

**Introduced by Senator Yee
(Coauthor: Senator Wiggins)**

February 16, 2010

An act to amend an initiative act entitled “Osteopathic Act” approved by the electors November 7, 1922, as amended and approved by the electors November 6, 1962, by amending and repealing Section 1 thereof, relating to healing arts.

LEGISLATIVE COUNSEL’S DIGEST

SB 1050, as introduced, Yee. Osteopathic Medical Board of California: membership.

Existing law, the Osteopathic Act, requires the Governor to appoint 7 members to the Osteopathic Medical Board of California, including 5 osteopathic physicians and surgeons and 2 naturopathic doctors. This provision is repealed on January 1, 2013, at which time the membership of the board will be reduced to 5 osteopathic physicians and surgeons.

This bill would exclude those naturopathic doctors from the membership of the board, thereby reducing the membership of the board to 5 osteopathic physicians and surgeons.

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

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

- 1 SECTION 1. Section 1 of the act cited in the title, as amended
- 2 by Section 69 of Chapter 18 of the Fourth Extraordinary Session
- 3 of the Statutes of 2009, is repealed.
- 4 ~~A self-sustaining Osteopathic Medical Board of California to~~
- 5 ~~consist of seven members and to be known as the “Osteopathic~~

1 ~~Medical Board of California” is hereby created and established.~~
2 ~~The Governor shall appoint the members of the board, each of~~
3 ~~whom shall have been a citizen of this state and in active practice~~
4 ~~for at least five years next preceding his or her appointment. Five~~
5 ~~of the members shall be appointed from among persons who are~~
6 ~~graduates of osteopathic schools who hold unrevoked physician’s~~
7 ~~and surgeon’s D.O. licenses or certificates to practice in this state.~~
8 ~~Two members shall be naturopathic doctors licensed under the~~
9 ~~Naturopathic Doctors Act (Chapter 8.2 (commencing with Section~~
10 ~~3610) of Division 2 of the Business and Professions Code). No~~
11 ~~one residing or practicing outside of this state may be appointed~~
12 ~~to, or sit as a member of, the board. The Governor shall fill by~~
13 ~~appointment all vacancies on the board for the unexpired term.~~
14 ~~The term of office of each member shall be three years; provided,~~
15 ~~that of the first board appointed, one shall be appointed for one~~
16 ~~year, two for two years, and two for three years, and that thereafter~~
17 ~~all appointments shall be for three years, except that appointments~~
18 ~~to fill vacancies shall be for the unexpired term only. No member~~
19 ~~shall serve for more than three full consecutive terms. The~~
20 ~~Governor shall have power to remove from office any osteopathic~~
21 ~~physician and surgeon member of the board for neglect of duty~~
22 ~~required by the Osteopathic Act or Medical Practice Act. The~~
23 ~~Governor shall have power to remove from office any naturopathic~~
24 ~~doctor member of the board for neglect of duty required by the~~
25 ~~Naturopathic Doctors Act. The Governor shall have power to~~
26 ~~remove any member of the board for no longer complying with~~
27 ~~the residency or practice requirements of this section, for~~
28 ~~incompetency, or for unprofessional conduct. Each member of the~~
29 ~~board shall, before entering upon the duties of his or her office,~~
30 ~~take the constitutional oath of office. All fees collected on behalf~~
31 ~~of the Osteopathic Medical Board of California and all receipts of~~
32 ~~every kind and nature, shall be reported at the beginning of each~~
33 ~~month for the month preceding, to the Controller and at the same~~
34 ~~time the entire amount must be paid into the State Treasury and~~
35 ~~shall be credited to a fund to be known as the Osteopathic Medical~~
36 ~~Board of California Contingent Fund, which fund is hereby created.~~
37 ~~The contingent fund shall be for the use of the Osteopathic Medical~~
38 ~~Board of California and out of it and not otherwise shall be paid~~
39 ~~all expenses of the board. Each member of the board shall receive~~
40 ~~a per diem and expenses as provided in Section 103, provided the~~

1 fees and other receipts of the board are sufficient to meet this
2 expense.

3 The Governor shall appoint the members of the board within 30
4 days after this act takes effect. The board shall be organized within
5 60 days after the appointment of its members by the Governor by
6 electing from its number a president, vice president, and a secretary
7 who shall also be the treasurer, who shall hold their respective
8 positions during the pleasure of the board. The board shall hold
9 one meeting during the first quarter of each calendar year at a time
10 and place designated by the board with power of adjournment from
11 time to time until its business is concluded. Special meetings of
12 the board may be held at such time and place as the board may
13 designate. Notice of each regular or special meeting shall be given
14 twice a week for two weeks next preceding each meeting in one
15 daily paper published in the City of San Francisco, one published
16 in the City of Sacramento, and one published in the City of Los
17 Angeles which notice shall also specify the time and place of
18 holding the examination of applicants. The secretary of the board
19 upon an authorization from the president of the board, or the
20 chairperson of the committee may call meetings of any duly
21 appointed committee of the board at a specified time and place
22 and it shall not be necessary to advertise those committee meetings.
23 The board shall receive through its secretary applications for
24 certificates to be issued by the board and shall, on or before the
25 first day of January in each year transmit to the Governor a full
26 report of all its proceedings together with a report of its receipts
27 and disbursements.

28 The office of the board shall be in the City of Sacramento.
29 Suboffices may be established in Los Angeles and San Francisco
30 and records as may be necessary may be transferred temporarily
31 to those suboffices. Legal proceedings against the board may be
32 instituted in any one of the three cities.

33 The board may from time to time adopt rules as may be necessary
34 to enable it to carry into effect the provisions of this act. It shall
35 require the affirmative vote of a majority of the members of the
36 board to carry any motion or resolution, to adopt any rules, pass
37 any measure or to authorize the issuance or the revocation of any
38 certificate. Any member of the board may administer oaths in all
39 matters pertaining to the duties of the board and the board shall
40 have authority to take evidence in any matter cognizable by it. The

1 ~~board shall keep an official record of its proceedings, a part of~~
2 ~~which record shall consist of a register of all applicants for~~
3 ~~certificates under this act together with the action of the board~~
4 ~~upon each application.~~

5 ~~The board shall have the power to employ legal counsel to advise~~
6 ~~and assist it in connection with all matters cognizable by the board~~
7 ~~or in connection with any litigation or legal proceedings instituted~~
8 ~~by or against the board and may also employ clerical assistance~~
9 ~~as it may deem necessary to carry into effect this act. The board~~
10 ~~may fix the compensation to be paid for those services and may~~
11 ~~incur other expense as it may deem necessary; provided, however,~~
12 ~~that all of that expense shall be payable only from the fund~~
13 ~~hereinbefore provided for and to be known as the Osteopathic~~
14 ~~Medical Board of California Contingent Fund.~~

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

18 SEC. 2. Section 1 of the act cited in the title, as added by
19 Section 70 of Chapter 18 of the Fourth Extraordinary Session of
20 the Statutes of 2009, is amended to read:

21 A

22 *Sec. 1.* A self-sustaining Osteopathic Medical Board of
23 California to consist of five members and to be known as the
24 “Osteopathic Medical Board of California” is hereby created and
25 established. The Governor shall appoint the members of the board,
26 each of whom shall have been a citizen of this state and in active
27 practice for at least five years next preceding his or her
28 appointment. Each of the members shall be appointed from among
29 persons who are graduates of osteopathic schools who hold
30 unrevoked physician’s and surgeon’s D.O. licenses or certificates
31 to practice in this state. No one residing or practicing outside of
32 this state may be appointed to, or sit as a member of, the board.
33 The Governor shall fill by appointment all vacancies on the board
34 for the unexpired term. The term of office of each member shall
35 be three years; provided, that of the first board appointed, one shall
36 be appointed for one year, two for two years, and two for three
37 years, and that thereafter all appointments shall be for three years,
38 except that appointments to fill vacancies shall be for the unexpired
39 term only. No member shall serve for more than three full
40 consecutive terms. The Governor shall have power to remove from

1 office any member of the board for neglect of duty required by the
2 Osteopathic Act or Medical Practice Act, for no longer complying
3 with the residency or practice requirements of this section, for
4 incompetency, or for unprofessional conduct. Each member of the
5 board shall, before entering upon the duties of his or her office,
6 take the constitutional oath of office. All fees collected on behalf
7 of the Osteopathic Medical Board of California and all receipts of
8 every kind and nature, shall be reported at the beginning of each
9 month for the month preceding, to the Controller and at the same
10 time the entire amount must be paid into the State Treasury and
11 shall be credited to a fund to be known as the Osteopathic Medical
12 Board of California Contingent Fund, which fund is hereby created.
13 The contingent fund shall be for the use of the Osteopathic Medical
14 Board of California and out of it and not otherwise shall be paid
15 all expenses of the board. Each member of the board shall receive
16 a per diem and expenses as provided in Section 103, provided the
17 fees and other receipts of the board are sufficient to meet this
18 expense.

19 The Governor shall appoint the members of the board within 30
20 days after this act takes effect. The board shall be organized within
21 60 days after the appointment of its members by the Governor by
22 electing from its number a president, vice president, and a secretary
23 who shall also be the treasurer, who shall hold their respective
24 positions during the pleasure of the board. The board shall hold
25 one meeting during the first quarter of each calendar year at a time
26 and place designated by the board with power of adjournment from
27 time to time until its business is concluded. Special meetings of
28 the board may be held at such time and place as the board may
29 designate. Notice of each regular or special meeting shall be given
30 twice a week for two weeks next preceding each meeting in one
31 daily paper published in the City of San Francisco, one published
32 in the City of Sacramento, and one published in the City of Los
33 Angeles which notice shall also specify the time and place of
34 holding the examination of applicants. The secretary of the board
35 upon an authorization from the president of the board, or the
36 chairperson of the committee may call meetings of any duly
37 appointed committee of the board at a specified time and place
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40 certificates to be issued by the board and shall, on or before the

1 first day of January in each year transmit to the Governor a full
2 report of all its proceedings together with a report of its receipts
3 and disbursements.

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7 to those suboffices. Legal proceedings against the board may be
8 instituted in any one of the three cities.

9 The board may from time to time adopt rules as may be necessary
10 to enable it to carry into effect the provisions of this act. It shall
11 require the affirmative vote of three members of the board to carry
12 any motion or resolution, to adopt any rules, pass any measure or
13 to authorize the issuance or the revocation of any certificate. Any
14 member of the board may administer oaths in all matters pertaining
15 to the duties of the board and the board shall have authority to take
16 evidence in any matter cognizable by it. The board shall keep an
17 official record of its proceedings, a part of which record shall
18 consist of a register of all applicants for certificates under this act
19 together with the action of the board upon each application.

20 The board shall have the power to employ legal counsel to advise
21 and assist it in connection with all matters cognizable by the board
22 or in connection with any litigation or legal proceedings instituted
23 by or against the board and may also employ clerical assistance
24 as it may deem necessary to carry into effect this act. The board
25 may fix the compensation to be paid for those services and may
26 incur other expense as it may deem necessary; provided, however,
27 that all of that expense shall be payable only from the fund
28 hereinbefore provided for and to be known as the Osteopathic
29 Medical Board of California Contingent Fund.

30 ~~This section shall become operative on January 1, 2013.~~