to read:*

34 2708. (a) The board shall appoint an executive officer who
35 shall perform the duties delegated by the board and who shall be
36 responsible to it for the accomplishment of those duties.

37 (b) The executive officer shall be a nurse currently licensed
38 under this chapter and shall possess other qualifications as
39 determined by the board.

40 (c) The executive officer shall not be a member of the board.

1 (d) This section shall remain in effect only until January 1, ~~2013~~
2 2012, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2013~~ 2012, deletes or extends
4 that date.

5 *SEC. 10. Section 2920 of the Business and Professions Code*
6 *is amended to read:*

7 2920. The Board of Psychology shall enforce and administer
8 this chapter. The board shall consist of nine members, four of
9 whom shall be public members.

10 This section shall remain in effect only until January 1, ~~2014~~
11 2014, and as of that date is repealed, unless a later enacted statute,
12 that is enacted before January 1, ~~2014~~ 2014, deletes or extends
13 that date.

14 *SEC. 11. Section 2933 of the Business and Professions Code*
15 *is amended to read:*

16 2933. Except as provided by Section 159.5, the board shall
17 employ and shall make available to the board within the limits of
18 the funds received by the board all personnel necessary to carry
19 out this chapter. The board may employ, exempt from the State
20 Civil Service Act, an executive officer to the Board of Psychology.
21 The board shall make all expenditures to carry out this chapter.
22 The board may accept contributions to effectuate the purposes of
23 this chapter.

24 This section shall remain in effect only until January 1, ~~2014~~
25 2014, and as of that date is repealed, unless a later enacted statute,
26 that is enacted before January 1, ~~2014~~ 2014, deletes or extends
27 that date.

28 *SEC. 12. Section 3010.5 of the Business and Professions Code*
29 *is amended to read:*

30 3010.5. (a) There is in the Department of Consumer Affairs
31 a State Board of Optometry in which the enforcement of this
32 chapter is vested. The board consists of 11 members, five of whom
33 shall be public members.

34 Six members of the board shall constitute a quorum.

35 (b) The board shall, with respect to conducting investigations,
36 inquiries, and disciplinary actions and proceedings, have the
37 authority previously vested in the board as created pursuant to
38 Section 3010. The board may enforce any disciplinary actions
39 undertaken by that board.

1 (c) This section shall remain in effect only until January 1, 2013
2 2014, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, 2013 2014, deletes or extends
4 that date. The repeal of this section renders the board subject to
5 the review required by Division 1.2 (commencing with Section
6 473).

7 *SEC. 13. Section 3014.6 of the Business and Professions Code*
8 *is amended to read:*

9 3014.6. (a) The board may appoint a person exempt from civil
10 service who shall be designated as an executive officer and who
11 shall exercise the powers and perform the duties delegated by the
12 board and vested in him or her by this chapter.

13 (b) This section shall remain in effect only until January 1, 2013
14 2014, and as of that date is repealed, unless a later enacted statute,
15 that is enacted before January 1, 2013 2014, deletes or extends
16 that date.

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

19 3504. There is established a Physician Assistant Committee
20 of the Medical Board of California. The committee consists of
21 nine members. ~~This section shall become inoperative on July 1,~~
22 ~~2011, and, as of January 1, 2012, is repealed, unless a later enacted~~
23 ~~statute, which becomes effective on or before January 1, 2012,~~
24 ~~deletes or extends the dates on which it becomes inoperative and~~
25 ~~is repealed.~~ *This section shall remain in effect only until January*
26 *1, 2013, and as of that date is repealed, unless a later enacted*
27 *statute, that is enacted before January 1, 2013, deletes or extends*
28 *that date.* The repeal of this section renders the committee subject
29 to the review required by Division 1.2 (commencing with Section
30 473).

31 *SEC. 15. Section 3512 of the Business and Professions Code*
32 *is amended to read:*

33 3512. (a) Except as provided in Sections 159.5 and 2020, the
34 committee shall employ within the limits of the Physician Assistant
35 Fund all personnel necessary to carry out the provisions of this
36 chapter including an executive officer who shall be exempt from
37 civil service. The board and committee shall make all necessary
38 expenditures to carry out the provisions of this chapter from the
39 funds established by Section 3520. The committee may accept
40 contributions to effect the purposes of this chapter.

1 (b) ~~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~~
 5 ~~repealed.~~*This section shall remain in effect only until January 1,*
 6 *2013, and as of that date is repealed, unless a later enacted statute,*
 7 *that is enacted before January 1, 2013, deletes or extends that*
 8 *date.*

9 *SEC. 16. Section 3685 of the Business and Professions Code*
 10 *is amended to read:*

11 3685. (a) The repeal of this chapter renders the committee
 12 subject to the review required by Division 1.2 (commencing with
 13 Section 473).

14 (b) The committee shall prepare the report required by Section
 15 473.2 no later than September 1, ~~2010~~ 2012.

16 *SEC. 17. Section 3686 of the Business and Professions Code*
 17 *is amended to read:*

18 3686. This chapter shall remain in effect only until January 1,
 19 ~~2013~~ 2014, and as of that date is repealed, unless a later enacted
 20 statute, that is enacted before January 1, ~~2013~~ 2014, deletes or
 21 extends that date.

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

24 4800. There is in the Department of Consumer Affairs a
 25 Veterinary Medical Board in which the administration of this
 26 chapter is vested. The board consists of seven members, three of
 27 whom shall be public members.

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

32 *This section shall remain in effect only until January 1, 2013,*
 33 *and as of that date is repealed, unless a later enacted statute, that*
 34 *is enacted before January 1, 2013, deletes or extends that date.* The
 35 repeal of this section renders the board subject to the review
 36 provided for by Division 1.2 (commencing with Section 473).

37 *SEC. 19. Section 4804.5 of the Business and Professions Code*
 38 *is amended to read:*

39 4804.5. The board may appoint a person exempt from civil
 40 service who shall be designated as an executive officer and who

1 shall exercise the powers and perform the duties delegated by the
2 board and vested in him or her by this chapter.

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

7 *This section shall remain in effect only until January 1, 2013,*
8 *and as of that date is repealed, unless a later enacted statute, that*
9 *is enacted before January 1, 2013, deletes or extends that date.*

10 *SEC. 20. Section 4928 of the Business and Professions Code*
11 *is amended to read:*

12 4928. The Acupuncture Board, which consists of seven
13 members, shall enforce and administer this chapter. ~~The appointing~~
14 ~~powers, as described in Section 4929, may appoint to the board a~~
15 ~~person who was a member of the prior board prior to the repeal of~~
16 ~~that board on January 1, 2006.~~

17 This section shall remain in effect only until January 1, ~~2011~~
18 ~~2013~~, and as of that date is repealed, unless a later enacted statute,
19 that is enacted before January 1, ~~2011~~ 2013, deletes or extends
20 that date.

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. 21. Section 4934 of the Business and Professions Code*
24 *is amended to read:*

25 4934. (a) The board, by and with the approval of the director,
26 may employ personnel necessary for the administration of this
27 chapter, and the board, by and with the approval of the director,
28 may appoint an executive officer who is exempt from the
29 provisions of the Civil Service Act.

30 (b) This section shall remain in effect only until January 1, ~~2011~~
31 ~~2013~~, and as of that date is repealed, unless a later enacted statute,
32 that is enacted before January 1, ~~2011~~ 2013, deletes or extends
33 that date.

34 *SEC. 22. Section 4990 of the Business and Professions Code*
35 *is amended to read:*

36 4990. (a) There is in the Department of Consumer Affairs, a
37 Board of Behavioral Sciences that consists of the following
38 members:

- 39 (1) Two state licensed clinical social workers.
40 (2) One state licensed educational psychologist.

- 1 (3) Two state licensed marriage and family therapists.
2 (4) Commencing January 1, 2012, one state licensed professional
3 clinical counselor.
4 (5) Seven public members.
5 (b) Each member, except the seven public members, shall have
6 at least two years of experience in his or her profession.
7 (c) Each member shall reside in the State of California.
8 (d) The Governor shall appoint five of the public members and
9 the six licensed members with the advice and consent of the Senate.
10 The Senate Committee on Rules and the Speaker of the Assembly
11 shall each appoint a public member.
12 (e) Each member of the board shall be appointed for a term of
13 four years. A member appointed by the Speaker of the Assembly
14 or the Senate Committee on Rules shall hold office until the
15 appointment and qualification of his or her successor or until one
16 year from the expiration date of the term for which he or she was
17 appointed, whichever first occurs. Pursuant to Section 1774 of the
18 Government Code, a member appointed by the Governor shall
19 hold office until the appointment and qualification of his or her
20 successor or until 60 days from the expiration date of the term for
21 which he or she was appointed, whichever first occurs.
22 (f) A vacancy on the board shall be filled by appointment for
23 the unexpired term by the authority who appointed the member
24 whose membership was vacated.
25 (g) Not later than the first of June of each calendar year, the
26 board shall elect a chairperson and a vice chairperson from its
27 membership.
28 (h) Each member of the board shall receive a per diem and
29 reimbursement of expenses as provided in Section 103.
30 (i) This section shall remain in effect only until January 1, ~~2011~~
31 ~~2013~~, and as of that date is repealed, unless a later enacted statute,
32 that is enacted before January 1, ~~2011~~ 2013, deletes or extends
33 that date.
34 *SEC. 23. Section 4990.04 of the Business and Professions Code*
35 *is amended to read:*
36 4990.04. (a) The board shall appoint an executive officer. This
37 position is designated as a confidential position and is exempt from
38 civil service under subdivision (e) of Section 4 of Article VII of
39 the California Constitution.
40 (b) The executive officer serves at the pleasure of the board.

1 (c) The executive officer shall exercise the powers and perform
2 the duties delegated by the board and vested in him or her by this
3 chapter.

4 (d) With the approval of the director, the board shall fix the
5 salary of the executive officer.

6 (e) The chairperson and executive officer may call meetings of
7 the board and any duly appointed committee at a specified time
8 and place. For purposes of this section, “call meetings” means
9 setting the agenda, time, date, or place for any meeting of the board
10 or any committee.

11 (f) This section shall remain in effect only until January 1, ~~2011~~
12 ~~2013~~, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, ~~2011~~ 2013, deletes or extends
14 that date.

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

34 ~~This section shall become inoperative on July 1, 2011, and as~~
35 ~~of January 1, 2012, is repealed, unless a later enacted statute, that~~
36 ~~becomes effective on or before January 1, 2012, deletes or extends~~
37 ~~the dates on which this section becomes inoperative and is repealed.~~

38 *This section shall remain in effect only until January 1, 2012,*
39 *and as of that date is repealed, unless a later enacted statute, that*
40 *is enacted before January 1, 2012, deletes or extends that date.*The

1 repeal of this section renders the board subject to the review
2 required by Division 1.2 (commencing with Section 473).
3 However, the review of the board shall be limited to reports or
4 studies specified in this chapter and those issues identified by the
5 Joint Committee on Boards, Commissions, and Consumer
6 Protection and the board regarding the implementation of new
7 licensing requirements.

8 *SEC. 25. Section 5015.6 of the Business and Professions Code*
9 *is amended to read:*

10 5015.6. The board may appoint a person exempt from civil
11 service who shall be designated as an executive officer and who
12 shall exercise the powers and perform the duties delegated by the
13 board and vested in him or her by this chapter.

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

18 *This section shall remain in effect only until January 1, 2012,*
19 *and as of that date is repealed, unless a later enacted statute, that*
20 *is enacted before January 1, 2012, deletes or extends that date.*

21 *SEC. 26. Section 5510 of the Business and Professions Code*
22 *is amended to read:*

23 5510. There is in the Department of Consumer Affairs a
24 California Architects Board which consists of 10 members.

25 Any reference in law to the California Board of Architectural
26 Examiners shall mean the California Architects Board.

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

31 *This section shall remain in effect only until January 1, 2012,*
32 *and as of that date is repealed, unless a later enacted statute, that*
33 *is enacted before January 1, 2012, deletes or extends that date.*The
34 repeal of this section renders the board subject to the review
35 required by Division 1.3 (commencing with Section 473).

36 *SEC. 27. Section 5517 of the Business and Professions Code*
37 *is amended to read:*

38 5517. The board may appoint a person exempt from civil
39 service who shall be designated as an executive officer and who

1 shall exercise the powers and perform the duties delegated by the
2 board and vested in him or her by this chapter.

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

7 *This section shall remain in effect only until January 1, 2012,*
8 *and as of that date is repealed, unless a later enacted statute, that*
9 *is enacted before January 1, 2012, deletes or extends that date.*

10 *SEC. 28. Section 5552.5 of the Business and Professions Code*
11 *is amended to read:*

12 5552.5. The board may, by regulation, implement an intern
13 development program until July 1, ~~2011~~ 2012.

14 *SEC. 29. Section 5620 of the Business and Professions Code*
15 *is amended to read:*

16 5620. The duties, powers, purposes, responsibilities, and
17 jurisdiction of the California State Board of Landscape Architects
18 that were succeeded to and vested with the Department of
19 Consumer Affairs in accordance with Chapter 908 of the Statutes
20 of 1994 are hereby transferred to the California Architects Board.
21 The Legislature finds that the purpose for the transfer of power is
22 to promote and enhance the efficiency of state government and
23 that assumption of the powers and duties by the California
24 Architects Board shall not be viewed or construed as a precedent
25 for the establishment of state regulation over a profession or
26 vocation that was not previously regulated by a board, as defined
27 in Section 477.

28 (a) There is in the Department of Consumer Affairs a California
29 Architects Board as defined in Article 2 (commencing with Section
30 5510) of Chapter 3.

31 Whenever in this chapter “board” is used it refers to the
32 California Architects Board.

33 (b) Except as provided herein, the board may delegate its
34 authority under this chapter to the Landscape Architects Technical
35 Committee.

36 (c) After review of proposed regulations, the board may direct
37 the examining committee to notice and conduct hearings to adopt,
38 amend, or repeal regulations pursuant to Section 5630, provided
39 that the board itself shall take final action to adopt, amend, or
40 repeal those regulations.

1 (d) The board shall not delegate its authority to discipline a
2 landscape architect or to take action against a person who has
3 violated this chapter.

4 (e) ~~This section shall become inoperative on July 1, 2011, and,~~
5 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
6 ~~that becomes operative on or before January 1, 2012, deletes or~~
7 ~~extends the dates on which it becomes inoperative and is~~
8 ~~repealed.~~*This section shall remain in effect only until January 1,*
9 *2012, and as of that date is repealed, unless a later enacted statute,*
10 *that is enacted before January 1, 2012, deletes or extends that*
11 *date.*

12 *SEC. 30. Section 5621 of the Business and Professions Code*
13 *is amended to read:*

14 5621. (a) There is hereby created within the jurisdiction of the
15 board, a Landscape Architects Technical Committee, hereinafter
16 referred to in this chapter as the landscape architects committee.

17 (b) The landscape architects committee shall consist of five
18 members who shall be licensed to practice landscape architecture
19 in this state. The Governor shall appoint three of the members.
20 The Senate Committee on Rules and the Speaker of the Assembly
21 shall appoint one member each.

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

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

34 (e) ~~This section shall become inoperative on July 1, 2011, and,~~
35 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
36 ~~that becomes operative on or before January 1, 2012, deletes or~~
37 ~~extends the dates on which it becomes inoperative and is~~
38 ~~repealed.~~*This section shall remain in effect only until January 1,*
39 *2012, and as of that date is repealed, unless a later enacted statute,*

1 *that is enacted before January 1, 2012, deletes or extends that*
2 *date.*

3 *SEC. 31. Section 5622 of the Business and Professions Code*
4 *is amended to read:*

5 5622. (a) The landscape architects committee may assist the
6 board in the examination of candidates for a landscape architect's
7 license and, after investigation, evaluate and make
8 recommendations regarding potential violations of this chapter.

9 (b) The landscape architects committee may investigate, assist,
10 and make recommendations to the board regarding the regulation
11 of landscape architects in this state.

12 (c) The landscape architects committee may perform duties and
13 functions that have been delegated to it by the board pursuant to
14 Section 5620.

15 (d) The landscape architects committee may send a
16 representative to all meetings of the full board to report on the
17 committee's activities.

18 ~~(e) This section shall become inoperative on July 1, 2011, and,~~
19 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
20 ~~that becomes operative on or before January 1, 2012, deletes or~~
21 ~~extends the dates on which it becomes inoperative and is~~
22 ~~repealed.~~*This section shall remain in effect only until January 1,*
23 *2012, and as of that date is repealed, unless a later enacted statute,*
24 *that is enacted before January 1, 2012, deletes or extends that*
25 *date.*

26 *SEC. 32. Section 5810 of the Business and Professions Code*
27 *is amended to read:*

28 5810. (a) This chapter shall be subject to the review required
29 by Division 1.2 (commencing with Section 473).

30 (b) This chapter shall remain in effect only until January 1, ~~2013~~
31 ~~2014~~, and as of that date is repealed, unless a later enacted statute,
32 that is enacted before January 1, ~~2013~~ ~~2014~~, deletes or extends
33 that date.

34 *SEC. 33. Section 6510 of the Business and Professions Code*
35 *is amended to read:*

36 6510. (a) There is within the jurisdiction of the department
37 the Professional Fiduciaries Bureau. The bureau is under the
38 supervision and control of the director. The duty of enforcing and
39 administering this chapter is vested in the chief of the bureau, who
40 is responsible to the director. Every power granted or duty imposed

1 upon the director under this chapter may be exercised or performed
2 in the name of the director by a deputy director or by the chief,
3 subject to conditions and limitations as the director may prescribe.

4 (b) The Governor shall appoint, subject to confirmation by the
5 Senate, the chief of the bureau, at a salary to be fixed and
6 determined by the director with the approval of the Director of
7 Finance. The chief shall serve under the direction and supervision
8 of the director and at the pleasure of the Governor.

9 ~~(c) This section shall become inoperative on July 1, 2011, and,~~
10 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
11 ~~that becomes operative on or before January 1, 2011, deletes or~~
12 ~~extends the dates on which it becomes inoperative and is~~
13 ~~repealed.~~*This section shall remain in effect only until January 1,*
14 *2012, and as of that date is repealed, unless a later enacted statute,*
15 *that is enacted before January 1, 2012, deletes or extends that*
16 *date.*The repeal of this section renders the bureau subject to the
17 review required by Division 1.2 (commencing with Section 473).

18 Notwithstanding any other provision of law, upon the repeal of
19 this section, the responsibilities and jurisdiction of the bureau shall
20 be transferred to the Professional Fiduciaries Advisory Committee,
21 as provided by Section 6511.

22 *SEC. 34. Section 6710 of the Business and Professions Code*
23 *is amended to read:*

24 6710. (a) There is in the Department of Consumer Affairs a
25 Board for Professional Engineers and Land Surveyors, which
26 consists of 13 members.

27 (b) Any reference in any law or regulation to the Board of
28 Registration for Professional Engineers and Land Surveyors is
29 deemed to refer to the Board for Professional Engineers and Land
30 Surveyors.

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

1 *SEC. 35. Section 6714 of the Business and Professions Code*
2 *is amended to read:*

3 6714. The board shall appoint an executive officer at a salary
4 to be fixed and determined by the board with the approval of the
5 Director of Finance.

6 ~~This section shall become inoperative on July 1, 2011, and, as~~
7 ~~of January 1, 2012, is repealed, unless a later enacted statute, that~~
8 ~~becomes effective on or before January 1, 2012, deletes or extends~~
9 ~~the dates on which it becomes inoperative and is repealed.~~

10 *This section shall remain in effect only until January 1, 2012,*
11 *and as of that date is repealed, unless a later enacted statute, that*
12 *is enacted before January 1, 2012, deletes or extends that date.*

13 *SEC. 36. Section 7000.5 of the Business and Professions Code*
14 *is amended to read:*

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

17 (b) The repeal of this section renders the board subject to the
18 review required by Division 1.2 (commencing with Section 473).
19 However, the review of this board by the department shall be
20 limited to only those unresolved issues identified by the Joint
21 Committee on Boards, Commissions, and Consumer Protection.

22 (c) This section shall remain in effect only until January 1,
23 ~~2011,~~ 2012, and as of that date is repealed, unless a later enacted
24 statute, that is enacted before January 1, ~~2011,~~ 2012, deletes or
25 extends that date.

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

28 *SEC. 37. Section 7011 of the Business and Professions Code*
29 *is amended to read:*

30 7011. The board, by and with the approval of the director, shall
31 appoint a registrar of contractors and fix his or her compensation.

32 The registrar shall be the executive officer and secretary of the
33 board and shall carry out all of the administrative duties as provided
34 in this chapter and as delegated to him or her by the board.

35 For the purpose of administration of this chapter, there may be
36 appointed a deputy registrar, a chief reviewing and hearing officer,
37 and, subject to Section 159.5, other assistants and subordinates as
38 may be necessary.

39 Appointments shall be made in accordance with the provisions
40 of civil service laws.

1 This section shall remain in effect only until January 1, ~~2011~~
 2 2012, and as of that date is repealed, unless a later enacted statute,
 3 that is enacted before January 1, ~~2011~~ 2012, deletes or extends
 4 that date.

5 *SEC. 38. Section 7200 of the Business and Professions Code*
 6 *is amended to read:*

7 7200. (a) There is in the Department of Consumer Affairs a
 8 State Board of Guide Dogs for the Blind in whom enforcement of
 9 this chapter is vested. The board shall consist of seven members
 10 appointed by the Governor. One member shall be the Director of
 11 Rehabilitation or his or her designated representative. The
 12 remaining members shall be persons who have shown a particular
 13 interest in dealing with the problems of the blind, and at least two
 14 of them shall be blind persons who use guide dogs.

15 ~~(b) This section shall become inoperative on July 1, 2011, and,~~
 16 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
 17 ~~which becomes effective on or before January 1, 2012, deletes or~~
 18 ~~extends the dates on which it becomes inoperative and is~~
 19 ~~repealed.~~ *This section shall remain in effect only until January 1,*
 20 *2012, and as of that date is repealed, unless a later enacted statute,*
 21 *that is enacted before January 1, 2012, deletes or extends that*
 22 *date. The repeal of this section renders the board subject to the*
 23 *review required by Division 1.2 (commencing with Section 473).*

24 *SEC. 39. Section 7303 of the Business and Professions Code*
 25 *is amended to read:*

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

31 (b) The board shall consist of nine members. Five members
 32 shall be public members, and four members shall represent the
 33 professions. The Governor shall appoint three of the public
 34 members and the four professional members. The Senate
 35 Committee on Rules and the Speaker of the Assembly shall each
 36 appoint one public member. Members of the board shall be
 37 appointed for a term of four years, except that of the members
 38 appointed by the Governor, two of the public members and two
 39 of the professions members shall be appointed for an initial term

1 of two years. No board member may serve longer than two
2 consecutive terms.

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

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

15 (e) This section shall remain in effect only until January 1, ~~2012~~
16 ~~2014~~, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, ~~2012~~ ~~2014~~, deletes or extends
18 that date.

19 *SEC. 40. Section 8000 of the Business and Professions Code*
20 *is amended to read:*

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

27 This section shall remain in effect only until January 1, ~~2011~~
28 ~~2013~~, and as of that date is repealed, unless a later enacted statute,
29 that is enacted before January 1, ~~2011~~ ~~2013~~, deletes or extends
30 that date.

31 *SEC. 41. Section 8005 of the Business and Professions Code*
32 *is amended to read:*

33 8005. The Court Reporters Board of California is charged with
34 the executive functions necessary for effectuating the purposes of
35 this chapter. It may appoint committees as it deems necessary or
36 proper. The board may appoint, prescribe the duties, and fix the
37 salary of an executive officer. Except as provided by Section 159.5,
38 the board may also employ other employees as may be necessary,
39 subject to civil service and other provisions of law.

1 This section shall remain in effect only until January 1, ~~2012~~
2 2013, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2012~~ 2013, deletes or extends
4 that date.

5 *SEC. 42. Section 8520 of the Business and Professions Code*
6 *is amended to read:*

7 8520. (a) There is in the Department of Pesticide Regulation
8 a Structural Pest Control Board, which consists of seven members.

9 (b) Subject to the jurisdiction conferred upon the director by
10 Division 6 (commencing with Section 11401) of the Food and
11 Agricultural Code, the board is vested with the power to and shall
12 administer the provisions of this chapter.

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

15 (d) ~~This section shall become inoperative on July 1, 2011, and,~~
16 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
17 ~~which becomes effective on or before January 1, 2012, deletes or~~
18 ~~extends the dates on which it becomes inoperative and is~~
19 ~~repealed.~~*This section shall remain in effect only until January 1,*
20 *2015, and as of that date is repealed, unless a later enacted statute,*
21 *that is enacted before January 1, 2015, deletes or extends that*
22 *date.*~~The repeal of this section renders the board subject to the~~
23 ~~review required by Division 1.2 (commencing with Section 473).~~

24 *SEC. 43. Section 8528 of the Business and Professions Code*
25 *is amended to read:*

26 8528. With the approval of the director, the board shall appoint
27 a registrar, fix his or her compensation and prescribe his or her
28 duties.

29 The registrar is the executive officer and secretary of the board.

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

34 *This section shall remain in effect only until January 1, 2015,*
35 *and as of that date is repealed, unless a later enacted statute, that*
36 *is enacted before January 1, 2015, deletes or extends that date.*

37 *SEC. 44. Section 8710 of the Business and Professions Code*
38 *is amended to read:*

39 8710. (a) The Board for Professional Engineers and Land
40 Surveyors is vested with power to administer the provisions and

1 requirements of this chapter, and may make and enforce rules and
2 regulations that are reasonably necessary to carry out its provisions.

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

10 (c) ~~This section shall become inoperative on July 1, 2011, and,~~
11 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
12 ~~which becomes effective on or before January 1, 2012, deletes or~~
13 ~~extends the dates on which it becomes inoperative and is~~
14 ~~repealed.~~*This section shall remain in effect only until January 1,*
15 *2012, and as of that date is repealed, unless a later enacted statute,*
16 *that is enacted before January 1, 2012, deletes or extends that*
17 *date.* The repeal of this section shall render the board subject to
18 the review required by Division 1.2 (commencing with Section
19 473).

20 *SEC. 45. Section 11506 of the Business and Professions Code*
21 *is amended to read:*

22 11506. This part shall be subject to the review required by
23 Division 1.2 (commencing with Section 473). This part shall
24 remain in effect only until January 1, ~~2012~~ 2015, and as of that
25 date is repealed, unless a later enacted statute, that is enacted before
26 January 1, ~~2012~~ 2015, deletes or extends that date.

27 *SEC. 46. Section 18602 of the Business and Professions Code*
28 *is amended to read:*

29 18602. (a) Except as provided in this section, there is in the
30 Department of Consumer Affairs the State Athletic Commission,
31 which consists of seven members. Five members shall be appointed
32 by the Governor, one member shall be appointed by the Senate
33 Rules Committee, and one member shall be appointed by the
34 Speaker of the Assembly.

35 The members of the commission appointed by the Governor are
36 subject to confirmation by the Senate pursuant to Section 1322 of
37 the Government Code.

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

1 (b) In appointing commissioners under this section, the
2 Governor, the Senate Rules Committee, and the Speaker of the
3 Assembly shall make every effort to ensure that at least four of
4 the members of the commission shall have experience and
5 demonstrate expertise in one of the following areas:

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

10 (2) Financial management.

11 (3) Public safety.

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

15 (c) Each member of the commission shall be appointed for a
16 term of four years. All terms shall end on January 1. Vacancies
17 occurring prior to the expiration of the term shall be filled by
18 appointment for the unexpired term. No commission member may
19 serve more than two consecutive terms.

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

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

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

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

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

31 (e) This section shall remain in effect only until January 1, ~~2011~~
32 ~~2012~~, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, ~~2011~~ ~~2012~~, deletes or extends
34 that date.

35 The repeal of this section renders the commission subject to the
36 review required by Division 1.2 (commencing with Section 473).

37 *SEC. 47. Section 18613 of the Business and Professions Code*
38 *is amended to read:*

39 ~~18613. (a) (1) To assure the continuity and stable transition~~
40 ~~as the commission is reformed on January 1, 2007, the person~~

1 serving as the bureau chief on December 31, 2006, shall serve as
2 the executive officer beginning January 1, 2007, for a term through
3 June 30, 2007. On or before June 30, 2007, but not earlier than
4 June 1, 2007, the commission shall determine whether to retain
5 the services of the person who was serving as the bureau chief on
6 December 31, 2006, or to follow the procedure set forth in
7 paragraph (2) of this subdivision to appoint a new executive officer.
8 During the period between January 1, 2007, and June 30, 2007,
9 any inconsistent provisions of this section notwithstanding, the
10 executive officer may be terminated for cause upon the affirmative
11 vote of a majority of the members of the commission.

12 ~~(2)~~

13 18613. (a) (1) The commission shall appoint a person exempt
14 from civil service who shall be designated as an executive officer
15 and who shall exercise the powers and perform the duties delegated
16 by the commission and vested in him or her by this chapter. The
17 appointment of the executive officer is subject to the approval of
18 the Director of Consumer Affairs.

19 ~~(3)~~

20 (2) The commission may employ in accordance with Section
21 154 other personnel as may be necessary for the administration of
22 this chapter.

23 (b) This section shall remain in effect only until January 1, ~~2011~~,
24 2012, and as of that date is repealed, unless a later enacted statute,
25 that is enacted before January 1, ~~2011~~, 2012, deletes or extends
26 that date.

27 *SEC. 48. Section 22259 of the Business and Professions Code*
28 *is amended to read:*

29 22259. This chapter shall be subject to the review required by
30 Division 1.2 (commencing with Section 473).

31 This chapter shall remain in effect only until January 1, ~~2012~~
32 2015, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, ~~2012~~ 2015, deletes or extends
34 that date.

35 *SEC. 49. Section 94950 of the Education Code is amended to*
36 *read:*

37 94950. This chapter shall remain in effect only until January
38 1, ~~2016~~ 2015, and as of that date is repealed, unless a later enacted
39 statute, that is enacted before January 1, ~~2016~~ 2015, deletes or
40 extends that date.

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, September 4, 2009. (JR11)**

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