

AMENDED IN ASSEMBLY AUGUST 24, 2012

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JUNE 18, 2012

AMENDED IN SENATE APRIL 17, 2012

**SENATE BILL**

**No. 1236**

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**Introduced by Senator Price**

February 23, 2012

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An act to amend Sections 800, 801.01, 802.1, 802.5, 803, 803.1, 803.5, 803.6, 805, 2006, 2335, 2450.3, 2460, 2465, 2470, 2472, 2475, 2484, 2493, 2496, 2497.5, 2602, 2607.5, 2920, 2933, 3501, 3502, 3502.1, 3502.3, 3502.5, 3504, 3504.1, 3505, 3506, 3507, 3508, 3509, 3509.5, 3510, 3511, 3512, 3513, 3514.1, 3516, 3516.5, 3517, 3518, 3519, 3519.5, 3520, 3521, 3521.1, 3521.2, 3521.5, 3522, 3523, 3524, 3524.5, 3526, 3527, 3529, 3530, 3531, 3533, 3534, 3534.1, 3534.2, 3534.3, 3534.4, 3534.5, 3534.6, 3534.7, 3534.9, 3534.10, 3535, 3537.10, 3537.20, 3537.30, 3537.50, 3540, 3546, 4001, 4003, 4928, 4934, 4939, 4990, 4990.04, 8000, 8005, 8027, 8030.2, 8030.5, 9812.5, 9830.5, 9832.5, 9847.5, 9849, 9851, 9853, 9860, 9862.5, 9863, and 9873, of, and to add Section 3521.3 to, the Business and Professions Code, and to amend Sections 12529, 12529.5, and 12529.6 of the Government Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1236, as amended, Price. Professions and vocations.

(1) Existing law, until January 1, 2013, declares that using a vertical enforcement and prosecution model for the Medical Board of California's investigations is in the best interests of the people of

California. Under existing law, a vertical enforcement and prosecution model is described as the joint assignment of a complaint to a board investigator and to a deputy attorney general responsible for prosecuting the case if the investigation results in the filing of an accusation. Existing law requires the board to, among other things, establish and implement a plan to locate specified staff in the same offices in order to carry out the intent of the vertical enforcement and prosecution model.

This bill would extend the operation of these provisions to January 1, 2014, and would also make a conforming change in that regard.

(2) Existing law provides for the certification and regulation of podiatrists by the California Board of Podiatric Medicine within the jurisdiction of the Medical Board of California. Under existing law, the California Board of Podiatric Medicine will be repealed on January 1, 2013. Existing law requires that boards scheduled for repeal be reviewed by the Joint Sunset Review Committee of the Legislature.

This bill would extend the operation of the California Board of Podiatric Medicine until January 1, 2017. The bill would specify that the board is subject to review by the appropriate policy committees of the Legislature. The bill would revise provisions regarding the examination of applicants for certification to practice podiatric medicine.

(3) Existing law establishes the Physician Assistant Committee within the jurisdiction of the Medical Board of California and provides for its membership, operation, duties, and powers with respect to licensure and regulation of physician assistants, including requirements for the payment of license renewal fees. Under existing law, the committee will be repealed on January 1, 2013.

This bill would rename the committee as the Physician Assistant Board, make various conforming changes relative to this change in designation, and extend the operation of the board until January 1, 2017. The bill would revise the composition of the board and would specify that the board is subject to review by the appropriate policy committees of the Legislature. The bill would allow the board to establish, by regulation, a system for placement of a licensee on retired status, as specified.

(4) Existing law specifies reports to be made and procedures to be followed when a coroner receives information, as specified, that a death may be the result of a physician and surgeon's, or podiatrist's gross negligence or incompetence, and in connection with disciplinary actions against those licensees.

This bill would expand those provisions to include conduct of a physician assistant.

(5) Existing law requires a physician and surgeon, osteopathic physician and surgeon, and a doctor of podiatric medicine to report to his or her licensing board the occurrence of an indictment or information charging a felony against the licensee or the conviction of the licensee of a felony or misdemeanor. Under existing law the failure of those licensees to submit the required report is a crime.

This bill would impose that requirement on a physician assistant. Because a violation of this requirement by a physician assistant would be a crime, this bill would impose a state-mandated local program.

(6) Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California. Existing law authorizes the board to appoint an executive officer. Existing law makes these provisions inoperative on July 1, 2013, and repealed on January 1, 2014. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would delete the inoperative date and would instead repeal these provisions on January 1, 2014. The bill would also specify that this board would be subject to review by the appropriate policy committees of the Legislature.

(7) Existing law, the Naturopathic Doctors Act, provides for the licensure and regulation of naturopathic doctors by the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Existing law repeals these provisions on January 1, 2014. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would make a conforming change with regard to the operation of these provisions until January 1, 2014, and the bill would also specify that this board would be subject to review by the appropriate policy committees of the Legislature.

(8) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies, pharmacists, pharmacy technicians, wholesalers of dangerous drugs or devices, and others by the California State Board of Pharmacy. Existing law authorizes the board to appoint an executive officer. Under existing law, the board and its authority to appoint an executive officer will be repealed on January 1, 2013. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would extend the operation of the California State Board of Pharmacy and its authority to appoint an executive officer until January 1, 2017, and would specify that the board is subject to review by the appropriate policy committees of the Legislature.

(9) Existing law provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law provides for the licensure and regulation of licensed educational psychologists, clinical social workers, marriage and family therapists, and licensed professional clinical counselors by the Board of Behavioral Sciences within the Department of Consumer Affairs. Existing law specifies the composition of each board and requires or authorizes each board to employ an executive officer. Existing law repeals these provisions on January 1, 2013. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would extend the operation of these provisions until January 1, 2017. This bill would specify that each board is subject to review by the appropriate policy committees of the Legislature.

*(10) Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. Existing law authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2013. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.*

*This bill would extend the operation of these provisions until January 1, 2015. The bill would instead specify that the board would be subject to review by the appropriate policy committees of the Legislature.*

*Existing law requires the board, on or before January 1, 2004, to establish standards for the approval of schools and colleges offering education and training in the practice of an acupuncturist. Under existing law, within 3 years of initial approval by the board, each program approved by the board is required to receive full institutional approval by the Bureau for Private Postsecondary Education, which is responsible for, among other things, providing approval to operate private postsecondary institutions according to specified minimum operating standards.*

*This bill would provide the board with ongoing authority to establish those standards. The bill would also update references to provisions providing for the approval by the bureau to operate private postsecondary institutions.*

(10)

(11) Existing law provides for the licensure and regulation of court reporters by the Court Reporters Board of California within the Department of Consumer Affairs. Existing law authorizes this board to appoint an executive officer and committees as necessary. Existing law repeals these provisions on January 1, 2013.

This bill would extend the operation of these provisions until January 1, 2017, and would specify that the board is subject to review by the appropriate policy committees of the Legislature.

Existing law requires, until January 1, 2013, certain fees and revenues collected by the board to be deposited into the Transcript Reimbursement Fund to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases. Existing law authorizes, until January 1, 2013, low-income persons appearing pro se to apply for funds from the Transcript Reimbursement Fund, subject to specified requirements and limitations. Existing law requires the board, until January 1, 2013, to publicize the availability of the fund to prospective applicants. Existing law requires the unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2013, to be transferred to the Court Reporters' Fund.

This bill would extend the operation of these provisions until January 1, 2017, and would make a technical change to these provisions. By extending the operation of the Transcript Reimbursement Fund, which is a continuously appropriated fund, the bill would make an appropriation.

(11)

(12) Existing law, the Electronic and Appliance Repair Dealer Registration Law, provides for the registration and regulation of electronic and appliance service dealers and service contractors by the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation within the Department of Consumer Affairs and makes a failure to comply with its provisions a crime. Existing law, until January 1, 2013, requires a service contractor to pay specified fees to the bureau, including a registration fee and a registration renewal fee. Existing law, until January 1, 2013, requires the Director of Consumer Affairs to gather evidence of violations of the Electronic and Appliance Repair Dealer Registration Law, and any of its regulations, by a service contractor or by any employee, partner, officer, or member of any service contractor. Existing law, until January 1, 2013, requires a service contractor to maintain specified records to be open for inspection by the director and other law enforcement officials. Existing

law, until January 1, 2013, also provides for the revocation of the registration of a service contractor by the director and for the superior court to issue a restraining order or injunction against a service contractor who violates these provisions.

This bill would extend the operation of these and other related provisions to January 1, 2015. By extending the operation of certain of these provisions, the violation of which is a crime, this bill would impose a state-mandated local program.

(12)

(13) Existing law, until January 1, 2013, establishes the Health Quality Enforcement Section within the Department of Justice for the purpose of investigating and prosecuting proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, or any committee under the jurisdiction of the Medical Board of California. Existing law, until January 1, 2013, requires all complaints against licensees of these boards to be made available to the Health Quality Enforcement Section.

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

(13)

(14) 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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 800 of the Business and Professions Code
- 2 is amended to read:
- 3 800. (a) The Medical Board of California, the Board of
- 4 Psychology, the Dental Board of California, the Osteopathic
- 5 Medical Board of California, the State Board of Chiropractic
- 6 Examiners, the Board of Registered Nursing, the Board of
- 7 Vocational Nursing and Psychiatric Technicians, the State Board
- 8 of Optometry, the Veterinary Medical Board, the Board of
- 9 Behavioral Sciences, the Physical Therapy Board of California,

1 the California State Board of Pharmacy, the Speech-Language  
2 Pathology and Audiology and Hearing Aid Dispensers Board, the  
3 California Board of Occupational Therapy, the Acupuncture Board,  
4 and the Physician Assistant Board shall each separately create and  
5 maintain a central file of the names of all persons who hold a  
6 license, certificate, or similar authority from that board. Each  
7 central file shall be created and maintained to provide an individual  
8 historical record for each licensee with respect to the following  
9 information:

10 (1) Any conviction of a crime in this or any other state that  
11 constitutes unprofessional conduct pursuant to the reporting  
12 requirements of Section 803.

13 (2) Any judgment or settlement requiring the licensee or his or  
14 her insurer to pay any amount of damages in excess of three  
15 thousand dollars (\$3,000) for any claim that injury or death was  
16 proximately caused by the licensee's negligence, error or omission  
17 in practice, or by rendering unauthorized professional services,  
18 pursuant to the reporting requirements of Section 801 or 802.

19 (3) Any public complaints for which provision is made pursuant  
20 to subdivision (b).

21 (4) Disciplinary information reported pursuant to Section 805,  
22 including any additional exculpatory or explanatory statements  
23 submitted by the licensee pursuant to subdivision (f) of Section  
24 805. If a court finds, in a final judgment, that the peer review  
25 resulting in the 805 report was conducted in bad faith and the  
26 licensee who is the subject of the report notifies the board of that  
27 finding, the board shall include that finding in the central file. For  
28 purposes of this paragraph, "peer review" has the same meaning  
29 as defined in Section 805.

30 (5) Information reported pursuant to Section 805.01, including  
31 any explanatory or exculpatory information submitted by the  
32 licensee pursuant to subdivision (b) of that section.

33 (b) Each board shall prescribe and promulgate forms on which  
34 members of the public and other licensees or certificate holders  
35 may file written complaints to the board alleging any act of  
36 misconduct in, or connected with, the performance of professional  
37 services by the licensee.

38 If a board, or division thereof, a committee, or a panel has failed  
39 to act upon a complaint or report within five years, or has found

1 that the complaint or report is without merit, the central file shall  
2 be purged of information relating to the complaint or report.

3 Notwithstanding this subdivision, the Board of Psychology, the  
4 Board of Behavioral Sciences, and the Respiratory Care Board of  
5 California shall maintain complaints or reports as long as each  
6 board deems necessary.

7 (c) The contents of any central file that are not public records  
8 under any other provision of law shall be confidential except that  
9 the licensee involved, or his or her counsel or representative, shall  
10 have the right to inspect and have copies made of his or her  
11 complete file except for the provision that may disclose the identity  
12 of an information source. For the purposes of this section, a board  
13 may protect an information source by providing a copy of the  
14 material with only those deletions necessary to protect the identity  
15 of the source or by providing a comprehensive summary of the  
16 substance of the material. Whichever method is used, the board  
17 shall ensure that full disclosure is made to the subject of any  
18 personal information that could reasonably in any way reflect or  
19 convey anything detrimental, disparaging, or threatening to a  
20 licensee's reputation, rights, benefits, privileges, or qualifications,  
21 or be used by a board to make a determination that would affect  
22 a licensee's rights, benefits, privileges, or qualifications. The  
23 information required to be disclosed pursuant to Section 803.1  
24 shall not be considered among the contents of a central file for the  
25 purposes of this subdivision.

26 The licensee may, but is not required to, submit any additional  
27 exculpatory or explanatory statement or other information that the  
28 board shall include in the central file.

29 Each board may permit any law enforcement or regulatory  
30 agency when required for an investigation of unlawful activity or  
31 for licensing, certification, or regulatory purposes to inspect and  
32 have copies made of that licensee's file, unless the disclosure is  
33 otherwise prohibited by law.

34 These disclosures shall effect no change in the confidential status  
35 of these records.

36 SEC. 2. Section 801.01 of the Business and Professions Code  
37 is amended to read:

38 801.01. The Legislature finds and declares that the filing of  
39 reports with the applicable state agencies required under this  
40 section is essential for the protection of the public. It is the intent

1 of the Legislature that the reporting requirements set forth in this  
2 section be interpreted broadly in order to expand reporting  
3 obligations.

4 (a) A complete report shall be sent to the Medical Board of  
5 California, the Osteopathic Medical Board of California, the  
6 California Board of Podiatric Medicine, or the Physician Assistant  
7 Board with respect to a licensee of the board as to the following:

8 (1) A settlement over thirty thousand dollars (\$30,000) or  
9 arbitration award of any amount or a civil judgment of any amount,  
10 whether or not vacated by a settlement after entry of the judgment,  
11 that was not reversed on appeal, of a claim or action for damages  
12 for death or personal injury caused by the licensee’s alleged  
13 negligence, error, or omission in practice, or by his or her rendering  
14 of unauthorized professional services.

15 (2) A settlement over thirty thousand dollars (\$30,000), if the  
16 settlement is based on the licensee’s alleged negligence, error, or  
17 omission in practice, or on the licensee’s rendering of unauthorized  
18 professional services, and a party to the settlement is a corporation,  
19 medical group, partnership, or other corporate entity in which the  
20 licensee has an ownership interest or that employs or contracts  
21 with the licensee.

22 (b) The report shall be sent by the following:

23 (1) The insurer providing professional liability insurance to the  
24 licensee.

25 (2) The licensee, or his or her counsel, if the licensee does not  
26 possess professional liability insurance.

27 (3) A state or local governmental agency that self-insures the  
28 licensee. For purposes of this section, “state governmental agency”  
29 includes, but is not limited to, the University of California.

30 (c) The entity, person, or licensee obligated to report pursuant  
31 to subdivision (b) shall send the complete report if the judgment,  
32 settlement agreement, or arbitration award is entered against or  
33 paid by the employer of the licensee and not entered against or  
34 paid by the licensee. “Employer,” as used in this paragraph, means  
35 a professional corporation, a group practice, a health care facility  
36 or clinic licensed or exempt from licensure under the Health and  
37 Safety Code, a licensed health care service plan, a medical care  
38 foundation, an educational institution, a professional institution,  
39 a professional school or college, a general law corporation, a public  
40 entity, or a nonprofit organization that employs, retains, or contracts

1 with a licensee referred to in this section. Nothing in this paragraph  
2 shall be construed to authorize the employment of, or contracting  
3 with, any licensee in violation of Section 2400.

4 (d) The report shall be sent to the Medical Board of California,  
5 the Osteopathic Medical Board of California, the California Board  
6 of Podiatric Medicine, or the Physician Assistant Board as  
7 appropriate, within 30 days after the written settlement agreement  
8 has been reduced to writing and signed by all parties thereto, within  
9 30 days after service of the arbitration award on the parties, or  
10 within 30 days after the date of entry of the civil judgment.

11 (e) The entity, person, or licensee required to report under  
12 subdivision (b) shall notify the claimant or his or her counsel, if  
13 he or she is represented by counsel, that the report has been sent  
14 to the Medical Board of California, the Osteopathic Medical Board  
15 of California, the California Board of Podiatric Medicine, or the  
16 Physician Assistant Board. If the claimant or his or her counsel  
17 has not received this notice within 45 days after the settlement was  
18 reduced to writing and signed by all of the parties or the arbitration  
19 award was served on the parties or the date of entry of the civil  
20 judgment, the claimant or the claimant's counsel shall make the  
21 report to the appropriate board.

22 (f) Failure to substantially comply with this section is a public  
23 offense punishable by a fine of not less than five hundred dollars  
24 (\$500) and not more than five thousand dollars (\$5,000).

25 (g) (1) The Medical Board of California, the Osteopathic  
26 Medical Board of California, the California Board of Podiatric  
27 Medicine, and the Physician Assistant Board may develop a  
28 prescribed form for the report.

29 (2) The report shall be deemed complete only if it includes the  
30 following information:

31 (A) The name and last known business and residential addresses  
32 of every plaintiff or claimant involved in the matter, whether or  
33 not the person received an award under the settlement, arbitration,  
34 or judgment.

35 (B) The name and last known business and residential addresses  
36 of every licensee who was alleged to have acted improperly,  
37 whether or not that person was a named defendant in the action  
38 and whether or not that person was required to pay any damages  
39 pursuant to the settlement, arbitration award, or judgment.

1 (C) The name, address, and principal place of business of every  
2 insurer providing professional liability insurance to any person  
3 described in subparagraph (B), and the insured's policy number.

4 (D) The name of the court in which the action or any part of the  
5 action was filed, and the date of filing and case number of each  
6 action.

7 (E) A description or summary of the facts of each claim, charge,  
8 or allegation, including the date of occurrence and the licensee's  
9 role in the care or professional services provided to the patient  
10 with respect to those services at issue in the claim or action.

11 (F) The name and last known business address of each attorney  
12 who represented a party in the settlement, arbitration, or civil  
13 action, including the name of the client he or she represented.

14 (G) The amount of the judgment, the date of its entry, and a  
15 copy of the judgment; the amount of the arbitration award, the date  
16 of its service on the parties, and a copy of the award document; or  
17 the amount of the settlement and the date it was reduced to writing  
18 and signed by all parties. If an otherwise reportable settlement is  
19 entered into after a reportable judgment or arbitration award is  
20 issued, the report shall include both the settlement and a copy of  
21 the judgment or award.

22 (H) The specialty or subspecialty of the licensee who was the  
23 subject of the claim or action.

24 (I) Any other information the Medical Board of California, the  
25 Osteopathic Medical Board of California, the California Board of  
26 Podiatric Medicine, or the Physician Assistant Board may, by  
27 regulation, require.

28 (3) Every professional liability insurer, self-insured  
29 governmental agency, or licensee or his or her counsel that makes  
30 a report under this section and has received a copy of any written  
31 or electronic patient medical or hospital records prepared by the  
32 treating physician and surgeon, podiatrist, or physician assistant,  
33 or the staff of the treating physician and surgeon, podiatrist, or  
34 hospital, describing the medical condition, history, care, or  
35 treatment of the person whose death or injury is the subject of the  
36 report, or a copy of any deposition in the matter that discusses the  
37 care, treatment, or medical condition of the person, shall include  
38 with the report, copies of the records and depositions, subject to  
39 reasonable costs to be paid by the Medical Board of California,  
40 the Osteopathic Medical Board of California, the California Board

1 of Podiatric Medicine, or the Physician Assistant Board. If  
2 confidentiality is required by court order and, as a result, the  
3 reporter is unable to provide the records and depositions,  
4 documentation to that effect shall accompany the original report.  
5 The applicable board may, upon prior notification of the parties  
6 to the action, petition the appropriate court for modification of any  
7 protective order to permit disclosure to the board. A professional  
8 liability insurer, self-insured governmental agency, or licensee or  
9 his or her counsel shall maintain the records and depositions  
10 referred to in this paragraph for at least one year from the date of  
11 filing of the report required by this section.

12 (h) If the board, within 60 days of its receipt of a report filed  
13 under this section, notifies a person named in the report, that person  
14 shall maintain for the period of three years from the date of filing  
15 of the report any records he or she has as to the matter in question  
16 and shall make those records available upon request to the board  
17 to which the report was sent.

18 (i) Notwithstanding any other provision of law, no insurer shall  
19 enter into a settlement without the written consent of the insured,  
20 except that this prohibition shall not void any settlement entered  
21 into without that written consent. The requirement of written  
22 consent shall only be waived by both the insured and the insurer.

23 (j) (1) A state or local governmental agency that self-insures  
24 licensees shall, prior to sending a report pursuant to this section,  
25 do all of the following with respect to each licensee who will be  
26 identified in the report:

27 (A) Before deciding that a licensee will be identified, provide  
28 written notice to the licensee that the agency intends to submit a  
29 report in which the licensee may be identified, based on his or her  
30 role in the care or professional services provided to the patient that  
31 were at issue in the claim or action. This notice shall describe the  
32 reasons for notifying the licensee. The agency shall include with  
33 this notice a reasonable opportunity for the licensee to review a  
34 copy of records to be used by the agency in deciding whether to  
35 identify the licensee in the report.

36 (B) Provide the licensee with a reasonable opportunity to provide  
37 a written response to the agency and written materials in support  
38 of the licensee's position. If the licensee is identified in the report,  
39 the agency shall include this response and materials in the report  
40 submitted to a board under this section if requested by the licensee.

1 (C) At least 10 days prior to the expiration of the 30-day  
2 reporting requirement under subdivision (d), provide the licensee  
3 with the opportunity to present arguments to the body that will  
4 make the final decision or to that body’s designee. The body shall  
5 review the care or professional services provided to the patient  
6 with respect to those services at issue in the claim or action and  
7 determine the licensee or licensees to be identified in the report  
8 and the amount of the settlement to be apportioned to the licensee.

9 (2) Nothing in this subdivision shall be construed to modify  
10 either the content of a report required under this section or the  
11 timeframe for filing that report.

12 (k) For purposes of this section, “licensee” means a licensee of  
13 the Medical Board of California, the Osteopathic Medical Board  
14 of California, the California Board of Podiatric Medicine, or the  
15 Physician Assistant Board.

16 SEC. 3. Section 802.1 of the Business and Professions Code  
17 is amended to read:

18 802.1. (a) (1) A physician and surgeon, osteopathic physician  
19 and surgeon, a doctor of podiatric medicine, and a physician  
20 assistant shall report either of the following to the entity that issued  
21 his or her license:

22 (A) The bringing of an indictment or information charging a  
23 felony against the licensee.

24 (B) The conviction of the licensee, including any verdict of  
25 guilty, or plea of guilty or no contest, of any felony or  
26 misdemeanor.

27 (2) The report required by this subdivision shall be made in  
28 writing within 30 days of the date of the bringing of the indictment  
29 or information or of the conviction.

30 (b) Failure to make a report required by this section shall be a  
31 public offense punishable by a fine not to exceed five thousand  
32 dollars (\$5,000).

33 SEC. 4. Section 802.5 of the Business and Professions Code  
34 is amended to read:

35 802.5. (a) When a coroner receives information that is based  
36 on findings that were reached by, or documented and approved by  
37 a board-certified or board-eligible pathologist indicating that a  
38 death may be the result of a physician and surgeon’s, podiatrist’s,  
39 or physician assistant’s gross negligence or incompetence, a report  
40 shall be filed with the Medical Board of California, the Osteopathic

1 Medical Board of California, the California Board of Podiatric  
2 Medicine, or the Physician Assistant Board. The initial report shall  
3 include the name of the decedent, date and place of death, attending  
4 physicians or podiatrists, and all other relevant information  
5 available. The initial report shall be followed, within 90 days, by  
6 copies of the coroner's report, autopsy protocol, and all other  
7 relevant information.

8 (b) The report required by this section shall be confidential. No  
9 coroner, physician and surgeon, or medical examiner, nor any  
10 authorized agent, shall be liable for damages in any civil action as  
11 a result of his or her acting in compliance with this section. No  
12 board-certified or board-eligible pathologist, nor any authorized  
13 agent, shall be liable for damages in any civil action as a result of  
14 his or her providing information under subdivision (a).

15 SEC. 5. Section 803 of the Business and Professions Code is  
16 amended to read:

17 803. (a) Except as provided in subdivision (b), within 10 days  
18 after a judgment by a court of this state that a person who holds a  
19 license, certificate, or other similar authority from the Board of  
20 Behavioral Sciences or from an agency mentioned in subdivision  
21 (a) of Section 800 (except a person licensed pursuant to Chapter  
22 3 (commencing with Section 1200)) has committed a crime, or is  
23 liable for any death or personal injury resulting in a judgment for  
24 an amount in excess of thirty thousand dollars (\$30,000) caused  
25 by his or her negligence, error or omission in practice, or his or  
26 her rendering unauthorized professional services, the clerk of the  
27 court that rendered the judgment shall report that fact to the agency  
28 that issued the license, certificate, or other similar authority.

29 (b) For purposes of a physician and surgeon, osteopathic  
30 physician and surgeon, doctor of podiatric medicine, or physician  
31 assistant, who is liable for any death or personal injury resulting  
32 in a judgment of any amount caused by his or her negligence, error  
33 or omission in practice, or his or her rendering unauthorized  
34 professional services, the clerk of the court that rendered the  
35 judgment shall report that fact to the agency that issued the license.

36 SEC. 6. Section 803.1 of the Business and Professions Code  
37 is amended to read:

38 803.1. (a) Notwithstanding any other provision of law, the  
39 Medical Board of California, the Osteopathic Medical Board of  
40 California, the California Board of Podiatric Medicine, and the

1 Physician Assistant Board shall disclose to an inquiring member  
2 of the public information regarding any enforcement actions taken  
3 against a licensee, including a former licensee, by the board or by  
4 another state or jurisdiction, including all of the following:

5 (1) Temporary restraining orders issued.

6 (2) Interim suspension orders issued.

7 (3) Revocations, suspensions, probations, or limitations on  
8 practice ordered by the board, including those made part of a  
9 probationary order or stipulated agreement.

10 (4) Public letters of reprimand issued.

11 (5) Infractions, citations, or fines imposed.

12 (b) Notwithstanding any other provision of law, in addition to  
13 the information provided in subdivision (a), the Medical Board of  
14 California, the Osteopathic Medical Board of California, the  
15 California Board of Podiatric Medicine, and the Physician Assistant  
16 Board shall disclose to an inquiring member of the public all of  
17 the following:

18 (1) Civil judgments in any amount, whether or not vacated by  
19 a settlement after entry of the judgment, that were not reversed on  
20 appeal and arbitration awards in any amount of a claim or action  
21 for damages for death or personal injury caused by the physician  
22 and surgeon's negligence, error, or omission in practice, or by his  
23 or her rendering of unauthorized professional services.

24 (2) (A) All settlements in the possession, custody, or control  
25 of the board shall be disclosed for a licensee in the low-risk  
26 category if there are three or more settlements for that licensee  
27 within the last 10 years, except for settlements by a licensee  
28 regardless of the amount paid where (i) the settlement is made as  
29 a part of the settlement of a class claim, (ii) the licensee paid in  
30 settlement of the class claim the same amount as the other licensees  
31 in the same class or similarly situated licensees in the same class,  
32 and (iii) the settlement was paid in the context of a case where the  
33 complaint that alleged class liability on behalf of the licensee also  
34 alleged a products liability class action cause of action. All  
35 settlements in the possession, custody, or control of the board shall  
36 be disclosed for a licensee in the high-risk category if there are  
37 four or more settlements for that licensee within the last 10 years  
38 except for settlements by a licensee regardless of the amount paid  
39 where (i) the settlement is made as a part of the settlement of a  
40 class claim, (ii) the licensee paid in settlement of the class claim

1 the same amount as the other licensees in the same class or  
2 similarly situated licensees in the same class, and (iii) the  
3 settlement was paid in the context of a case where the complaint  
4 that alleged class liability on behalf of the licensee also alleged a  
5 products liability class action cause of action. Classification of a  
6 licensee in either a “high-risk category” or a “low-risk category”  
7 depends upon the specialty or subspecialty practiced by the licensee  
8 and the designation assigned to that specialty or subspecialty by  
9 the Medical Board of California, as described in subdivision (f).  
10 For the purposes of this paragraph, “settlement” means a settlement  
11 of an action described in paragraph (1) entered into by the licensee  
12 on or after January 1, 2003, in an amount of thirty thousand dollars  
13 (\$30,000) or more.

14 (B) The board shall not disclose the actual dollar amount of a  
15 settlement but shall put the number and amount of the settlement  
16 in context by doing the following:

17 (i) Comparing the settlement amount to the experience of other  
18 licensees within the same specialty or subspecialty, indicating if  
19 it is below average, average, or above average for the most recent  
20 10-year period.

21 (ii) Reporting the number of years the licensee has been in  
22 practice.

23 (iii) Reporting the total number of licensees in that specialty or  
24 subspecialty, the number of those who have entered into a  
25 settlement agreement, and the percentage that number represents  
26 of the total number of licensees in the specialty or subspecialty.

27 (3) Current American Board of Medical Specialties certification  
28 or board equivalent as certified by the Medical Board of California,  
29 the Osteopathic Medical Board of California, or the California  
30 Board of Podiatric Medicine.

31 (4) Approved postgraduate training.

32 (5) Status of the license of a licensee. By January 1, 2004, the  
33 Medical Board of California, the Osteopathic Medical Board of  
34 California, and the California Board of Podiatric Medicine shall  
35 adopt regulations defining the status of a licensee. The board shall  
36 employ this definition when disclosing the status of a licensee  
37 pursuant to Section 2027.

38 (6) Any summaries of hospital disciplinary actions that result  
39 in the termination or revocation of a licensee’s staff privileges for  
40 medical disciplinary cause or reason, unless a court finds, in a final

1 judgment, that the peer review resulting in the disciplinary action  
2 was conducted in bad faith and the licensee notifies the board of  
3 that finding. In addition, any exculpatory or explanatory statements  
4 submitted by the licensee electronically pursuant to subdivision  
5 (f) of that section shall be disclosed. For purposes of this paragraph,  
6 “peer review” has the same meaning as defined in Section 805.

7 (c) Notwithstanding any other provision of law, the Medical  
8 Board of California, the Osteopathic Medical Board of California,  
9 the California Board of Podiatric Medicine, and the Physician  
10 Assistant Board shall disclose to an inquiring member of the public  
11 information received regarding felony convictions of a physician  
12 and surgeon or doctor of podiatric medicine.

13 (d) The Medical Board of California, the Osteopathic Medical  
14 Board of California, the California Board of Podiatric Medicine,  
15 and the Physician Assistant Board may formulate appropriate  
16 disclaimers or explanatory statements to be included with any  
17 information released, and may by regulation establish categories  
18 of information that need not be disclosed to an inquiring member  
19 of the public because that information is unreliable or not  
20 sufficiently related to the licensee’s professional practice. The  
21 Medical Board of California, the Osteopathic Medical Board of  
22 California, the California Board of Podiatric Medicine, and the  
23 Physician Assistant Board shall include the following statement  
24 when disclosing information concerning a settlement:  
25

26 “Some studies have shown that there is no significant correlation  
27 between malpractice history and a doctor’s competence. At the  
28 same time, the State of California believes that consumers should  
29 have access to malpractice information. In these profiles, the State  
30 of California has given you information about both the malpractice  
31 settlement history for the doctor’s specialty and the doctor’s history  
32 of settlement payments only if in the last 10 years, the doctor, if  
33 in a low-risk specialty, has three or more settlements or the doctor,  
34 if in a high-risk specialty, has four or more settlements. The State  
35 of California has excluded some class action lawsuits because  
36 those cases are commonly related to systems issues such as product  
37 liability, rather than questions of individual professional  
38 competence and because they are brought on a class basis where  
39 the economic incentive for settlement is great. The State of  
40 California has placed payment amounts into three statistical

1 categories: below average, average, and above average compared  
2 to others in the doctor’s specialty. To make the best health care  
3 decisions, you should view this information in perspective. You  
4 could miss an opportunity for high-quality care by selecting a  
5 doctor based solely on malpractice history.

6 When considering malpractice data, please keep in mind:

7 Malpractice histories tend to vary by specialty. Some specialties  
8 are more likely than others to be the subject of litigation. This  
9 report compares doctors only to the members of their specialty,  
10 not to all doctors, in order to make an individual doctor’s history  
11 more meaningful.

12 This report reflects data only for settlements made on or after  
13 January 1, 2003. Moreover, it includes information concerning  
14 those settlements for a 10-year period only. Therefore, you should  
15 know that a doctor may have made settlements in the 10 years  
16 immediately preceding January 1, 2003, that are not included in  
17 this report. After January 1, 2013, for doctors practicing less than  
18 10 years, the data covers their total years of practice. You should  
19 take into account the effective date of settlement disclosure as well  
20 as how long the doctor has been in practice when considering  
21 malpractice averages.

22 The incident causing the malpractice claim may have happened  
23 years before a payment is finally made. Sometimes, it takes a long  
24 time for a malpractice lawsuit to settle. Some doctors work  
25 primarily with high-risk patients. These doctors may have  
26 malpractice settlement histories that are higher than average  
27 because they specialize in cases or patients who are at very high  
28 risk for problems.

29 Settlement of a claim may occur for a variety of reasons that do  
30 not necessarily reflect negatively on the professional competence  
31 or conduct of the doctor. A payment in settlement of a medical  
32 malpractice action or claim should not be construed as creating a  
33 presumption that medical malpractice has occurred.

34 You may wish to discuss information in this report and the  
35 general issue of malpractice with your doctor.”

36

37 (e) The Medical Board of California, the Osteopathic Medical  
38 Board of California, the California Board of Podiatric Medicine,  
39 and the Physician Assistant Board shall, by regulation, develop  
40 standard terminology that accurately describes the different types

1 of disciplinary filings and actions to take against a licensee as  
2 described in paragraphs (1) to (5), inclusive, of subdivision (a). In  
3 providing the public with information about a licensee via the  
4 Internet pursuant to Section 2027, the Medical Board of California,  
5 the Osteopathic Medical Board of California, the California Board  
6 of Podiatric Medicine, and the Physician Assistant Board shall not  
7 use the terms “enforcement,” “discipline,” or similar language  
8 implying a sanction unless the physician and surgeon has been the  
9 subject of one of the actions described in paragraphs (1) to (5),  
10 inclusive, of subdivision (a).

11 (f) The Medical Board of California shall adopt regulations no  
12 later than July 1, 2003, designating each specialty and subspecialty  
13 practice area as either high risk or low risk. In promulgating these  
14 regulations, the board shall consult with commercial underwriters  
15 of medical malpractice insurance companies, health care systems  
16 that self-insure physicians and surgeons, and representatives of  
17 the California medical specialty societies. The board shall utilize  
18 the carriers’ statewide data to establish the two risk categories and  
19 the averages required by subparagraph (B) of paragraph (2) of  
20 subdivision (b). Prior to issuing regulations, the board shall  
21 convene public meetings with the medical malpractice carriers,  
22 self-insurers, and specialty representatives.

23 (g) The Medical Board of California, the Osteopathic Medical  
24 Board of California, the California Board of Podiatric Medicine,  
25 the Physician Assistant Board shall provide each licensee, including  
26 a former licensee under subdivision (a), with a copy of the text of  
27 any proposed public disclosure authorized by this section prior to  
28 release of the disclosure to the public. The licensee shall have 10  
29 working days from the date the board provides the copy of the  
30 proposed public disclosure to propose corrections of factual  
31 inaccuracies. Nothing in this section shall prevent the board from  
32 disclosing information to the public prior to the expiration of the  
33 10-day period.

34 (h) Pursuant to subparagraph (A) of paragraph (2) of subdivision  
35 (b), the specialty or subspecialty information required by this  
36 section shall group physicians by specialty board recognized  
37 pursuant to paragraph (5) of subdivision (h) of Section 651 unless  
38 a different grouping would be more valid and the board, in its  
39 statement of reasons for its regulations, explains why the validity  
40 of the grouping would be more valid.

1 SEC. 7. Section 803.5 of the Business and Professions Code  
2 is amended to read:

3 803.5. (a) The district attorney, city attorney, or other  
4 prosecuting agency shall notify the Medical Board of California,  
5 the Osteopathic Medical Board of California, the California Board  
6 of Podiatric Medicine, the State Board of Chiropractic Examiners,  
7 the Physician Assistant Board, or other appropriate allied health  
8 board, and the clerk of the court in which the charges have been  
9 filed, of any filings against a licensee of that board charging a  
10 felony immediately upon obtaining information that the defendant  
11 is a licensee of the board. The notice shall identify the licensee  
12 and describe the crimes charged and the facts alleged. The  
13 prosecuting agency shall also notify the clerk of the court in which  
14 the action is pending that the defendant is a licensee, and the clerk  
15 shall record prominently in the file that the defendant holds a  
16 license from one of the boards described above.

17 (b) The clerk of the court in which a licensee of one of the  
18 boards is convicted of a crime shall, within 48 hours after the  
19 conviction, transmit a certified copy of the record of conviction  
20 to the applicable board.

21 SEC. 8. Section 803.6 of the Business and Professions Code  
22 is amended to read:

23 803.6. (a) The clerk of the court shall transmit any felony  
24 preliminary hearing transcript concerning a defendant licensee to  
25 the Medical Board of California, the Osteopathic Medical Board  
26 of California, the California Board of Podiatric Medicine, the  
27 Physician Assistant Board, or other appropriate allied health board,  
28 as applicable, where the total length of the transcript is under 800  
29 pages and shall notify the appropriate board of any proceeding  
30 where the transcript exceeds that length.

31 (b) In any case where a probation report on a licensee is prepared  
32 for a court pursuant to Section 1203 of the Penal Code, a copy of  
33 that report shall be transmitted by the probation officer to the board.

34 SEC. 9. Section 805 of the Business and Professions Code is  
35 amended to read:

36 805. (a) As used in this section, the following terms have the  
37 following definitions:

38 (1) (A) "Peer review" means both of the following:

39 (i) A process in which a peer review body reviews the basic  
40 qualifications, staff privileges, employment, medical outcomes,

1 or professional conduct of licentiates to make recommendations  
2 for quality improvement and education, if necessary, in order to  
3 do either or both of the following:

4 (I) Determine whether a licentiate may practice or continue to  
5 practice in a health care facility, clinic, or other setting providing  
6 medical services, and, if so, to determine the parameters of that  
7 practice.

8 (II) Assess and improve the quality of care rendered in a health  
9 care facility, clinic, or other setting providing medical services.

10 (ii) Any other activities of a peer review body as specified in  
11 subparagraph (B).

12 (B) “Peer review body” includes:

13 (i) A medical or professional staff of any health care facility or  
14 clinic licensed under Division 2 (commencing with Section 1200)  
15 of the Health and Safety Code or of a facility certified to participate  
16 in the federal Medicare program as an ambulatory surgical center.

17 (ii) A health care service plan licensed under Chapter 2.2  
18 (commencing with Section 1340) of Division 2 of the Health and  
19 Safety Code or a disability insurer that contracts with licentiates  
20 to provide services at alternative rates of payment pursuant to  
21 Section 10133 of the Insurance Code.

22 (iii) Any medical, psychological, marriage and family therapy,  
23 social work, professional clinical counselor, dental, or podiatric  
24 professional society having as members at least 25 percent of the  
25 eligible licentiates in the area in which it functions (which must  
26 include at least one county), which is not organized for profit and  
27 which has been determined to be exempt from taxes pursuant to  
28 Section 23701 of the Revenue and Taxation Code.

29 (iv) A committee organized by any entity consisting of or  
30 employing more than 25 licentiates of the same class that functions  
31 for the purpose of reviewing the quality of professional care  
32 provided by members or employees of that entity.

33 (2) “Licentiate” means a physician and surgeon, doctor of  
34 podiatric medicine, clinical psychologist, marriage and family  
35 therapist, clinical social worker, professional clinical counselor,  
36 dentist, or physician assistant. “Licentiate” also includes a person  
37 authorized to practice medicine pursuant to Section 2113 or 2168.

38 (3) “Agency” means the relevant state licensing agency having  
39 regulatory jurisdiction over the licentiates listed in paragraph (2).

1 (4) “Staff privileges” means any arrangement under which a  
2 licentiate is allowed to practice in or provide care for patients in  
3 a health facility. Those arrangements shall include, but are not  
4 limited to, full staff privileges, active staff privileges, limited staff  
5 privileges, auxiliary staff privileges, provisional staff privileges,  
6 temporary staff privileges, courtesy staff privileges, locum tenens  
7 arrangements, and contractual arrangements to provide professional  
8 services, including, but not limited to, arrangements to provide  
9 outpatient services.

10 (5) “Denial or termination of staff privileges, membership, or  
11 employment” includes failure or refusal to renew a contract or to  
12 renew, extend, or reestablish any staff privileges, if the action is  
13 based on medical disciplinary cause or reason.

14 (6) “Medical disciplinary cause or reason” means that aspect  
15 of a licentiate’s competence or professional conduct that is  
16 reasonably likely to be detrimental to patient safety or to the  
17 delivery of patient care.

18 (7) “805 report” means the written report required under  
19 subdivision (b).

20 (b) The chief of staff of a medical or professional staff or other  
21 chief executive officer, medical director, or administrator of any  
22 peer review body and the chief executive officer or administrator  
23 of any licensed health care facility or clinic shall file an 805 report  
24 with the relevant agency within 15 days after the effective date on  
25 which any of the following occur as a result of an action of a peer  
26 review body:

27 (1) A licentiate’s application for staff privileges or membership  
28 is denied or rejected for a medical disciplinary cause or reason.

29 (2) A licentiate’s membership, staff privileges, or employment  
30 is terminated or revoked for a medical disciplinary cause or reason.

31 (3) Restrictions are imposed, or voluntarily accepted, on staff  
32 privileges, membership, or employment for a cumulative total of  
33 30 days or more for any 12-month period, for a medical disciplinary  
34 cause or reason.

35 (c) If a licentiate takes any action listed in paragraph (1), (2),  
36 or (3) after receiving notice of a pending investigation initiated  
37 for a medical disciplinary cause or reason or after receiving notice  
38 that his or her application for membership or staff privileges is  
39 denied or will be denied for a medical disciplinary cause or reason,  
40 the chief of staff of a medical or professional staff or other chief

1 executive officer, medical director, or administrator of any peer  
2 review body and the chief executive officer or administrator of  
3 any licensed health care facility or clinic where the licentiate is  
4 employed or has staff privileges or membership or where the  
5 licentiate applied for staff privileges or membership, or sought the  
6 renewal thereof, shall file an 805 report with the relevant agency  
7 within 15 days after the licentiate takes the action.

8 (1) Resigns or takes a leave of absence from membership, staff  
9 privileges, or employment.

10 (2) Withdraws or abandons his or her application for staff  
11 privileges or membership.

12 (3) Withdraws or abandons his or her request for renewal of  
13 staff privileges or membership.

14 (d) For purposes of filing an 805 report, the signature of at least  
15 one of the individuals indicated in subdivision (b) or (c) on the  
16 completed form shall constitute compliance with the requirement  
17 to file the report.

18 (e) An 805 report shall also be filed within 15 days following  
19 the imposition of summary suspension of staff privileges,  
20 membership, or employment, if the summary suspension remains  
21 in effect for a period in excess of 14 days.

22 (f) A copy of the 805 report, and a notice advising the licentiate  
23 of his or her right to submit additional statements or other  
24 information, electronically or otherwise, pursuant to Section 800,  
25 shall be sent by the peer review body to the licentiate named in  
26 the report. The notice shall also advise the licentiate that  
27 information submitted electronically will be publicly disclosed to  
28 those who request the information.

29 The information to be reported in an 805 report shall include the  
30 name and license number of the licentiate involved, a description  
31 of the facts and circumstances of the medical disciplinary cause  
32 or reason, and any other relevant information deemed appropriate  
33 by the reporter.

34 A supplemental report shall also be made within 30 days  
35 following the date the licentiate is deemed to have satisfied any  
36 terms, conditions, or sanctions imposed as disciplinary action by  
37 the reporting peer review body. In performing its dissemination  
38 functions required by Section 805.5, the agency shall include a  
39 copy of a supplemental report, if any, whenever it furnishes a copy  
40 of the original 805 report.

1 If another peer review body is required to file an 805 report, a  
2 health care service plan is not required to file a separate report  
3 with respect to action attributable to the same medical disciplinary  
4 cause or reason. If the Medical Board of California or a licensing  
5 agency of another state revokes or suspends, without a stay, the  
6 license of a physician and surgeon, a peer review body is not  
7 required to file an 805 report when it takes an action as a result of  
8 the revocation or suspension.

9 (g) The reporting required by this section shall not act as a  
10 waiver of confidentiality of medical records and committee reports.  
11 The information reported or disclosed shall be kept confidential  
12 except as provided in subdivision (c) of Section 800 and Sections  
13 803.1 and 2027, provided that a copy of the report containing the  
14 information required by this section may be disclosed as required  
15 by Section 805.5 with respect to reports received on or after  
16 January 1, 1976.

17 (h) The Medical Board of California, the Osteopathic Medical  
18 Board of California, and the Dental Board of California shall  
19 disclose reports as required by Section 805.5.

20 (i) An 805 report shall be maintained electronically by an agency  
21 for dissemination purposes for a period of three years after receipt.

22 (j) No person shall incur any civil or criminal liability as the  
23 result of making any report required by this section.

24 (k) A willful failure to file an 805 report by any person who is  
25 designated or otherwise required by law to file an 805 report is  
26 punishable by a fine not to exceed one hundred thousand dollars  
27 (\$100,000) per violation. The fine may be imposed in any civil or  
28 administrative action or proceeding brought by or on behalf of any  
29 agency having regulatory jurisdiction over the person regarding  
30 whom the report was or should have been filed. If the person who  
31 is designated or otherwise required to file an 805 report is a  
32 licensed physician and surgeon, the action or proceeding shall be  
33 brought by the Medical Board of California. The fine shall be paid  
34 to that agency but not expended until appropriated by the  
35 Legislature. A violation of this subdivision may constitute  
36 unprofessional conduct by the licentiate. A person who is alleged  
37 to have violated this subdivision may assert any defense available  
38 at law. As used in this subdivision, “willful” means a voluntary  
39 and intentional violation of a known legal duty.

1 (l) Except as otherwise provided in subdivision (k), any failure  
2 by the administrator of any peer review body, the chief executive  
3 officer or administrator of any health care facility, or any person  
4 who is designated or otherwise required by law to file an 805  
5 report, shall be punishable by a fine that under no circumstances  
6 shall exceed fifty thousand dollars (\$50,000) per violation. The  
7 fine may be imposed in any civil or administrative action or  
8 proceeding brought by or on behalf of any agency having  
9 regulatory jurisdiction over the person regarding whom the report  
10 was or should have been filed. If the person who is designated or  
11 otherwise required to file an 805 report is a licensed physician and  
12 surgeon, the action or proceeding shall be brought by the Medical  
13 Board of California. The fine shall be paid to that agency but not  
14 expended until appropriated by the Legislature. The amount of the  
15 fine imposed, not exceeding fifty thousand dollars (\$50,000) per  
16 violation, shall be proportional to the severity of the failure to  
17 report and shall differ based upon written findings, including  
18 whether the failure to file caused harm to a patient or created a  
19 risk to patient safety; whether the administrator of any peer review  
20 body, the chief executive officer or administrator of any health  
21 care facility, or any person who is designated or otherwise required  
22 by law to file an 805 report exercised due diligence despite the  
23 failure to file or whether they knew or should have known that an  
24 805 report would not be filed; and whether there has been a prior  
25 failure to file an 805 report. The amount of the fine imposed may  
26 also differ based on whether a health care facility is a small or  
27 rural hospital as defined in Section 124840 of the Health and Safety  
28 Code.

29 (m) A health care service plan licensed under Chapter 2.2  
30 (commencing with Section 1340) of Division 2 of the Health and  
31 Safety Code or a disability insurer that negotiates and enters into  
32 a contract with licentiates to provide services at alternative rates  
33 of payment pursuant to Section 10133 of the Insurance Code, when  
34 determining participation with the plan or insurer, shall evaluate,  
35 on a case-by-case basis, licentiates who are the subject of an 805  
36 report, and not automatically exclude or deselect these licentiates.

37 SEC. 10. Section 2006 of the Business and Professions Code  
38 is amended to read:

39 2006. (a) Any reference in this chapter to an investigation by  
40 the board shall be deemed to refer to a joint investigation conducted

1 by employees of the Department of Justice and the board under  
2 the vertical enforcement and prosecution model, as specified in  
3 Section 12529.6 of the Government Code.

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

7 SEC. 11. Section 2335 of the Business and Professions Code  
8 is amended to read:

9 2335. (a) All proposed decisions and interim orders of the  
10 Medical Quality Hearing Panel designated in Section 11371 of the  
11 Government Code shall be transmitted to the executive director  
12 of the board, or the executive director of the California Board of  
13 Podiatric Medicine as to the licensees of that board, within 48  
14 hours of filing.

15 (b) All interim orders shall be final when filed.

16 (c) A proposed decision shall be acted upon by the board or by  
17 any panel appointed pursuant to Section 2008 or by the California  
18 Board of Podiatric Medicine, as the case may be, in accordance  
19 with Section 11517 of the Government Code, except that all of the  
20 following shall apply to proceedings against licensees under this  
21 chapter:

22 (1) When considering a proposed decision, the board or panel  
23 and the California Board of Podiatric Medicine shall give great  
24 weight to the findings of fact of the administrative law judge,  
25 except to the extent those findings of fact are controverted by new  
26 evidence.

27 (2) The board's staff or the staff of the California Board of  
28 Podiatric Medicine shall poll the members of the board or panel  
29 or of the California Board of Podiatric Medicine by written mail  
30 ballot concerning the proposed decision. The mail ballot shall be  
31 sent within 10 calendar days of receipt of the proposed decision,  
32 and shall poll each member on whether the member votes to  
33 approve the decision, to approve the decision with an altered  
34 penalty, to refer the case back to the administrative law judge for  
35 the taking of additional evidence, to defer final decision pending  
36 discussion of the case by the panel or board as a whole, or to  
37 nonadopt the decision. No party to the proceeding, including  
38 employees of the agency that filed the accusation, and no person  
39 who has a direct or indirect interest in the outcome of the  
40 proceeding or who presided at a previous stage of the decision,

1 may communicate directly or indirectly, upon the merits of a  
2 contested matter while the proceeding is pending, with any member  
3 of the panel or board, without notice and opportunity for all parties  
4 to participate in the communication. The votes of a majority of the  
5 board or of the panel, and a majority of the California Board of  
6 Podiatric Medicine, are required to approve the decision with an  
7 altered penalty, to refer the case back to the administrative law  
8 judge for the taking of further evidence, or to nonadopt the  
9 decision. The votes of two members of the panel or board are  
10 required to defer final decision pending discussion of the case by  
11 the panel or board as a whole; except that, in the case of the  
12 California Board of Podiatric Medicine, the vote of only one  
13 member of that board is required to defer final decision pending  
14 discussion of the case by the board as a whole. If there is a vote  
15 by the specified number to defer final decision pending discussion  
16 of the case by the panel or board as a whole, provision shall be  
17 made for that discussion before the 100-day period specified in  
18 paragraph (3) expires, but in no event shall that 100-day period be  
19 extended.

20 (3) If a majority of the board or of the panel, or a majority of  
21 the California Board of Podiatric Medicine vote to do so, the board  
22 or the panel or the California Board of Podiatric Medicine shall  
23 issue an order of nonadoption of a proposed decision within 100  
24 calendar days of the date it is received by the board. If the board  
25 or the panel or the California Board of Podiatric Medicine does  
26 not refer the case back to the administrative law judge for the  
27 taking of additional evidence or issue an order of nonadoption  
28 within 100 calendar days, the decision shall be final and subject  
29 to review under Section 2337. Members of the board or of any  
30 panel or of the California Board of Podiatric Medicine who review  
31 a proposed decision or other matter and vote by mail as provided  
32 in paragraph (2) shall return their votes by mail to the board within  
33 30 days from receipt of the proposed decision or other matter.

34 (4) The board or the panel or the California Board of Podiatric  
35 Medicine shall afford the parties the opportunity to present oral  
36 argument before deciding a case after nonadoption of the  
37 administrative law judge's decision.

38 (5) A vote of a majority of the board or of a panel, or a majority  
39 of the California Board of Podiatric Medicine, are required to  
40 increase the penalty from that contained in the proposed

1 administrative law judge's decision. No member of the board or  
2 panel or of the California Board of Podiatric Medicine may vote  
3 to increase the penalty except after reading the entire record and  
4 personally hearing any additional oral argument and evidence  
5 presented to the panel or board.

6 SEC. 12. Section 2450.3 of the Business and Professions Code  
7 is amended to read:

8 2450.3. There is within the jurisdiction of the Osteopathic  
9 Medical Board of California a Naturopathic Medicine Committee  
10 authorized under the Naturopathic Doctors Act (Chapter 8.2  
11 (commencing with Section 3610)). This section shall become  
12 inoperative on January 1, 2014, and, as of that date is repealed,  
13 unless a later enacted statute that is enacted before January 1, 2014,  
14 deletes or extends that date. Notwithstanding any other provision  
15 of law, the repeal of this section renders the Naturopathic Medicine  
16 Committee subject to review by the appropriate policy committees  
17 of the Legislature.

18 SEC. 13. Section 2460 of the Business and Professions Code  
19 is amended to read:

20 2460. (a) There is created within the jurisdiction of the Medical  
21 Board of California the California Board of Podiatric Medicine.

22 (b) This section shall remain in effect only until January 1, 2017,  
23 and as of that date is repealed, unless a later enacted statute, that  
24 is enacted before January 1, 2017, deletes or extends that date.  
25 Notwithstanding any other provision of law, the repeal of this  
26 section renders the California Board of Podiatric Medicine subject  
27 to review by the appropriate policy committees of the Legislature.

28 SEC. 14. Section 2465 of the Business and Professions Code  
29 is amended to read:

30 2465. No person who directly or indirectly owns any interest  
31 in any college, school, or other institution engaged in podiatric  
32 medical instruction shall be appointed to the board nor shall any  
33 incumbent member of the board have or acquire any interest, direct  
34 or indirect, in any such college, school, or institution.

35 SEC. 15. Section 2470 of the Business and Professions Code  
36 is amended to read:

37 2470. The board may adopt, amend, or repeal, in accordance  
38 with the provisions of the Administrative Procedure Act (Chapter  
39 3.5 (commencing with Section 11340) of Part 1 of Division 1 of  
40 Title 2 of the Government Code), regulations necessary to enable

1 the board to carry into effect the provisions of law relating to the  
2 practice of podiatric medicine.

3 SEC. 16. Section 2472 of the Business and Professions Code  
4 is amended to read:

5 2472. (a) The certificate to practice podiatric medicine  
6 authorizes the holder to practice podiatric medicine.

7 (b) As used in this chapter, “podiatric medicine” means the  
8 diagnosis, medical, surgical, mechanical, manipulative, and  
9 electrical treatment of the human foot, including the ankle and  
10 tendons that insert into the foot and the nonsurgical treatment of  
11 the muscles and tendons of the leg governing the functions of the  
12 foot.

13 (c) A doctor of podiatric medicine may not administer an  
14 anesthetic other than local. If an anesthetic other than local is  
15 required for any procedure, the anesthetic shall be administered  
16 by another licensed health care practitioner who is authorized to  
17 administer the required anesthetic within the scope of his or her  
18 practice.

19 (d) (1) A doctor of podiatric medicine who is ankle certified  
20 by the board on and after January 1, 1984, may do the following:

21 (A) Perform surgical treatment of the ankle and tendons at the  
22 level of the ankle pursuant to subdivision (e).

23 (B) Perform services under the direct supervision of a physician  
24 and surgeon, as an assistant at surgery, in surgical procedures that  
25 are otherwise beyond the scope of practice of a doctor of podiatric  
26 medicine.

27 (C) Perform a partial amputation of the foot no further proximal  
28 than the Chopart’s joint.

29 (2) Nothing in this subdivision shall be construed to permit a  
30 doctor of podiatric medicine to function as a primary surgeon for  
31 any procedure beyond his or her scope of practice.

32 (e) A doctor of podiatric medicine may perform surgical  
33 treatment of the ankle and tendons at the level of the ankle only  
34 in the following locations:

35 (1) A licensed general acute care hospital, as defined in Section  
36 1250 of the Health and Safety Code.

37 (2) A licensed surgical clinic, as defined in Section 1204 of the  
38 Health and Safety Code, if the doctor of podiatric medicine has  
39 surgical privileges, including the privilege to perform surgery on

1 the ankle, in a general acute care hospital described in paragraph  
2 (1) and meets all the protocols of the surgical clinic.

3 (3) An ambulatory surgical center that is certified to participate  
4 in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395  
5 et seq.) of the federal Social Security Act, if the doctor of podiatric  
6 medicine has surgical privileges, including the privilege to perform  
7 surgery on the ankle, in a general acute care hospital described in  
8 paragraph (1) and meets all the protocols of the surgical center.

9 (4) A freestanding physical plant housing outpatient services  
10 of a licensed general acute care hospital, as defined in Section  
11 1250 of the Health and Safety Code, if the doctor of podiatric  
12 medicine has surgical privileges, including the privilege to perform  
13 surgery on the ankle, in a general acute care hospital described in  
14 paragraph (1). For purposes of this section, a “freestanding physical  
15 plant” means any building that is not physically attached to a  
16 building where inpatient services are provided.

17 (5) An outpatient setting accredited pursuant to subdivision (g)  
18 of Section 1248.1 of the Health and Safety Code.

19 SEC. 17. Section 2475 of the Business and Professions Code  
20 is amended to read:

21 2475. Unless otherwise provided by law, no postgraduate  
22 trainee, intern, resident postdoctoral fellow, or instructor may  
23 engage in the practice of podiatric medicine, or receive  
24 compensation therefor, or offer to engage in the practice of  
25 podiatric medicine unless he or she holds a valid, unrevoked, and  
26 unsuspended certificate to practice podiatric medicine issued by  
27 the division. However, a graduate of an approved college or school  
28 of podiatric medicine upon whom the degree doctor of podiatric  
29 medicine has been conferred, who is issued a resident’s license,  
30 which may be renewed annually for up to eight years for this  
31 purpose by the division upon recommendation of the board, and  
32 who is enrolled in a postgraduate training program approved by  
33 the board, may engage in the practice of podiatric medicine  
34 whenever and wherever required as a part of that program and may  
35 receive compensation for that practice under the following  
36 conditions:

37 (a) A graduate with a resident’s license in an approved  
38 internship, residency, or fellowship program may participate in  
39 training rotations outside the scope of podiatric medicine, under  
40 the supervision of a physician and surgeon who holds a medical

1 doctor or doctor of osteopathy degree wherever and whenever  
2 required as a part of the training program, and may receive  
3 compensation for that practice. If the graduate fails to receive a  
4 license to practice podiatric medicine under this chapter within  
5 three years from the commencement of the postgraduate training,  
6 all privileges and exemptions under this section shall automatically  
7 cease.

8 (b) Hospitals functioning as a part of the teaching program of  
9 an approved college or school of podiatric medicine in this state  
10 may exchange instructors or resident or assistant resident doctors  
11 of podiatric medicine with another approved college or school of  
12 podiatric medicine not located in this state, or those hospitals may  
13 appoint a graduate of an approved school as such a resident for  
14 purposes of postgraduate training. Those instructors and residents  
15 may practice and be compensated as provided in this section, but  
16 that practice and compensation shall be for a period not to exceed  
17 two years.

18 SEC. 18. Section 2484 of the Business and Professions Code  
19 is amended to read:

20 2484. In addition to any other requirements of this chapter,  
21 before a certificate to practice podiatric medicine may be issued,  
22 each applicant shall show by evidence satisfactory to the board,  
23 submitted directly to the board by the sponsoring institution, that  
24 he or she has satisfactorily completed at least two years of  
25 postgraduate podiatric medical and podiatric surgical training in  
26 a general acute care hospital approved by the Council on Podiatric  
27 Medical Education.

28 SEC. 19. Section 2493 of the Business and Professions Code  
29 is amended to read:

30 2493. An applicant for a certificate to practice podiatric  
31 medicine shall pass an examination in the subjects required by  
32 Section 2483 in order to ensure a minimum of entry-level  
33 competence.

34 SEC. 20. Section 2496 of the Business and Professions Code  
35 is amended to read:

36 2496. In order to ensure the continuing competence of persons  
37 licensed to practice podiatric medicine, the board shall adopt and  
38 administer regulations requiring continuing education of those  
39 licensees. The board shall require those licensees to demonstrate

1 satisfaction of the continuing education requirements and one of  
2 the following requirements at each license renewal:

3 (a) Passage of an examination administered by the board within  
4 the past 10 years.

5 (b) Passage of an examination administered by an approved  
6 specialty certifying board within the past 10 years.

7 (c) Current diplomate, board-eligible, or board-qualified status  
8 granted by an approved specialty certifying board within the past  
9 10 years.

10 (d) Recertification of current status by an approved specialty  
11 certifying board within the past 10 years.

12 (e) Successful completion of an approved residency or  
13 fellowship program within the past 10 years.

14 (f) Granting or renewal of current staff privileges within the  
15 past five years by a health care facility that is licensed, certified,  
16 accredited, conducted, maintained, operated, or otherwise approved  
17 by an agency of the federal or state government or an organization  
18 approved by the Medical Board of California.

19 (g) Successful completion within the past five years of an  
20 extended course of study approved by the board.

21 (h) Passage within the past 10 years of Part III of the  
22 examination administered by the National Board of Podiatric  
23 Medical Examiners.

24 SEC. 21. Section 2497.5 of the Business and Professions Code  
25 is amended to read:

26 2497.5. (a) The board may request the administrative law  
27 judge, under his or her proposed decision in resolution of a  
28 disciplinary proceeding before the board, to direct any licensee  
29 found guilty of unprofessional conduct to pay to the board a sum  
30 not to exceed the actual and reasonable costs of the investigation  
31 and prosecution of the case.

32 (b) The costs to be assessed shall be fixed by the administrative  
33 law judge and shall not be increased by the board unless the board  
34 does not adopt a proposed decision and in making its own decision  
35 finds grounds for increasing the costs to be assessed, not to exceed  
36 the actual and reasonable costs of the investigation and prosecution  
37 of the case.

38 (c) When the payment directed in the board's order for payment  
39 of costs is not made by the licensee, the board may enforce the  
40 order for payment by bringing an action in any appropriate court.

1 This right of enforcement shall be in addition to any other rights  
2 the board may have as to any licensee directed to pay costs.

3 (d) In any judicial action for the recovery of costs, proof of the  
4 board's decision shall be conclusive proof of the validity of the  
5 order of payment and the terms for payment.

6 (e) (1) Except as provided in paragraph (2), the board shall not  
7 renew or reinstate the license of any licensee who has failed to pay  
8 all of the costs ordered under this section.

9 (2) Notwithstanding paragraph (1), the board may, in its  
10 discretion, conditionally renew or reinstate for a maximum of one  
11 year the license of any licensee who demonstrates financial  
12 hardship and who enters into a formal agreement with the board  
13 to reimburse the board within that one-year period for those unpaid  
14 costs.

15 (f) All costs recovered under this section shall be deposited in  
16 the Board of Podiatric Medicine Fund as a reimbursement in either  
17 the fiscal year in which the costs are actually recovered or the  
18 previous fiscal year, as the board may direct.

19 SEC. 22. Section 2602 of the Business and Professions Code  
20 is amended to read:

21 2602. The Physical Therapy Board of California, hereafter  
22 referred to as the board, shall enforce and administer this chapter.

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

26 Notwithstanding any other provision of law, the repeal of this  
27 section renders the board subject to review by the appropriate  
28 policy committees of the Legislature.

29 SEC. 23. Section 2607.5 of the Business and Professions Code  
30 is amended to read:

31 2607.5. (a) The board may appoint a person exempt from civil  
32 service who shall be designated as an executive officer and who  
33 shall exercise the powers and perform the duties delegated by the  
34 board and vested in him or her by this chapter.

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

38 SEC. 24. Section 2920 of the Business and Professions Code  
39 is amended to read:

1 2920. (a) The Board of Psychology shall enforce and  
2 administer this chapter. The board shall consist of nine members,  
3 four of whom shall be public members.

4 (b) This section shall remain in effect only until January 1, 2017,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2017, deletes or extends that date.

7 (c) Notwithstanding any other provision of law, the repeal of  
8 this section renders the board subject to review by the appropriate  
9 policy committees of the Legislature.

10 SEC. 25. Section 2933 of the Business and Professions Code  
11 is amended to read:

12 2933. Except as provided by Section 159.5, the board shall  
13 employ and shall make available to the board within the limits of  
14 the funds received by the board all personnel necessary to carry  
15 out this chapter. The board may employ, exempt from the State  
16 Civil Service Act, an executive officer to the Board of Psychology.  
17 The board shall make all expenditures to carry out this chapter.  
18 The board may accept contributions to effectuate the purposes of  
19 this chapter.

20 This section shall remain in effect only until January 1, 2017,  
21 and as of that date is repealed, unless a later enacted statute, that  
22 is enacted before January 1, 2017, deletes or extends that date.

23 SEC. 26. Section 3501 of the Business and Professions Code  
24 is amended to read:

25 3501. (a) As used in this chapter:

26 (1) "Board" means the Physician Assistant Board.

27 (2) "Approved program" means a program for the education of  
28 physician assistants that has been formally approved by the board.

29 (3) "Trainee" means a person who is currently enrolled in an  
30 approved program.

31 (4) "Physician assistant" means a person who meets the  
32 requirements of this chapter and is licensed by the board.

33 (5) "Supervising physician" means a physician and surgeon  
34 licensed by the Medical Board of California or by the Osteopathic  
35 Medical Board of California who supervises one or more physician  
36 assistants, who possesses a current valid license to practice  
37 medicine, and who is not currently on disciplinary probation for  
38 improper use of a physician assistant.

1 (6) “Supervision” means that a licensed physician and surgeon  
2 oversees the activities of, and accepts responsibility for, the medical  
3 services rendered by a physician assistant.

4 (7) “Regulations” means the rules and regulations as set forth  
5 in Chapter 13.8 (commencing with Section 1399.500) of Title 16  
6 of the California Code of Regulations.

7 (8) “Routine visual screening” means uninvasive  
8 nonpharmacological simple testing for visual acuity, visual field  
9 defects, color blindness, and depth perception.

10 (9) “Program manager” means the staff manager of the diversion  
11 program, as designated by the executive officer of the board. The  
12 program manager shall have background experience in dealing  
13 with substance abuse issues.

14 (10) “Delegation of services agreement” means the writing that  
15 delegates to a physician assistant from a supervising physician the  
16 medical services the physician assistant is authorized to perform  
17 consistent with subdivision (a) of Section 1399.540 of Title 16 of  
18 the California Code of Regulations.

19 (11) “Other specified medical services” means tests or  
20 examinations performed or ordered by a physician assistant  
21 practicing in compliance with this chapter or regulations of the  
22 Medical Board of California promulgated under this chapter.

23 (b) A physician assistant acts as an agent of the supervising  
24 physician when performing any activity authorized by this chapter  
25 or regulations adopted under this chapter.

26 SEC. 27. Section 3502 of the Business and Professions Code  
27 is amended to read:

28 3502. (a) Notwithstanding any other provision of law, a  
29 physician assistant may perform those medical services as set forth  
30 by the regulations adopted under this chapter when the services  
31 are rendered under the supervision of a licensed physician and  
32 surgeon who is not subject to a disciplinary condition imposed by  
33 the Medical Board of California prohibiting that supervision or  
34 prohibiting the employment of a physician assistant.

35 (b) Notwithstanding any other provision of law, a physician  
36 assistant performing medical services under the supervision of a  
37 physician and surgeon may assist a doctor of podiatric medicine  
38 who is a partner, shareholder, or employee in the same medical  
39 group as the supervising physician and surgeon. A physician  
40 assistant who assists a doctor of podiatric medicine pursuant to

1 this subdivision shall do so only according to patient-specific orders  
2 from the supervising physician and surgeon.

3 The supervising physician and surgeon shall be physically  
4 available to the physician assistant for consultation when such  
5 assistance is rendered. A physician assistant assisting a doctor of  
6 podiatric medicine shall be limited to performing those duties  
7 included within the scope of practice of a doctor of podiatric  
8 medicine.

9 (c) (1) A physician assistant and his or her supervising physician  
10 and surgeon shall establish written guidelines for the adequate  
11 supervision of the physician assistant. This requirement may be  
12 satisfied by the supervising physician and surgeon adopting  
13 protocols for some or all of the tasks performed by the physician  
14 assistant. The protocols adopted pursuant to this subdivision shall  
15 comply with the following requirements:

16 (A) A protocol governing diagnosis and management shall, at  
17 a minimum, include the presence or absence of symptoms, signs,  
18 and other data necessary to establish a diagnosis or assessment,  
19 any appropriate tests or studies to order, drugs to recommend to  
20 the patient, and education to be provided to the patient.

21 (B) A protocol governing procedures shall set forth the  
22 information to be provided to the patient, the nature of the consent  
23 to be obtained from the patient, the preparation and technique of  
24 the procedure, and the followup care.

25 (C) Protocols shall be developed by the supervising physician  
26 and surgeon or adopted from, or referenced to, texts or other  
27 sources.

28 (D) Protocols shall be signed and dated by the supervising  
29 physician and surgeon and the physician assistant.

30 (2) The supervising physician and surgeon shall review,  
31 countersign, and date a sample consisting of, at a minimum, 5  
32 percent of the medical records of patients treated by the physician  
33 assistant functioning under the protocols within 30 days of the date  
34 of treatment by the physician assistant. The physician and surgeon  
35 shall select for review those cases that by diagnosis, problem,  
36 treatment, or procedure represent, in his or her judgment, the most  
37 significant risk to the patient.

38 (3) Notwithstanding any other provision of law, the Medical  
39 Board of California or board may establish other alternative  
40 mechanisms for the adequate supervision of the physician assistant.

1 (d) No medical services may be performed under this chapter  
2 in any of the following areas:

3 (1) The determination of the refractive states of the human eye,  
4 or the fitting or adaptation of lenses or frames for the aid thereof.

5 (2) The prescribing or directing the use of, or using, any optical  
6 device in connection with ocular exercises, visual training, or  
7 orthoptics.

8 (3) The prescribing of contact lenses for, or the fitting or  
9 adaptation of contact lenses to, the human eye.

10 (4) The practice of dentistry or dental hygiene or the work of a  
11 dental auxiliary as defined in Chapter 4 (commencing with Section  
12 1600).

13 (e) This section shall not be construed in a manner that shall  
14 preclude the performance of routine visual screening as defined  
15 in Section 3501.

16 SEC. 28. Section 3502.1 of the Business and Professions Code  
17 is amended to read:

18 3502.1. (a) In addition to the services authorized in the  
19 regulations adopted by the Medical Board of California, and except  
20 as prohibited by Section 3502, while under the supervision of a  
21 licensed physician and surgeon or physicians and surgeons  
22 authorized by law to supervise a physician assistant, a physician  
23 assistant may administer or provide medication to a patient, or  
24 transmit orally, or in writing on a patient's record or in a drug  
25 order, an order to a person who may lawfully furnish the  
26 medication or medical device pursuant to subdivisions (c) and (d).

27 (1) A supervising physician and surgeon who delegates authority  
28 to issue a drug order to a physician assistant may limit this authority  
29 by specifying the manner in which the physician assistant may  
30 issue delegated prescriptions.

31 (2) Each supervising physician and surgeon who delegates the  
32 authority to issue a drug order to a physician assistant shall first  
33 prepare and adopt, or adopt, a written, practice specific, formulary  
34 and protocols that specify all criteria for the use of a particular  
35 drug or device, and any contraindications for the selection.  
36 Protocols for Schedule II controlled substances shall address the  
37 diagnosis of illness, injury, or condition for which the Schedule II  
38 controlled substance is being administered, provided, or issued.  
39 The drugs listed in the protocols shall constitute the formulary and  
40 shall include only drugs that are appropriate for use in the type of

1 practice engaged in by the supervising physician and surgeon.  
2 When issuing a drug order, the physician assistant is acting on  
3 behalf of and as an agent for a supervising physician and surgeon.

4 (b) “Drug order,” for purposes of this section, means an order  
5 for medication that is dispensed to or for a patient, issued and  
6 signed by a physician assistant acting as an individual practitioner  
7 within the meaning of Section 1306.02 of Title 21 of the Code of  
8 Federal Regulations. Notwithstanding any other provision of law,  
9 (1) a drug order issued pursuant to this section shall be treated in  
10 the same manner as a prescription or order of the supervising  
11 physician, (2) all references to “prescription” in this code and the  
12 Health and Safety Code shall include drug orders issued by  
13 physician assistants pursuant to authority granted by their  
14 supervising physicians and surgeons, and (3) the signature of a  
15 physician assistant on a drug order shall be deemed to be the  
16 signature of a prescriber for purposes of this code and the Health  
17 and Safety Code.

18 (c) A drug order for any patient cared for by the physician  
19 assistant that is issued by the physician assistant shall either be  
20 based on the protocols described in subdivision (a) or shall be  
21 approved by the supervising physician and surgeon before it is  
22 filled or carried out.

23 (1) A physician assistant shall not administer or provide a drug  
24 or issue a drug order for a drug other than for a drug listed in the  
25 formulary without advance approval from a supervising physician  
26 and surgeon for the particular patient. At the direction and under  
27 the supervision of a physician and surgeon, a physician assistant  
28 may hand to a patient of the supervising physician and surgeon a  
29 properly labeled prescription drug prepackaged by a physician and  
30 surgeon, manufacturer as defined in the Pharmacy Law, or a  
31 pharmacist.

32 (2) A physician assistant may not administer, provide, or issue  
33 a drug order to a patient for Schedule II through Schedule V  
34 controlled substances without advance approval by a supervising  
35 physician and surgeon for that particular patient unless the  
36 physician assistant has completed an education course that covers  
37 controlled substances and that meets standards, including  
38 pharmacological content, approved by the board. The education  
39 course shall be provided either by an accredited continuing  
40 education provider or by an approved physician assistant training

1 program. If the physician assistant will administer, provide, or  
2 issue a drug order for Schedule II controlled substances, the course  
3 shall contain a minimum of three hours exclusively on Schedule  
4 II controlled substances. Completion of the requirements set forth  
5 in this paragraph shall be verified and documented in the manner  
6 established by the board prior to the physician assistant's use of a  
7 registration number issued by the United States Drug Enforcement  
8 Administration to the physician assistant to administer, provide,  
9 or issue a drug order to a patient for a controlled substance without  
10 advance approval by a supervising physician and surgeon for that  
11 particular patient.

12 (3) Any drug order issued by a physician assistant shall be  
13 subject to a reasonable quantitative limitation consistent with  
14 customary medical practice in the supervising physician and  
15 surgeon's practice.

16 (d) A written drug order issued pursuant to subdivision (a),  
17 except a written drug order in a patient's medical record in a health  
18 facility or medical practice, shall contain the printed name, address,  
19 and telephone number of the supervising physician and surgeon,  
20 the printed or stamped name and license number of the physician  
21 assistant, and the signature of the physician assistant. Further, a  
22 written drug order for a controlled substance, except a written drug  
23 order in a patient's medical record in a health facility or a medical  
24 practice, shall include the federal controlled substances registration  
25 number of the physician assistant and shall otherwise comply with  
26 the provisions of Section 11162.1 of the Health and Safety Code.  
27 Except as otherwise required for written drug orders for controlled  
28 substances under Section 11162.1 of the Health and Safety Code,  
29 the requirements of this subdivision may be met through stamping  
30 or otherwise imprinting on the supervising physician and surgeon's  
31 prescription blank to show the name, license number, and if  
32 applicable, the federal controlled substances registration number  
33 of the physician assistant, and shall be signed by the physician  
34 assistant. When using a drug order, the physician assistant is acting  
35 on behalf of and as the agent of a supervising physician and  
36 surgeon.

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

1 and dated by a supervising physician and surgeon within seven  
2 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 board shall consult with the Medical Board of California  
8 and report during its sunset review required by Division 1.2  
9 (commencing with Section 473) the impacts of exempting Schedule  
10 III and Schedule IV drug orders from the requirement for a  
11 physician and surgeon to review and countersign the affected  
12 medical record of a patient.

13 SEC. 29. Section 3502.3 of the Business and Professions Code  
14 is amended to read:

15 3502.3. (a) Notwithstanding any other provision of law, in  
16 addition to any other practices that meet the general criteria set  
17 forth in this chapter or the Medical Board of California's  
18 regulations for inclusion in a delegation of services agreement, a  
19 delegation of services agreement may authorize a physician  
20 assistant to do any of the following:

21 (1) Order durable medical equipment, subject to any limitations  
22 set forth in Section 3502 or the delegation of services agreement.  
23 Notwithstanding that authority, nothing in this paragraph shall  
24 operate to limit the ability of a third-party payer to require prior  
25 approval.

26 (2) For individuals receiving home health services or personal  
27 care services, after consultation with the supervising physician,  
28 approve, sign, modify, or add to a plan of treatment or plan of care.

29 (b) Nothing in this section shall be construed to affect the  
30 validity of any delegation of services agreement in effect prior to  
31 the enactment of this section or those adopted subsequent to  
32 enactment.

33 SEC. 30. Section 3502.5 of the Business and Professions Code  
34 is amended to read:

35 3502.5. Notwithstanding any other provision of law, a physician  
36 assistant may perform those medical services permitted pursuant  
37 to Section 3502 during any state of war emergency, state of  
38 emergency, or state of local emergency, as defined in Section 8558  
39 of the Government Code, and at the request of a responsible federal,  
40 state, or local official or agency, or pursuant to the terms of a

1 mutual aid operation plan established and approved pursuant to  
2 the California Emergency Services Act (Chapter 7 (commencing  
3 with Section 8550) of Division 1 of Title 2 of the Government  
4 Code), regardless of whether the physician assistant's approved  
5 supervising physician is available to supervise the physician  
6 assistant, so long as a licensed physician is available to render the  
7 appropriate supervision. "Appropriate supervision" shall not require  
8 the personal or electronic availability of a supervising physician  
9 if that availability is not possible or practical due to the emergency.  
10 The local health officers and their designees may act as supervising  
11 physicians during emergencies without being subject to approval  
12 by the Medical Board of California. At all times, the local health  
13 officers or their designees supervising the physician assistants shall  
14 be licensed physicians and surgeons. Supervising physicians acting  
15 pursuant to this section shall not be subject to the limitation on the  
16 number of physician assistants supervised under Section 3516.

17 No responsible official or mutual aid operation plan shall invoke  
18 this section except in the case of an emergency that endangers the  
19 health of individuals. Under no circumstances shall this section  
20 be invoked as the result of a labor dispute or other dispute  
21 concerning collective bargaining.

22 SEC. 31. Section 3504 of the Business and Professions Code  
23 is amended to read:

24 3504. There is established a Physician Assistant Board within  
25 the jurisdiction of the Medical Board of California. The board  
26 consists of nine members. This section shall remain in effect only  
27 until January 1, 2017, and as of that date is repealed, unless a later  
28 enacted statute, that is enacted before January 1, 2017, deletes or  
29 extends that date. Notwithstanding any other provision of law,  
30 the repeal of this section renders the board subject to review by  
31 the appropriate policy committees of the Legislature.

32 SEC. 32. Section 3504.1 of the Business and Professions Code  
33 is amended to read:

34 3504.1. Protection of the public shall be the highest priority  
35 for the Physician Assistant Board in exercising its licensing,  
36 regulatory, and disciplinary functions. Whenever the protection  
37 of the public is inconsistent with other interests sought to be  
38 promoted, the protection of the public shall be paramount.

39 SEC. 33. Section 3505 of the Business and Professions Code  
40 is amended to read:

1 3505. The members of the board shall include four physician  
2 assistants, one physician and surgeon who is also a member of the  
3 Medical Board of California, and four public members. Upon the  
4 expiration of the term of the member who is a member of the  
5 Medical Board of California, that position shall be filled by a  
6 physician assistant. Upon the expiration of the term of the member  
7 who is a member of the Medical Board of California, above, there  
8 shall be appointed to the board a physician and surgeon who is  
9 also a member of the Medical Board of California who shall serve  
10 as an ex officio, nonvoting member and whose functions shall  
11 include reporting to the Medical Board of California on the actions  
12 or discussions of the board. Following the expiration of the term  
13 of the member described above, the board shall include five  
14 physician assistants, one physician and surgeon, and four public  
15 members.

16 Each member of the board shall hold office for a term of four  
17 years expiring on January 1st, and shall serve until the appointment  
18 and qualification of a successor or until one year shall have elapsed  
19 since the expiration of the term for which the member was  
20 appointed, whichever first occurs. No member shall serve for more  
21 than two consecutive terms. Vacancies shall be filled by  
22 appointment for the unexpired terms.

23 The Governor shall appoint the licensed members qualified as  
24 provided in this section and two public members. The Senate Rules  
25 Committee and the Speaker of the Assembly shall each appoint a  
26 public member.

27 SEC. 34. Section 3506 of the Business and Professions Code  
28 is amended to read:

29 3506. Each member of the board shall receive a per diem and  
30 expenses as provided in Section 103.

31 SEC. 35. Section 3507 of the Business and Professions Code  
32 is amended to read:

33 3507. The appointing power has power to remove from office  
34 any member of the board, as provided in Section 106.

35 SEC. 36. Section 3508 of the Business and Professions Code  
36 is amended to read:

37 3508. (a) The board may convene from time to time as deemed  
38 necessary by the board.

1 (b) Notice of each meeting of the board shall be given at least  
2 two weeks in advance to those persons and organizations who  
3 express an interest in receiving notification.

4 (c) The board shall receive permission of the director to meet  
5 more than six times annually. The director shall approve meetings  
6 that are necessary for the board to fulfill its legal responsibilities.

7 SEC. 37. Section 3509 of the Business and Professions Code  
8 is amended to read:

9 3509. It shall be the duty of the board to:

10 (a) Establish standards and issue licenses of approval for  
11 programs for the education and training of physician assistants.

12 (b) Make recommendations to the Medical Board of California  
13 concerning the scope of practice for physician assistants.

14 (c) Make recommendations to the Medical Board of California  
15 concerning the formulation of guidelines for the consideration of  
16 applications by licensed physicians to supervise physician assistants  
17 and approval of such applications.

18 (d) Require the examination of applicants for licensure as a  
19 physician assistant who meet the requirements of this chapter.

20 SEC. 38. Section 3509.5 of the Business and Professions Code  
21 is amended to read:

22 3509.5. The board shall elect annually a chairperson and a vice  
23 chairperson from among its members.

24 SEC. 39. Section 3510 of the Business and Professions Code  
25 is amended to read:

26 3510. The board may adopt, amend, and repeal regulations as  
27 may be necessary to enable it to carry into effect the provisions of  
28 this chapter; provided, however, that the Medical Board of  
29 California shall adopt, amend, and repeal such regulations as may  
30 be necessary to enable the board to implement the provisions of  
31 this chapter under its jurisdiction. All regulations shall be in  
32 accordance with, and not inconsistent with, the provisions of this  
33 chapter. Such regulations shall be adopted, amended, or repealed  
34 in accordance with the provisions of Chapter 3.5 (commencing  
35 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
36 Government Code.

37 SEC. 40. Section 3511 of the Business and Professions Code  
38 is amended to read:

39 3511. Five members shall constitute a quorum for transacting  
40 any business. The affirmative vote of a majority of those present

1 at a meeting of the board shall be required to carry any motion.  
2 The physician and surgeon who serves as an ex officio member  
3 shall not be counted for purposes of a quorum.

4 SEC. 41. Section 3512 of the Business and Professions Code  
5 is amended to read:

6 3512. (a) Except as provided in Sections 159.5 and 2020, the  
7 board shall employ within the limits of the Physician Assistant  
8 Fund all personnel necessary to carry out the provisions of this  
9 chapter including an executive officer who shall be exempt from  
10 civil service. The Medical Board of California and board shall  
11 make all necessary expenditures to carry out the provisions of this  
12 chapter from the funds established by Section 3520. The board  
13 may accept contributions to effect the purposes of this chapter.

14 (b) This section shall remain in effect only until January 1, 2017,  
15 and as of that date is repealed, unless a later enacted statute, that  
16 is enacted before January 1, 2017, deletes or extends that date.

17 SEC. 42. Section 3513 of the Business and Professions Code  
18 is amended to read:

19 3513. The board shall recognize the approval of training  
20 programs for physician assistants approved by a national  
21 accrediting organization. Physician assistant training programs  
22 accredited by a national accrediting agency approved by the board  
23 shall be deemed approved by the board under this section. If no  
24 national accrediting organization is approved by the board, the  
25 board may examine and pass upon the qualification of, and may  
26 issue certificates of approval for, programs for the education and  
27 training of physician assistants that meet board standards.

28 SEC. 43. Section 3514.1 of the Business and Professions Code  
29 is amended to read:

30 3514.1. (a) The board shall formulate by regulation guidelines  
31 for the consideration of applications for licensure as a physician  
32 assistant.

33 (b) The board shall formulate by regulation guidelines for the  
34 approval of physician assistant training programs.

35 SEC. 44. Section 3516 of the Business and Professions Code  
36 is amended to read:

37 3516. (a) Notwithstanding any other provision of law, a  
38 physician assistant licensed by the board shall be eligible for  
39 employment or supervision by any physician and surgeon who is

1 not subject to a disciplinary condition imposed by the Medical  
2 Board of California prohibiting that employment or supervision.

3 (b) No physician and surgeon shall supervise more than four  
4 physician assistants at any one time, except as provided in Section  
5 3502.5.

6 (c) The Medical Board of California may restrict a physician  
7 and surgeon to supervising specific types of physician assistants  
8 including, but not limited to, restricting a physician and surgeon  
9 from supervising physician assistants outside of the field of  
10 specialty of the physician and surgeon.

11 SEC. 45. Section 3516.5 of the Business and Professions Code  
12 is amended to read:

13 3516.5. (a) Notwithstanding any other provision of law and  
14 in accordance with regulations established by the Medical Board  
15 of California, the director of emergency care services in a hospital  
16 with an approved program for the training of emergency care  
17 physician assistants, may apply to the Medical Board of California  
18 for authorization under which the director may grant approval for  
19 emergency care physicians on the staff of the hospital to supervise  
20 emergency care physician assistants.

21 (b) The application shall encompass all supervising physicians  
22 employed in that service.

23 (c) Nothing in this section shall be construed to authorize any  
24 one emergency care physician while on duty to supervise more  
25 than four physician assistants at any one time.

26 (d) A violation of this section by the director of emergency care  
27 services in a hospital with an approved program for the training  
28 of emergency care physician assistants constitutes unprofessional  
29 conduct within the meaning of Chapter 5 (commencing with  
30 Section 2000).

31 (e) A violation of this section shall be grounds for suspension  
32 of the approval of the director or disciplinary action against the  
33 director or suspension of the approved program under Section  
34 3527.

35 SEC. 46. Section 3517 of the Business and Professions Code  
36 is amended to read:

37 3517. The board shall require a written examination of  
38 physician assistants in the manner and under the rules and  
39 regulations as it shall prescribe, but the examination shall be  
40 conducted in that manner as to ensure that the identity of each

1 applicant taking the examination will be unknown to all of the  
2 examiners until all examination papers have been graded. Except  
3 as otherwise provided in this chapter, or by regulation, no physician  
4 assistant applicant shall receive approval under this chapter without  
5 first successfully passing an examination given under the direction  
6 of the board.

7 Examinations for licensure as a physician assistant may be  
8 required by the board under a uniform examination system, and  
9 for that purpose the board may make those arrangements with  
10 organizations furnishing examination material as may, in its  
11 discretion, be desirable. The board shall, however, establish a  
12 passing score for each examination. The licensure examination for  
13 physician assistants shall be held by the board at least once a year  
14 with such additional examinations as the board deems necessary.  
15 The time and place of examination shall be fixed by the board.

16 SEC. 47. Section 3518 of the Business and Professions Code  
17 is amended to read:

18 3518. The board shall keep current, two separate registers, one  
19 for approved supervising physicians and one for licensed physician  
20 assistants, by specialty if applicable. These registers shall show  
21 the name of each licensee, his or her last known address of record,  
22 and the date of his or her licensure or approval. Any interested  
23 person is entitled to obtain a copy of the register in accordance  
24 with the Information Practices Act of 1977 (Chapter 1  
25 (commencing with Section 1798) of Title 1.8 of Part 4 of Division  
26 3 of the Civil Code) upon application to the board together with a  
27 sum as may be fixed by the board, which amount shall not exceed  
28 the cost of this list so furnished.

29 SEC. 48. Section 3519 of the Business and Professions Code  
30 is amended to read:

31 3519. The board shall issue under the name of the Medical  
32 Board of California a license to all physician assistant applicants  
33 who meet all of the following requirements:

34 (a) Provide evidence of successful completion of an approved  
35 program.

36 (b) Pass any examination required under Section 3517.

37 (c) Not be subject to denial of licensure under Division 1.5  
38 (commencing with Section 475) or Section 3527.

39 (d) Pay all fees required under Section 3521.1.

1 SEC. 49. Section 3519.5 of the Business and Professions Code  
2 is amended to read:

3 3519.5. (a) The board may issue under the name of the Medical  
4 Board of California a probationary license to an applicant subject  
5 to terms and conditions, including, but not limited to, any of the  
6 following conditions of probation:

7 (1) Practice limited to a supervised, structured environment  
8 where the applicant's activities shall be supervised by another  
9 physician assistant.

10 (2) Total or partial restrictions on issuing a drug order for  
11 controlled substances.

12 (3) Continuing medical or psychiatric treatment.

13 (4) Ongoing participation in a specified rehabilitation program.

14 (5) Enrollment and successful completion of a clinical training  
15 program.

16 (6) Abstention from the use of alcohol or drugs.

17 (7) Restrictions against engaging in certain types of medical  
18 services.

19 (8) Compliance with all provisions of this chapter.

20 (b) The board and the Medical Board of California may modify  
21 or terminate the terms and conditions imposed on the probationary  
22 license upon receipt of a petition from the licensee.

23 (c) Enforcement and monitoring of the probationary conditions  
24 shall be under the jurisdiction of the board and the Medical Board  
25 of California. These proceedings shall be conducted in accordance  
26 with Chapter 5 (commencing with Section 11500) of Part 1 of  
27 Division 3 of Title 2 of the Government Code.

28 SEC. 50. Section 3520 of the Business and Professions Code  
29 is amended to read:

30 3520. Within 10 days after the beginning of each calendar  
31 month the Medical Board of California shall report to the Controller  
32 the amount and source of all collections made under this chapter  
33 and at the same time pay all those sums into the State Treasury,  
34 where they shall be credited to the Physician Assistant Fund, which  
35 fund is hereby created. All money in the fund shall be used to carry  
36 out the purpose of this chapter.

37 SEC. 51. Section 3521 of the Business and Professions Code  
38 is amended to read:

39 3521. The fees to be paid for approval to supervise physician  
40 assistants are to be set by the board as follows:

1 (a) An application fee not to exceed fifty dollars (\$50) shall be  
2 charged to each physician and surgeon applicant.

3 (b) An approval fee not to exceed two hundred fifty dollars  
4 (\$250) shall be charged to each physician and surgeon upon  
5 approval of an application to supervise physician assistants.

6 (c) A biennial renewal fee not to exceed three hundred dollars  
7 (\$300) shall be paid for the renewal of an approval.

8 (d) The delinquency fee is twenty-five dollars (\$25).

9 (e) The duplicate approval fee is ten dollars (\$10).

10 (f) The fee for a letter of endorsement, letter of good standing,  
11 or letter of verification of approval shall be ten dollars (\$10).

12 SEC. 52. Section 3521.1 of the Business and Professions Code  
13 is amended to read:

14 3521.1. The fees to be paid by physician assistants are to be  
15 set by the board as follows:

16 (a) An application fee not to exceed twenty-five dollars (\$25)  
17 shall be charged to each physician assistant applicant.

18 (b) An initial license fee not to exceed two hundred fifty dollars  
19 (\$250) shall be charged to each physician assistant to whom a  
20 license is issued.

21 (c) A biennial license renewal fee not to exceed three hundred  
22 dollars (\$300).

23 (d) The delinquency fee is twenty-five dollars (\$25).

24 (e) The duplicate license fee is ten dollars (\$10).

25 (f) The fee for a letter of endorsement, letter of good standing,  
26 or letter of verification of licensure shall be ten dollars (\$10).

27 SEC. 53. Section 3521.2 of the Business and Professions Code  
28 is amended to read:

29 3521.2. The fees to be paid by physician assistant training  
30 programs are to be set by the board as follows:

31 (a) An application fee not to exceed five hundred dollars (\$500)  
32 shall be charged to each applicant seeking program approval by  
33 the board.

34 (b) An approval fee not to exceed one hundred dollars (\$100)  
35 shall be charged to each program upon its approval by the board.

36 SEC. 54. Section 3521.3 is added to the Business and  
37 Professions Code, to read:

38 3521.3. (a) The board may establish, by regulation, a system  
39 for the placement of a license on a retired status, upon application,  
40 for a physician assistant who is not actively engaged in practice

1 as a physician assistant or any activity that requires them to be  
2 licensed by the board.

3 (b) No licensee with a license on a retired status shall engage  
4 in any activity for which a license is required.

5 (c) The board shall deny an applicant's application for a retired  
6 status license if the license is canceled or if the license is  
7 suspended, revoked, or otherwise punitively restricted by the board  
8 or subject to disciplinary action under this chapter.

9 (d) Beginning one year from the effective date of the regulations  
10 adopted pursuant to subdivision (a), if an applicant's license is  
11 delinquent, the board shall deny an applicant's application for a  
12 retired status license.

13 (e) The board shall establish minimum qualifications for a retired  
14 status license.

15 (f) The board may exempt the holder of a retired status license  
16 from the renewal requirements described in Section 3524.5.

17 (g) The board shall establish minimum qualifications for the  
18 restoration of a license in a retired status to an active status. These  
19 minimum qualifications shall include, but are not limited to,  
20 continuing education and payment of a fee as provided in  
21 subdivision (c) of Section 3521.1.

22 SEC. 55. Section 3521.5 of the Business and Professions Code  
23 is amended to read:

24 3521.5. The board shall report to the appropriate policy and  
25 fiscal committees of each house of the Legislature whenever the  
26 Medical Board of California approves a fee increase pursuant to  
27 Sections 3521 and 3521.1. The board shall specify the reasons for  
28 each increase in the report. Reports prepared pursuant to this  
29 section shall identify the percentage of funds derived from an  
30 increase in fees pursuant to Senate Bill 1077 of the 1991–92  
31 Regular Session (Chapter 917, Statutes of 1991) that will be used  
32 for investigational and enforcement activities by the Medical Board  
33 of California and board.

34 SEC. 56. Section 3522 of the Business and Professions Code  
35 is amended to read:

36 3522. An approval to supervise physician assistants shall expire  
37 at 12 midnight on the last day of the birth month of the physician  
38 and surgeon during the second year of a two-year term if not  
39 renewed.

1 The Medical Board of California shall establish a cyclical  
2 renewal program, including, but not limited to, the establishment  
3 of a system of staggered expiration dates for approvals and a pro  
4 rata formula for the payment of renewal fees by physician and  
5 surgeon supervisors.

6 To renew an unexpired approval, the approved supervising  
7 physician and surgeon, on or before the date of expiration, shall  
8 apply for renewal on a form prescribed by the Medical Board of  
9 California and pay the prescribed renewal fee.

10 SEC. 57. Section 3523 of the Business and Professions Code  
11 is amended to read:

12 3523. All physician assistant licenses shall expire at 12  
13 midnight of the last day of the birth month of the licensee during  
14 the second year of a two-year term if not renewed.

15 The board shall establish by regulation procedures for the  
16 administration of a birthdate renewal program, including, but not  
17 limited to, the establishment of a system of staggered license  
18 expiration dates and a pro rata formula for the payment of renewal  
19 fees by physician assistants affected by the implementation of the  
20 program.

21 To renew an unexpired license, the licensee shall, on or before  
22 the date of expiration of the license, apply for renewal on a form  
23 provided by the board, accompanied by the prescribed renewal  
24 fee.

25 SEC. 58. Section 3524 of the Business and Professions Code  
26 is amended to read:

27 3524. A license or approval that has expired may be renewed  
28 at any time within five years after its expiration by filing an  
29 application for renewal on a form prescribed by the board or  
30 Medical Board of California, as the case may be, and payment of  
31 all accrued and unpaid renewal fees. If the license or approval is  
32 not renewed within 30 days after its expiration, the licensed  
33 physician assistant and approved supervising physician, as a  
34 condition precedent to renewal, shall also pay the prescribed  
35 delinquency fee, if any. Renewal under this section shall be  
36 effective on the date on which the application is filed, on the date  
37 on which all renewal fees are paid, or on the date on which the  
38 delinquency fee, if any, is paid, whichever occurs last. If so  
39 renewed, the license shall continue in effect through the expiration  
40 date provided in Section 3522 or 3523 which next occurs after the

1 effective date of the renewal, when it shall expire, if it is not again  
2 renewed.

3 SEC. 59. Section 3524.5 of the Business and Professions Code  
4 is amended to read:

5 3524.5. The board may require a licensee to complete  
6 continuing education as a condition of license renewal under  
7 Section 3523 or 3524. The board shall not require more than 50  
8 hours of continuing education every two years. The board shall,  
9 as it deems appropriate, accept certification by the National  
10 Commission on Certification of Physician Assistants (NCCPA),  
11 or another qualified certifying body, as determined by the board,  
12 as evidence of compliance with continuing education requirements.

13 SEC. 60. Section 3526 of the Business and Professions Code  
14 is amended to read:

15 3526. A person who fails to renew his or her license or approval  
16 within five years after its expiration may not renew it, and it may  
17 not be reissued, reinstated, or restored thereafter, but that person  
18 may apply for and obtain a new license or approval if he or she:

19 (a) Has not committed any acts or crimes constituting grounds  
20 for denial of licensure under Division 1.5 (commencing with  
21 Section 475).

22 (b) Takes and passes the examination, if any, which would be  
23 required of him or her if application for licensure was being made  
24 for the first time, or otherwise establishes to the satisfaction of the  
25 board that, with due regard for the public interest, he or she is  
26 qualified to practice as a physician assistant.

27 (c) Pays all of the fees that would be required as if application  
28 for licensure was being made for the first time.

29 SEC. 61. Section 3527 of the Business and Professions Code  
30 is amended to read:

31 3527. (a) The board may order the denial of an application  
32 for, or the issuance subject to terms and conditions of, or the  
33 suspension or revocation of, or the imposition of probationary  
34 conditions upon a physician assistant license after a hearing as  
35 required in Section 3528 for unprofessional conduct that includes,  
36 but is not limited to, a violation of this chapter, a violation of the  
37 Medical Practice Act, or a violation of the regulations adopted by  
38 the board or the Medical Board of California.

39 (b) The board may order the denial of an application for, or the  
40 suspension or revocation of, or the imposition of probationary

1 conditions upon, an approved program after a hearing as required  
2 in Section 3528 for a violation of this chapter or the regulations  
3 adopted pursuant thereto.

4 (c) The Medical Board of California may order the denial of an  
5 application for, or the issuance subject to terms and conditions of,  
6 or the suspension or revocation of, or the imposition of  
7 probationary conditions upon, an approval to supervise a physician  
8 assistant, after a hearing as required in Section 3528, for  
9 unprofessional conduct, which includes, but is not limited to, a  
10 violation of this chapter, a violation of the Medical Practice Act,  
11 or a violation of the regulations adopted by the board or the  
12 Medical Board of California.

13 (d) Notwithstanding subdivision (c), the Division of Medical  
14 Quality of the Medical Board of California, in conjunction with  
15 an action it has commenced against a physician and surgeon, may,  
16 in its own discretion and without the concurrence of the Medical  
17 Board of California, order the suspension or revocation of, or the  
18 imposition of probationary conditions upon, an approval to  
19 supervise a physician assistant, after a hearing as required in  
20 Section 3528, for unprofessional conduct, which includes, but is  
21 not limited to, a violation of this chapter, a violation of the Medical  
22 Practice Act, or a violation of the regulations adopted by the board  
23 or the Medical Board of California.

24 (e) The board may order the denial of an application for, or the  
25 suspension or revocation of, or the imposition of probationary  
26 conditions upon, a physician assistant license, after a hearing as  
27 required in Section 3528 for unprofessional conduct that includes,  
28 except for good cause, the knowing failure of a licensee to protect  
29 patients by failing to follow infection control guidelines of the  
30 board, thereby risking transmission of bloodborne infectious  
31 diseases from licensee to patient, from patient to patient, and from  
32 patient to licensee. In administering this subdivision, the board  
33 shall consider referencing the standards, regulations, and guidelines  
34 of the State Department of Public Health developed pursuant to  
35 Section 1250.11 of the Health and Safety Code and the standards,  
36 regulations, and guidelines pursuant to the California Occupational  
37 Safety and Health Act of 1973 (Part 1 (commencing with Section  
38 6300) of Division 5 of the Labor Code) for preventing the  
39 transmission of HIV, hepatitis B, and other bloodborne pathogens  
40 in health care settings. As necessary, the board shall consult with

1 the Medical Board of California, the Board of Podiatric Medicine,  
2 the Board of Dental Examiners, the Board of Registered Nursing,  
3 and the Board of Vocational Nursing and Psychiatric Technicians,  
4 to encourage appropriate consistency in the implementation of this  
5 subdivision.

6 The board shall seek to ensure that licensees are informed of the  
7 responsibility of licensees and others to follow infection control  
8 guidelines, and of the most recent scientifically recognized  
9 safeguards for minimizing the risk of transmission of blood-borne  
10 infectious diseases.

11 (f) The board may order the licensee to pay the costs of  
12 monitoring the probationary conditions imposed on the license.

13 (g) The expiration, cancellation, forfeiture, or suspension of a  
14 physician assistant license by operation of law or by order or  
15 decision of the board or a court of law, the placement of a license  
16 on a retired status, or the voluntary surrender of a license by a  
17 licensee shall not deprive the board of jurisdiction to commence  
18 or proceed with any investigation of, or action or disciplinary  
19 proceeding against, the licensee or to render a decision suspending  
20 or revoking the license.

21 SEC. 62. Section 3529 of the Business and Professions Code  
22 is amended to read:

23 3529. The board may hear any matters filed pursuant to  
24 subdivisions (a) and (b) of Section 3527, or may assign the matter  
25 to a hearing officer. The Medical Board of California may hear  
26 any matters filed pursuant to subdivision (c) of Section 3527, or  
27 may assign the matter to a hearing officer. If a matter is heard by  
28 the board or the Medical Board of California, the hearing officer  
29 who presided at the hearing shall be present during the board's or  
30 the Medical Board of California's consideration of the case, and,  
31 if requested, assist and advise the board or the Medical Board of  
32 California.

33 SEC. 63. Section 3530 of the Business and Professions Code  
34 is amended to read:

35 3530. (a) A person whose license or approval has been revoked  
36 or suspended, or who has been placed on probation, may petition  
37 the board for reinstatement or modification of penalty, including  
38 modification or termination of probation, after a period of not less  
39 than the following minimum periods has elapsed from the effective  
40 date of the decision ordering that disciplinary action:

1 (1) At least three years for reinstatement of a license or approval  
2 revoked for unprofessional conduct, except that the board may,  
3 for good cause shown, specify in a revocation order that a petition  
4 for reinstatement may be filed after two years.

5 (2) At least two years for early termination of probation of three  
6 years or more.

7 (3) At least one year for modification of a condition, or  
8 reinstatement of a license or approval revoked for mental or  
9 physical illness, or termination of probation of less than three years.

10 (b) The petition shall state any facts as may be required by the  
11 Medical Board of California. The petition shall be accompanied  
12 by at least two verified recommendations from physicians licensed  
13 either by the Medical Board of California or the Osteopathic  
14 Medical Board who have personal knowledge of the activities of  
15 the petitioner since the disciplinary penalty was imposed.

16 (c) The petition may be heard by the board. The board may  
17 assign the petition to an administrative law judge designated in  
18 Section 11371 of the Government Code. After a hearing on the  
19 petition, the administrative law judge shall provide a proposed  
20 decision to the board that shall be acted upon in accordance with  
21 the Administrative Procedure Act.

22 (d) The board or the administrative law judge hearing the  
23 petition, may consider all activities of the petitioner since the  
24 disciplinary action was taken, the offense for which the petitioner  
25 was disciplined, the petitioner's activities during the time the  
26 license was in good standing, and the petitioner's rehabilitative  
27 efforts, general reputation for truth, and professional ability. The  
28 hearing may be continued, as the board or administrative law judge  
29 finds necessary.

30 (e) The board or administrative law judge, when hearing a  
31 petition for reinstating a license or approval or modifying a penalty,  
32 may recommend the imposition of any terms and conditions  
33 deemed necessary.

34 (f) No petition shall be considered while the petitioner is under  
35 sentence for any criminal offense, including any period during  
36 which the petitioner is on court-imposed probation or parole. No  
37 petition shall be considered while there is an accusation or petition  
38 to revoke probation pending against the person. The board may  
39 deny, without a hearing or argument, any petition filed pursuant

1 to this section within a period of two years from the effective date  
2 of the prior decision following a hearing under this section.

3 (g) Nothing in this section shall be deemed to alter Sections 822  
4 and 823.

5 SEC. 64. Section 3531 of the Business and Professions Code  
6 is amended to read:

7 3531. A plea or verdict of guilty or a conviction following a  
8 plea of nolo contendere made to a charge of a felony or of any  
9 offense which is substantially related to the qualifications,  
10 functions, or duties of the business or profession to which the  
11 license was issued is deemed to be a conviction within the meaning  
12 of this chapter. The board may order the license suspended or  
13 revoked, or shall decline to issue a license when the time for appeal  
14 has elapsed, or the judgment of conviction has been affirmed on  
15 appeal or when an order granting probation is made suspending  
16 the imposition of sentence, irrespective of a subsequent order under  
17 the provisions of Section 1203.4 of the Penal Code allowing such  
18 person to withdraw his or her plea of guilty and to enter a plea of  
19 not guilty, or setting aside the verdict of guilty, or dismissing the  
20 accusation, information, or indictment.

21 SEC. 65. Section 3533 of the Business and Professions Code  
22 is amended to read:

23 3533. Whenever any person has engaged in any act or practice  
24 which constitutes an offense against this chapter, the superior court  
25 of any county, on application of the Medical Board of California,  
26 may issue an injunction or other appropriate order restraining such  
27 conduct. Proceedings under this section shall be governed by  
28 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of  
29 the Code of Civil Procedure. The Medical Board of California or  
30 the board may commence action in the superior court under the  
31 provisions of this section.

32 SEC. 66. Section 3534 of the Business and Professions Code  
33 is amended to read:

34 3534. It is the intent of the Legislature that the board shall seek  
35 ways and means to identify and rehabilitate physician assistants  
36 whose competency is impaired due to abuse of dangerous drugs  
37 or alcohol so that they may be treated and returned to the practice  
38 of medicine in a manner which will not endanger the public health  
39 and safety.

1 SEC. 67. Section 3534.1 of the Business and Professions Code  
2 is amended to read:

3 3534.1. The board shall establish and administer a diversion  
4 program for the rehabilitation of physician assistants whose  
5 competency is impaired due to the abuse of drugs or alcohol. The  
6 board may contract with any other state agency or a private  
7 organization to perform its duties under this article. The board may  
8 establish one or more diversion evaluation committees to assist it  
9 in carrying out its duties under this article. As used in this article,  
10 “committee” means a diversion evaluation committee. A committee  
11 created under this article operates under the direction of the  
12 diversion program manager, as designated by the executive officer  
13 of the board. The program manager has the primary responsibility  
14 to review and evaluate recommendations of the committee.

15 SEC. 68. Section 3534.2 of the Business and Professions Code  
16 is amended to read:

17 3534.2. (a) Any committee established by the board shall have  
18 at least three members. In making appointments to a committee  
19 the board shall consider the appointments of persons who are either  
20 recovering of substance abuse and have been free from abuse for  
21 at least three years immediately prior to their appointment or who  
22 are knowledgeable in the treatment and recovery of substance  
23 abuse. The board also shall consider the appointment of a physician  
24 and surgeon who is board certified in psychiatry.

25 (b) Appointments to a committee shall be by the affirmative  
26 vote of a majority of members appointed to the board. Each  
27 appointment shall be at the pleasure of the board for a term not to  
28 exceed four years. In its discretion, the board may stagger the terms  
29 of the initial members so appointed.

30 (c) A majority of the members of a committee shall constitute  
31 a quorum for the transaction of business. Any action requires an  
32 affirmative vote of a majority of those members present at a  
33 meeting constituting at least a quorum. Each committee shall elect  
34 from its membership a chairperson and a vice chairperson.  
35 Notwithstanding Article 9 (commencing with Section 11120) of  
36 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
37 Code, relating to public meetings, a committee may convene in  
38 closed session to consider matters relating to any physician  
39 assistant applying for or participating in a diversion program, and  
40 a meeting which will be convened entirely in closed session need

1 not comply with Section 11125 of the Government Code. A  
2 committee shall only convene in closed session to the extent it is  
3 necessary to protect the privacy of an applicant or participant. Each  
4 member of a committee shall receive a per diem and shall be  
5 reimbursed for expenses as provided in Section 103.

6 SEC. 69. Section 3534.3 of the Business and Professions Code  
7 is amended to read:

8 3534.3. Each committee has the following duties and  
9 responsibilities:

10 (a) To evaluate physician assistants who request participation  
11 in the program and to make recommendations to the program  
12 manager. In making recommendations, a committee shall consider  
13 any recommendations from professional consultants on the  
14 admission of applicants to the diversion program.

15 (b) To review and designate treatment facilities to which  
16 physician assistants in the diversion program may be referred, and  
17 to make recommendations to the program manager.

18 (c) The receipt and review of information concerning physician  
19 assistants participating in the program.

20 (d) To call meetings as necessary to consider the requests of  
21 physician assistants to participate in the diversion program, to  
22 consider reports regarding participants in the program, and to  
23 consider any other matters referred to it by the board.

24 (e) To consider whether each participant in the diversion  
25 program may with safety continue or resume the practice of  
26 medicine.

27 (f) To set forth in writing the terms and conditions of the  
28 diversion agreement that is approved by the program manager for  
29 each physician assistant participating in the program, including  
30 treatment, supervision, and monitoring requirements.

31 (g) To hold a general meeting at least twice a year, which shall  
32 be open and public, to evaluate the diversion program's progress,  
33 to prepare reports to be submitted to the board, and to suggest  
34 proposals for changes in the diversion program.

35 (h) For the purposes of Division 3.6 (commencing with Section  
36 810) of Title 1 of the Government Code, any member of a  
37 committee shall be considered a public employee. No board or  
38 committee member, contractor, or agent thereof, shall be liable  
39 for any civil damage because of acts or omissions which may occur

1 while acting in good faith in a program established pursuant to  
2 this article.

3 SEC. 70. Section 3534.4 of the Business and Professions Code  
4 is amended to read:

5 3534.4. Criteria for acceptance into the diversion program shall  
6 include all of the following: (a) the applicant shall be licensed as  
7 a physician assistant by the board and shall be a resident of  
8 California; (b) the applicant shall be found to abuse dangerous  
9 drugs or alcoholic beverages in a manner which may affect his or  
10 her ability to practice medicine safely or competently; (c) the  
11 applicant shall have voluntarily requested admission to the program  
12 or shall be accepted into the program in accordance with terms  
13 and conditions resulting from a disciplinary action; (d) the applicant  
14 shall agree to undertake any medical or psychiatric examination  
15 ordered to evaluate the applicant for participation in the program;  
16 (e) the applicant shall cooperate with the program by providing  
17 medical information, disclosure authorizations, and releases of  
18 liability as may be necessary for participation in the program; and  
19 (f) the applicant shall agree in writing to cooperate with all  
20 elements of the treatment program designed for him or her.

21 An applicant may be denied participation in the program if the  
22 board, the program manager, or a committee determines that the  
23 applicant will not substantially benefit from participation in the  
24 program or that the applicant's participation in the program creates  
25 too great a risk to the public health, safety, or welfare.

26 SEC. 71. Section 3534.5 of the Business and Professions Code  
27 is amended to read:

28 3534.5. A participant may be terminated from the program for  
29 any of the following reasons: (a) the participant has successfully  
30 completed the treatment program; (b) the participant has failed to  
31 comply with the treatment program designated for him or her; (c)  
32 the participant fails to meet any of the criteria set forth in  
33 subdivision (d); or (d) it is determined that the participant has not  
34 substantially benefited from participation in the program or that  
35 his or her continued participation in the program creates too great  
36 a risk to the public health, safety, or welfare. Whenever an  
37 applicant is denied participation in the program or a participant is  
38 terminated from the program for any reason other than the  
39 successful completion of the program, and it is determined that  
40 the continued practice of medicine by that individual creates too

1 great a risk to the public health and safety, that fact shall be  
2 reported to the executive officer of the board and all documents  
3 and information pertaining to and supporting that conclusion shall  
4 be provided to the executive officer. The matter may be referred  
5 for investigation and disciplinary action by the board. Each  
6 physician assistant who requests participation in a diversion  
7 program shall agree to cooperate with the recovery program  
8 designed for him or her. Any failure to comply with that program  
9 may result in termination of participation in the program.

10 The board shall inform each participant in the program of the  
11 procedures followed in the program, of the rights and  
12 responsibilities of a physician assistant in the program, and the  
13 possible results of noncompliance with the program.

14 SEC. 72. Section 3534.6 of the Business and Professions Code  
15 is amended to read:

16 3534.6. In addition to the criteria and causes set forth in Section  
17 3534.4, the board may set forth in its regulations additional criteria  
18 for admission to the program or causes for termination from the  
19 program.

20 SEC. 73. Section 3534.7 of the Business and Professions Code  
21 is amended to read:

22 3534.7. All board and committee records and records of  
23 proceedings and participation of a physician assistant in a program  
24 shall be confidential and are not subject to discovery or subpoena.

25 SEC. 74. Section 3534.9 of the Business and Professions Code  
26 is amended to read:

27 3534.9. If the board contracts with any other entity to carry  
28 out this section, the executive officer of the board or the program  
29 manager shall review the activities and performance of the  
30 contractor on a biennial basis. As part of this review, the board  
31 shall review files of participants in the program. However, the  
32 names of participants who entered the program voluntarily shall  
33 remain confidential, except when the review reveals misdiagnosis,  
34 case mismanagement, or noncompliance by the participant.

35 SEC. 75. Section 3534.10 of the Business and Professions  
36 Code is amended to read:

37 3534.10. Participation in a diversion program shall not be a  
38 defense to any disciplinary action which may be taken by the board.  
39 This section does not preclude the board from commencing  
40 disciplinary action against a physician assistant who is terminated

1 unsuccessfully from the program under this section. That  
2 disciplinary action may not include as evidence any confidential  
3 information.

4 SEC. 76. Section 3535 of the Business and Professions Code  
5 is amended to read:

6 3535. (a) Notwithstanding any other provision of law,  
7 physicians and surgeons licensed by the Osteopathic Medical Board  
8 of California may use or employ physician assistants provided (1)  
9 each physician assistant so used or employed is a graduate of an  
10 approved program and is licensed by the board, and (2) the scope  
11 of practice of the physician assistant is the same as that which is  
12 approved by the Division of Licensing of the Medical Board of  
13 California for physicians and surgeons supervising physician  
14 assistants in the same or similar specialty.

15 (b) Any person who violates subdivision (a) shall be guilty of  
16 a misdemeanor punishable by imprisonment in a county jail not  
17 exceeding six months, or by a fine not exceeding one thousand  
18 dollars (\$1,000), or by both that imprisonment and fine.

19 (c) This section shall become operative on July 1, 2001.

20 SEC. 77. Section 3537.10 of the Business and Professions  
21 Code is amended to read:

22 3537.10. (a) Subject to the other provisions of this article, the  
23 Office of Statewide Health Planning and Development, hereafter  
24 in this article referred to as the office, shall coordinate the  
25 establishment of an international medical graduate physician  
26 assistant training program, to be conducted at an appropriate  
27 educational institution or institutions. The goal of the program  
28 shall be to place as many international medical graduate physician  
29 assistants in medically underserved areas as possible in order to  
30 provide greater access to care for the growing population of  
31 medically indigent and underserved. The method for accomplishing  
32 this goal shall be to train foreign medical graduates to become  
33 licensed as physician assistants at no cost to the participants in  
34 return for a commitment from the participants to serve full time  
35 in underserved areas for a four-year period.

36 (b) By February 1, 1994, or one month after federal funds to  
37 implement this article become available, whichever occurs later,  
38 the office shall establish a training program advisory task force.  
39 The task force shall be comprised of representatives from all of  
40 the following groups:

- 1 (1) Physician assistant program directors.
- 2 (2) Foreign medical graduates.
- 3 (3) The California Academy of Physician Assistants.
- 4 (4) Nonprofit community health center directors.
- 5 (5) Physicians.
- 6 (6) The board, at the board's option.

7 The office may, instead, serve solely as a consultant to the task  
8 force.

9 (c) The task force shall do all of the following:

10 (1) Develop a recommended curriculum for the training program  
11 that shall be from 12 to 15 months in duration and shall, at a  
12 minimum, meet curriculum standards consistent with the board's  
13 regulations. The program shall be subject to the board's approval.  
14 By April 1, 1994, or three months after federal funds to implement  
15 this article become available, whichever occurs later, the  
16 curriculum shall be presented by the office to the Committee on  
17 Allied Health Education and Accreditation of the American  
18 Medical Association, or its successor organization, for approval.

19 (2) Develop recommended admission criteria for participation  
20 in the pilot and ongoing program.

21 (3) Assist in development of linkages with academic institutions  
22 for the purpose of monitoring and evaluating the pilot program.

23 SEC. 78. Section 3537.20 of the Business and Professions  
24 Code is amended to read:

25 3537.20. Any person who has satisfactorily completed the  
26 program established by this article shall be eligible for licensure  
27 by the board as a "physician assistant" if the person has complied  
28 with all of the following requirements:

29 (a) Has successfully completed the written examination required  
30 under Section 3517.

31 (b) Has successfully completed the Test of English as a Foreign  
32 Language (TOEFL).

33 SEC. 79. Section 3537.30 of the Business and Professions  
34 Code is amended to read:

35 3537.30. (a) The Legislature recognizes that the goal of this  
36 program would be compromised if participants do not observe  
37 their commitments under this program to provide the required  
38 service in a medically underserved area. The goal of this program  
39 would not be met if all that it accomplished was merely to license

1 physician assistants that served populations that are not medically  
2 underserved.

3 (b) Since damages would be difficult or impossible to ascertain  
4 in the event of default by the participant, this section shall set forth  
5 the extent of liquidated damages that shall be recoverable by the  
6 program in the case of default.

7 (c) In the case of default by a participant who has successfully  
8 completed the program and has obtained licensure under this  
9 article, the program shall collect the following damages from the  
10 participant:

11 (1) The total cost expended by the program for the training of  
12 the applicant, and interest thereon from the date of default.

13 (2) The total amount needed for the program to seek cover as  
14 set forth in subdivision (b) of Section 3537.35.

15 (3) The costs of enforcement, including, but not limited to, the  
16 costs of collecting the liquidated damages, the costs of litigation,  
17 and attorney's fees.

18 (d) The Attorney General may represent the office, or the board,  
19 or both in any litigation necessitated by this article, or, if the  
20 Attorney General declines, the office, or the board, or both may  
21 hire other counsel for this purpose.

22 (e) Funds collected pursuant to subdivision (c) shall be allocated  
23 as follows:

24 (1) Costs of training recovered pursuant to paragraph (1) of  
25 subdivision (c) shall be allocated to the office to be used upon  
26 appropriation for the continuing training program pursuant to this  
27 article.

28 (2) Costs of seeking cover recovered pursuant to paragraph (2)  
29 of subdivision (c) shall be deposited in the Physician Assistant  
30 Training Fund established pursuant to Section 3537.40 for the  
31 purposes of providing grants pursuant to subdivision (c) of Section  
32 3537.35.

33 (3) Costs of enforcement recovered pursuant to paragraph (3)  
34 of subdivision (c) shall be allocated between the office, and the  
35 Attorney General, or other counsel, according to actual costs.

36 SEC. 80. Section 3537.50 of the Business and Professions  
37 Code is amended to read:

38 3537.50. No General Fund revenues shall be expended to carry  
39 out this article. The implementation of the pilot program and, if  
40 applicable, the permanent program established by this article shall

1 be contingent upon the availability of federal funds, which do not  
2 divert or detract from funds currently utilized to underwrite existing  
3 physician assistant training programs or to fund existing functions  
4 of the board. The new funding shall be sufficient to cover the full  
5 additional cost to the educational institution or institutions that  
6 establish the program or programs, the cost of tuition and  
7 attendance for the students in the program or programs, and any  
8 additional costs, including enforcement costs, that the office or  
9 the board incurs as a result of implementing this article. Nothing  
10 in this article shall be construed as imposing any obligations upon  
11 the office, the board, or any physician assistant training program  
12 in the absence of adequate funding as described in this section.  
13 Nothing in this article shall be construed either as precluding  
14 applicants for the program established by this article from seeking  
15 state or federal scholarship funds, or state and federal loan  
16 repayment funds available to physician assistant students, or as  
17 requiring that any applicants be granted preference in the award  
18 of those funds. Nothing in this article shall be construed as  
19 impairing the autonomy of any institution that offers a physician  
20 assistant training program.

21 SEC. 81. Section 3540 of the Business and Professions Code  
22 is amended to read:

23 3540. A physician assistants corporation is a corporation which  
24 is authorized to render professional services, as defined in Section  
25 13401 of the Corporations Code, so long as that corporation and  
26 its shareholders, officers, directors, and employees rendering  
27 professional services who are certified physician assistants are in  
28 compliance with the Moscone-Knox Professional Corporation Act,  
29 the provisions of this article, and all other statutes and regulations  
30 now or hereafter enacted or adopted pertaining to the corporation  
31 and the conduct of its affairs.

32 With respect to a physician assistants corporation, the  
33 governmental agency referred to in the Moscone-Knox Professional  
34 Corporation Act (commencing with Section 13400) of Division 3  
35 of Title 1 of the Corporations Code is the board.

36 SEC. 82. Section 3546 of the Business and Professions Code  
37 is amended to read:

38 3546. The Medical Board of California may adopt and enforce  
39 regulations to carry out the purposes and objectives of this article,  
40 including regulations requiring (a) that the bylaws of a physician

1 assistant corporation shall include a provision whereby the capital  
2 stock of the corporation owned by a disqualified person (as defined  
3 in Section 13401 of the Corporations Code), or a deceased person,  
4 shall be sold to the corporation or to the remaining shareholders  
5 of the corporation within the time as the regulations may provide,  
6 and (b) that a physician assistant corporation shall provide adequate  
7 security by insurance or otherwise for claims against it by its  
8 patients arising out of the rendering of professional services.

9 SEC. 83. Section 4001 of the Business and Professions Code  
10 is amended to read:

11 4001. (a) There is in the Department of Consumer Affairs a  
12 California State Board of Pharmacy in which the administration  
13 and enforcement of this chapter is vested. The board consists of  
14 13 members.

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

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

35 (d) Members of the board shall be appointed for a term of four  
36 years. No person shall serve as a member of the board for more  
37 than two consecutive terms. Each member shall hold office until  
38 the appointment and qualification of his or her successor or until  
39 one year shall have elapsed since the expiration of the term for  
40 which the member was appointed, whichever first occurs.

1 Vacancies occurring shall be filled by appointment for the  
2 unexpired term.

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

5 (f) This section shall remain in effect only until January 1, 2017,  
6 and as of that date is repealed, unless a later enacted statute, that  
7 is enacted before January 1, 2017, deletes or extends that date.  
8 Notwithstanding any other provision of law, the repeal of this  
9 section renders the board subject to review by the appropriate  
10 policy committees of the Legislature.

11 SEC. 84. Section 4003 of the Business and Professions Code  
12 is amended to read:

13 4003. (a) The board, with the approval of the director, may  
14 appoint a person exempt from civil service who shall be designated  
15 as an executive officer and who shall exercise the powers and  
16 perform the duties delegated by the board and vested in him or her  
17 by this chapter. The executive officer may or may not be a member  
18 of the board as the board may determine.

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

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

26 (d) The executive officer shall give receipts for all money  
27 received by him or her and pay it to the department, taking its  
28 receipt therefor. Besides the duties required by this chapter, the  
29 executive officer shall perform other duties pertaining to the office  
30 as may be required of him or her by the board.

31 (e) This section shall remain in effect only until January 1, 2017,  
32 and as of that date is repealed, unless a later enacted statute, that  
33 is enacted before January 1, 2017, deletes or extends that date.

34 SEC. 85. Section 4928 of the Business and Professions Code  
35 is amended to read:

36 4928. The Acupuncture Board, which consists of seven  
37 members, shall enforce and administer this chapter.

38 This section shall remain in effect only until January 1, ~~2013,~~  
39 ~~2015~~, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2013~~, 2015, deletes or extends  
 2 that date.

3 ~~The~~ *Notwithstanding any other provision of law, the repeal of*  
 4 *this section renders the board subject to the review required by*  
 5 *Division 1.2 (commencing with Section 473) by the appropriate*  
 6 *policy committees of the Legislature.*

7 *SEC. 86. Section 4934 of the Business and Professions Code*  
 8 *is amended to read:*

9 4934. (a) The board, by and with the approval of the director,  
 10 may employ personnel necessary for the administration of this  
 11 chapter, and the board, by and with the approval of the director,  
 12 may appoint an executive officer who is exempt from the  
 13 provisions of the ~~Civil Service Act~~ *State Civil Service Act (Part 2*  
 14 *(commencing with Section 18500) of Division 5 of Title 2 of the*  
 15 *Government Code).*

16 (b) This section shall remain in effect only until January 1, ~~2013~~,  
 17 2015, and as of that date is repealed, unless a later enacted statute,  
 18 that is enacted before January 1, ~~2013~~, 2015, deletes or extends  
 19 that date.

20 *SEC. 87. Section 4939 of the Business and Professions Code*  
 21 *is amended to read:*

22 4939. (a) ~~On or before January 1, 2004, the~~ *The* board shall  
 23 establish standards for the approval of schools and colleges offering  
 24 education and training in the practice of an acupuncturist, including  
 25 standards for the faculty in those schools and colleges and tutorial  
 26 programs, completion of which will satisfy the requirements of  
 27 Section 4938.

28 (b) Standards for the approval of training programs shall include  
 29 a minimum of 3,000 hours of study in curriculum pertaining to the  
 30 practice of an acupuncturist. This subdivision shall apply to all  
 31 students entering programs on or after January 1, 2005.

32 (c) Within three years of initial approval by the board, each  
 33 program so approved by the board shall receive full institutional  
 34 approval under Article ~~3.5 6~~ (commencing with Section ~~94760~~  
 35 ~~94885~~) of Chapter ~~7 8~~ of Part 59 of *Division 10 of Title 3* of the  
 36 Education Code in the field of traditional Asian medicine, or in  
 37 the case of institutions located outside of this state, approval by  
 38 the appropriate governmental educational authority using standards  
 39 equivalent to those of Article ~~3.5 6~~ (commencing with Section  
 40 ~~94760 94885~~) of Chapter ~~7 8~~ of Part 59 of *Division 10 of Title 3*

1 of the Education Code, or the board's approval of the program  
2 shall automatically lapse.

3 ~~SEC. 85.~~

4 *SEC. 88.* Section 4990 of the Business and Professions Code  
5 is amended to read:

6 4990. (a) There is in the Department of Consumer Affairs, a  
7 Board of Behavioral Sciences that consists of the following  
8 members:

9 (1) Two state licensed clinical social workers.

10 (2) One state licensed educational psychologist.

11 (3) Two state licensed marriage and family therapists.

12 (4) One state licensed professional clinical counselor.

13 (5) Seven public members.

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

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

17 (d) The Governor shall appoint five of the public members and  
18 the six licensed members with the advice and consent of the Senate.  
19 The Senate Committee on Rules and the Speaker of the Assembly  
20 shall each appoint a public member.

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

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

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

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

1 (i) This section shall remain in effect only until January 1, 2017,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2017, deletes or extends that date.

4 (j) Notwithstanding any other provision of law, the repeal of  
5 this section renders the board subject to review by the appropriate  
6 policy committees of the Legislature.

7 ~~SEC. 86.~~

8 *SEC. 89.* Section 4990.04 of the Business and Professions Code  
9 is amended to read:

10 4990.04. (a) The board shall appoint an executive officer. This  
11 position is designated as a confidential position and is exempt from  
12 civil service under subdivision (e) of Section 4 of Article VII of  
13 the California Constitution.

14 (b) The executive officer serves at the pleasure of the board.

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

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

20 (e) The chairperson and executive officer may call meetings of  
21 the board and any duly appointed committee at a specified time  
22 and place. For purposes of this section, “call meetings” means  
23 setting the agenda, time, date, or place for any meeting of the board  
24 or any committee.

25 (f) This section shall remain in effect only until January 1, 2017,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2017, deletes or extends that date.

28 ~~SEC. 87.~~

29 *SEC. 90.* Section 8000 of the Business and Professions Code  
30 is amended to read:

31 8000. (a) There is in the Department of Consumer Affairs a  
32 Court Reporters Board of California, which consists of five  
33 members, three of whom shall be public members and two of  
34 whom shall be holders of certificates issued under this chapter  
35 who have been actively engaged as shorthand reporters within this  
36 state for at least five years immediately preceding their  
37 appointment.

38 (b) This section shall remain in effect only until January 1, 2017,  
39 and as of that date is repealed, unless a later enacted statute, that  
40 is enacted before January 1, 2017, deletes or extends that date.

1 (c) Notwithstanding any other provision of law, the repeal of  
2 this section renders the board subject to review by the appropriate  
3 policy committees of the Legislature.

4 ~~SEC. 88.~~

5 *SEC. 91.* Section 8005 of the Business and Professions Code  
6 is amended to read:

7 8005. The Court Reporters Board of California is charged with  
8 the executive functions necessary for effectuating the purposes of  
9 this chapter. It may appoint committees as it deems necessary or  
10 proper. The board may appoint, prescribe the duties, and fix the  
11 salary of an executive officer. Except as provided by Section 159.5,  
12 the board may also employ other employees as may be necessary,  
13 subject to civil service and other provisions of law.

14 This section shall remain in effect only until January 1, 2017,  
15 and as of that date is repealed, unless a later enacted statute, that  
16 is enacted before January 1, 2017, deletes or extends that date.

17 ~~SEC. 89.~~

18 *SEC. 92.* Section 8027 of the Business and Professions Code  
19 is amended to read:

20 8027. (a) As used in this section, “school” means a court  
21 reporter training program or an institution that provides a course  
22 of instruction approved by the board and the Bureau for Private  
23 Postsecondary Education, is a public school in this state, or is  
24 accredited by the Western Association of Schools and Colleges.

25 (b) A court reporting school shall be primarily organized to train  
26 students for the practice of shorthand reporting, as defined in  
27 Sections 8016 and 8017. Its educational program shall be on the  
28 postsecondary or collegiate level. It shall be legally organized and  
29 authorized to conduct its program under all applicable laws of the  
30 state, and shall conform to and offer all components of the  
31 minimum prescribed course of study established by the board. Its  
32 records shall be kept and shall be maintained in a manner to render  
33 them safe from theft, fire, or other loss. The records shall indicate  
34 positive daily and clock-hour attendance of each student for all  
35 classes, apprenticeship and graduation reports, high school  
36 transcripts or the equivalent or self-certification of high school  
37 graduation or the equivalent, transcripts of other education, and  
38 student progress to date, including all progress and counseling  
39 reports.

1 (c) Any school intending to offer a program in court reporting  
2 shall notify the board within 30 days of the date on which it  
3 provides notice to, or seeks approval from, the State Department  
4 of Education, the Bureau for Private Postsecondary Education, the  
5 Office of the Chancellor of the California Community Colleges,  
6 or the Western Association of Schools and Colleges, whichever  
7 is applicable. The board shall review the proposed curriculum and  
8 provide the school tentative approval, or notice of denial, within  
9 60 days of receipt of the notice. The school shall apply for  
10 provisional recognition pursuant to subdivision (d) within no more  
11 than one year from the date it begins offering court reporting  
12 classes.

13 (d) The board may grant provisional recognition to a new court  
14 reporting school upon satisfactory evidence that it has met all of  
15 the provisions of subdivision (b) and this subdivision. Recognition  
16 may be granted by the board to a provisionally recognized school  
17 after it has been in continuous operation for a period of no less  
18 than three consecutive years from the date provisional recognition  
19 was granted, during which period the school shall provide  
20 satisfactory evidence that at least one person has successfully  
21 completed the entire course of study established by the board and  
22 complied with the provisions of Section 8020, and has been issued  
23 a certificate to practice shorthand reporting as defined in Sections  
24 8016 and 8017. The board may, for good cause shown, extend the  
25 three-year provisional recognition period for not more than one  
26 year. Failure to meet the provisions and terms of this section shall  
27 require the board to deny recognition. Once granted, recognition  
28 may be withdrawn by the board for failure to comply with all  
29 applicable laws and regulations.

30 (e) Application for recognition of a court reporting school shall  
31 be made upon a form prescribed by the board and shall be  
32 accompanied by all evidence, statements, or documents requested.  
33 Each branch, extension center, or off-campus facility requires  
34 separate application.

35 (f) All recognized and provisionally recognized court reporting  
36 schools shall notify the board of any change in school name,  
37 address, telephone number, responsible court reporting program  
38 manager, owner of private schools, and the effective date thereof,  
39 within 30 days of the change. All of these notifications shall be  
40 made in writing.

1 (g) A school shall notify the board in writing immediately of  
2 the discontinuance or pending discontinuance of its court reporting  
3 program or any of the program’s components. Within two years  
4 of the date this notice is sent to the board, the school shall  
5 discontinue its court reporting program in its entirety. The board  
6 may, for good cause shown, grant not more than two one-year  
7 extensions of this period to a school. If a student is to be enrolled  
8 after this notice is sent to the board, a school shall disclose to the  
9 student the fact of the discontinuance or pending discontinuance  
10 of its court reporting program or any of its program components.

11 (h) The board shall maintain a roster of currently recognized  
12 and provisionally recognized court reporting schools, including,  
13 but not limited to, the name, address, telephone number, and the  
14 name of the responsible court reporting program manager of each  
15 school.

16 (i) The board shall maintain statistics that display the number  
17 and passing percentage of all first-time examinees, including, but  
18 not limited to, those qualified by each recognized or provisionally  
19 recognized school and those first-time examinees qualified by  
20 other methods as defined in Section 8020.

21 (j) Inspections and investigations shall be conducted by the  
22 board as necessary to carry out this section, including, but not  
23 limited to, unannounced site visits.

24 (k) All recognized and provisionally recognized schools shall  
25 print in their school or course catalog the name, address, and  
26 telephone number of the board. At a minimum, the information  
27 shall be in 8-point bold type and include the following statement:  
28

29 “IN ORDER FOR A PERSON TO QUALIFY FROM A  
30 SCHOOL TO TAKE THE STATE LICENSING EXAMINATION,  
31 THE PERSON SHALL COMPLETE A PROGRAM AT A  
32 RECOGNIZED SCHOOL. FOR INFORMATION CONCERNING  
33 THE MINIMUM REQUIREMENTS THAT A COURT  
34 REPORTING PROGRAM MUST MEET IN ORDER TO BE  
35 RECOGNIZED, CONTACT: THE COURT REPORTERS  
36 BOARD OF CALIFORNIA; (ADDRESS); (TELEPHONE  
37 NUMBER).”  
38

39 (l) Each court reporting school shall file with the board, not  
40 later than June 30 of each year, a current school catalog that shows

1 all course offerings and staff, and for private schools, the owner,  
2 except that where there have been no changes to the catalog within  
3 the previous year, no catalog need be sent. In addition, each school  
4 shall also file with the board a statement certifying whether the  
5 school is in compliance with all statutes and the rules and  
6 regulations of the board, signed by the responsible court reporting  
7 program manager.

8 (m) A school offering court reporting shall not make any written  
9 or verbal claims of employment opportunities or potential earnings  
10 unless those claims are based on verified data and reflect current  
11 employment conditions.

12 (n) If a school offers a course of instruction that exceeds the  
13 board's minimum requirements, the school shall disclose orally  
14 and in writing the board's minimum requirements and how the  
15 course of instruction differs from those criteria. The school shall  
16 make this disclosure before a prospective student executes an  
17 agreement obligating that person to pay any money to the school  
18 for the course of instruction. The school shall also make this  
19 disclosure to all students enrolled on January 1, 2002.

20 (o) Private and public schools shall provide each prospective  
21 student with all of the following and have the prospective student  
22 sign a document that shall become part of that individual's  
23 permanent record, acknowledging receipt of each item:

24 (1) A student consumer information brochure published by the  
25 board.

26 (2) A list of the school's graduation requirements, including the  
27 number of tests, the pass point of each test, the speed of each test,  
28 and the type of test, such as jury charge or literary.

29 (3) A list of requirements to qualify for the state-certified  
30 shorthand reporter licensing examination, including the number  
31 of tests, the pass point of each test, the speed of each test, and the  
32 type of test, such as jury charge or literary, if different than those  
33 requirements listed in paragraph (2).

34 (4) A copy of the school's board-approved benchmarks for  
35 satisfactory progress as identified in subdivision (u).

36 (5) A report showing the number of students from the school  
37 who qualified for each of the certified shorthand reporter licensing  
38 examinations within the preceding two years, the number of those  
39 students that passed each examination, the time, as of the date of  
40 qualification, that each student was enrolled in court reporting

1 school, and the placement rate for all students that passed each  
2 examination.

3 (6) On and after January 1, 2005, the school shall also provide  
4 to prospective students the number of hours each currently enrolled  
5 student who has qualified to take the next licensing test, exclusive  
6 of transfer students, has attended court reporting classes.

7 (p) All enrolled students shall have the information in  
8 subdivisions (n) and (o) on file no later than June 30, 2005.

9 (q) Public schools shall provide the information in subdivisions  
10 (n) and (o) to each new student the first day he or she attends theory  
11 or machine speed class, if it was not provided previously.

12 (r) Each enrolled student shall be provided written notification  
13 of any change in qualification or graduation requirements that is  
14 being implemented due to the requirements of any one of the  
15 school's oversight agencies. This notice shall be provided to each  
16 affected student at least 30 days before the effective date of the  
17 change and shall state the new requirement and the name, address,  
18 and telephone number of the agency that is requiring it of the  
19 school. Each student shall initial and date a document  
20 acknowledging receipt of that information and that document, or  
21 a copy thereof, shall be made part of the student's permanent file.

22 (s) Schools shall make available a comprehensive final  
23 examination in each academic subject to any student desiring to  
24 challenge an academic class in order to obtain credit towards  
25 certification for the state licensing examination. The points required  
26 to pass a challenge examination shall not be higher than the  
27 minimum points required of other students completing the  
28 academic class.

29 (t) An individual serving as a teacher, instructor, or reader shall  
30 meet the qualifications specified by regulation for his or her  
31 position.

32 (u) Each school shall provide a substitute teacher or instructor  
33 for any class for which the teacher or instructor is absent for two  
34 consecutive days or more.

35 (v) The board has the authority to approve or disapprove  
36 benchmarks for satisfactory progress which each school shall  
37 develop for its court reporting program. Schools shall use only  
38 board-approved benchmarks to comply with the provisions of  
39 paragraph (4) of subdivision (o) and subdivision (u).

1 (w) Each school shall counsel each student a minimum of one  
2 time within each 12-month period to identify the level of attendance  
3 and progress, and the prognosis for completing the requirements  
4 to become eligible to sit for the state licensing examination. If the  
5 student has not progressed in accordance with the board-approved  
6 benchmarks for that school, the student shall be counseled a  
7 minimum of one additional time within that same 12-month period.

8 (x) The school shall provide to the board, for each student  
9 qualifying through the school as eligible to sit for the state licensing  
10 examination, the number of hours the student attended court  
11 reporting classes, both academic and machine speed classes,  
12 including theory.

13 (y) The pass rate of first-time examination takers for each school  
14 offering court reporting shall meet or exceed the average pass rate  
15 of all first-time test takers for a majority of examinations given  
16 for the preceding three years. Failure to do so shall require the  
17 board to conduct a review of the program. In addition, the board  
18 may place the school on probation and may withdraw recognition  
19 if the school continues to place below the above-described standard  
20 on the two examinations that follow the three-year period.

21 (z) A school shall not require more than one 10-minute  
22 qualifying examination, as defined in the regulations of the board,  
23 for a student to be eligible to sit for the state certification  
24 examination.

25 (aa) A school shall provide the board the actual number of hours  
26 of attendance for each applicant the school qualifies for the state  
27 licensing examination.

28 (ab) The board shall, by December 1, 2001, do the following  
29 by regulation as necessary:

30 (1) Establish the format that shall be used by schools to report  
31 tracking of all attendance hours and actual timeframes for  
32 completed coursework.

33 (2) Require schools to provide a minimum of 10 hours of live  
34 dictation class each school week for every full-time student.

35 (3) Require schools to provide students with the opportunity to  
36 read back from their stenographic notes a minimum of one time  
37 each day to his or her instructor.

38 (4) Require schools to provide students with the opportunity to  
39 practice with a school-approved speed-building audio recording,  
40 or other assigned material, a minimum of one hour per day after

1 school hours as a homework assignment and provide the notes  
2 from this audio recording to their instructor the following day for  
3 review.

4 (5) Develop standardization of policies on the use and  
5 administration of qualifier examinations by schools.

6 (6) Define qualifier examination as follows: the qualifier  
7 examination shall consist of 4-voice testimony of 10-minute  
8 duration at 200 words per minute, graded at 97.5 percent accuracy,  
9 and in accordance with the guidelines followed by the board.  
10 Schools shall be required to date and number each qualifier and  
11 announce the date and number to the students at the time of  
12 administering the qualifier. All qualifiers shall indicate the actual  
13 dictation time of the test and the school shall catalog and maintain  
14 the qualifier for a period of not less than three years for the purpose  
15 of inspection by the board.

16 (7) Require schools to develop a program to provide students  
17 with the opportunity to interact with professional court reporters  
18 to provide skill support, mentoring, or counseling that they can  
19 document at least quarterly.

20 (8) Define qualifications and educational requirements required  
21 of instructors and readers that read test material and qualifiers.

22 (ac) The board shall adopt regulations to implement the  
23 requirements of this section not later than September 1, 2002.

24 (ad) The board may recover costs for any additional expenses  
25 incurred under the enactment amending this section in the 2001–02  
26 Regular Session of the Legislature pursuant to its fee authority in  
27 Section 8031.

28 ~~SEC. 90.~~

29 *SEC. 93.* Section 8030.2 of the Business and Professions Code  
30 is amended to read:

31 8030.2. (a) To provide shorthand reporting services to  
32 low-income litigants in civil cases, who are unable to otherwise  
33 afford those services, funds generated by fees received by the board  
34 pursuant to subdivision (c) of Section 8031 in excess of funds  
35 needed to support the board's operating budget for the fiscal year  
36 in which a transfer described below is made shall be used by the  
37 board for the purpose of establishing and maintaining a Transcript  
38 Reimbursement Fund. The Transcript Reimbursement Fund shall  
39 be established by a transfer of funds from the Court Reporters'  
40 Fund in the amount of three hundred thousand dollars (\$300,000)

1 at the beginning of each fiscal year. Notwithstanding any other  
2 provision of this article, a transfer to the Transcript Reimbursement  
3 Fund in excess of the fund balance established at the beginning of  
4 each fiscal year shall not be made by the board if the transfer will  
5 result in the reduction of the balance of the Court Reporters' Fund  
6 to an amount less than six months' operating budget.

7 (b) All moneys held in the Court Reporters' Fund on the  
8 effective date of this section in excess of the board's operating  
9 budget for the 1996–97 fiscal year shall be used as provided in  
10 subdivision (a).

11 (c) Refunds and unexpended funds that are anticipated to remain  
12 in the Transcript Reimbursement Fund at the end of the fiscal year  
13 shall be considered by the board in establishing the fee assessment  
14 pursuant to Section 8031 so that the assessment shall maintain the  
15 level of funding for the Transcript Reimbursement Fund, as  
16 specified in subdivision (a), in the following fiscal year.

17 (d) The Transcript Reimbursement Fund is hereby created in  
18 the State Treasury. Notwithstanding Section 13340 of the  
19 Government Code, moneys in the Transcript Reimbursement Fund  
20 are continuously appropriated for the purposes of this chapter.

21 (e) (1) Applicants, including applicants pursuant to Section  
22 8030.5, who have been reimbursed pursuant to this chapter for  
23 services provided to litigants and who are awarded court costs or  
24 attorney's fees by judgment or by settlement agreement shall refund  
25 the full amount of that reimbursement to the fund within 90 days  
26 of receipt of the award or settlement.

27 (2) An applicant pursuant to Section 8030.5 who has been  
28 reimbursed for services provided to litigants under this chapter  
29 shall refund the full amount reimbursed if a court orders the  
30 applicant's fee waiver withdrawn or denied retroactively pursuant  
31 to Section 68636 of the Government Code, within 90 days of the  
32 court's order withdrawing or denying the fee waiver.

33 (f) Subject to the limitations of this chapter, the board shall  
34 maintain the fund at a level that is sufficient to pay all qualified  
35 claims. To accomplish this objective, the board shall utilize all  
36 refunds, unexpended funds, fees, and any other moneys received  
37 by the board.

38 (g) Notwithstanding Section 16346 of the Government Code,  
39 all unencumbered funds remaining in the Transcript

1 Reimbursement Fund as of January 1, 2017, shall be transferred  
2 to the Court Reporters' Fund.

3 (h) This section shall remain in effect only until January 1, 2017,  
4 and as of that date is repealed, unless a later enacted statute, that  
5 is enacted before January 1, 2017, deletes or extends that date.

6 ~~SEC. 94.~~

7 *SEC. 94.* Section 8030.5 of the Business and Professions Code  
8 is amended to read:

9 8030.5. (a) Notwithstanding subdivision (e) of Section 8030.4,  
10 as used in this chapter the term "applicant" also means an indigent  
11 person, as defined in subdivision (f) of Section 8030.4, appearing  
12 pro se to represent himself or herself at any stage of the case and  
13 applying to receive funds from the Transcript Reimbursement  
14 Fund established by this chapter.

15 (b) Notwithstanding Section 8030.6, total disbursements to  
16 cover the cost of providing transcripts to all applicants pursuant  
17 to this section shall not exceed thirty thousand dollars (\$30,000)  
18 annually and shall not exceed one thousand five hundred dollars  
19 (\$1,500) per case.

20 (c) The board shall provide a report to the Senate and Assembly  
21 Committees on Judiciary by March 1, 2012, that includes a  
22 summary of the expenditures and claims relating to this article,  
23 including the initial fund balance as of January 1, 2011; all funds  
24 received, including the amount of, and reason for, any refunds  
25 pursuant to subdivision (e) of Section 8030.2; all claims received,  
26 including the type of case, court involved, service for which  
27 reimbursement was sought, amount paid, and amount denied, if  
28 any, and the reason for denial; and all administrative fees. This  
29 report shall be provided using existing resources.

30 (d) The Legislature finds and declares that there are funds  
31 available for indigent pro se parties under this article only because  
32 the Transcript Reimbursement Fund has not been fully utilized in  
33 recent years by the eligible applicants for whom its use has been  
34 intended, despite the evident financial need among legal services  
35 organizations and pro bono attorneys. Accordingly, the board shall,  
36 using existing resources, undertake further efforts to publicize the  
37 availability of the Transcript Reimbursement Fund to prospective  
38 applicants, as defined in subdivision (e) of Section 8030.4, through  
39 appropriate entities serving these applicants, including the State  
40 Bar of California, the California Commission on Access to Justice,

1 and the Legal Aid Association of California. These efforts shall  
2 be described in the report required by subdivision (c).

3 (e) This section shall remain in effect only until January 1, 2017,  
4 and as of that date is repealed, unless a later enacted statute that  
5 is enacted before January 1, 2017, deletes or extends that date.

6 ~~SEC. 92.~~

7 *SEC. 95.* Section 9812.5 of the Business and Professions Code  
8 is amended to read:

9 9812.5. The director shall gather evidence of violations of this  
10 chapter and of any regulation established hereunder by any service  
11 contractor, whether registered or not, and by any employee, partner,  
12 officer, or member of any service contractor. The director shall,  
13 on his or her own initiative, conduct spot check investigations of  
14 service contractors throughout the state on a continuous basis. This  
15 section shall remain in effect only until January 1, 2015, and as of  
16 that date is repealed, unless a later enacted statute, that is enacted  
17 before January 1, 2015, deletes or extends that date.

18 ~~SEC. 93.~~

19 *SEC. 96.* Section 9830.5 of the Business and Professions Code  
20 is amended to read:

21 9830.5. Each service contractor shall pay the fee required by  
22 this chapter for each place of business operated by him or her in  
23 this state and shall register with the bureau upon forms prescribed  
24 by the director. The forms shall contain sufficient information to  
25 identify the service contractor, including name, address, retail  
26 seller's permit number, if a permit is required under the Sales and  
27 Use Tax Law (Part 1 (commencing with Section 6001) of Division  
28 2 of the Revenue and Taxation Code), a copy of the certificate of  
29 qualification as filed with the Secretary of State if the service  
30 contractor is a foreign corporation, and other identifying data to  
31 be prescribed by the bureau. If the business is to be carried on  
32 under a fictitious name, that fictitious name shall be stated. If the  
33 service contractor is a partnership, identifying data shall be stated  
34 for each partner. If the service contractor is a private company that  
35 does not file an annual report on Form 10-K with the Securities  
36 and Exchange Commission, data shall be included for each of the  
37 officers and directors of the company as well as for the individual  
38 in charge of each place of the service contractor's business in the  
39 State of California, subject to any regulations the director may  
40 adopt. If the service contractor is a publicly held corporation or a

1 private company that files an annual report on Form 10-K with  
2 the Securities and Exchange Commission, it shall be sufficient for  
3 purposes of providing data for each of the officers and directors  
4 of the corporation or company to file with the director the most  
5 recent annual report on Form 10-K that is filed with the Securities  
6 and Exchange Commission.

7 A service contractor who does not operate a place of business  
8 in this state but who sells, issues, or administers service contracts  
9 in this state, shall hold a valid registration issued by the bureau  
10 and shall pay the registration fee required by this chapter as if he  
11 or she had a place of business in this state.

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

15 ~~SEC. 94.~~

16 *SEC. 97.* Section 9832.5 of the Business and Professions Code  
17 is amended to read:

18 9832.5. (a) Registrations issued under this chapter shall expire  
19 no more than 12 months after the issue date. The expiration date  
20 of registrations shall be set by the director in a manner to best  
21 distribute renewal procedures throughout the year.

22 (b) To renew an unexpired registration, the service contractor  
23 shall, on or before the expiration date of the registration, apply for  
24 renewal on a form prescribed by the director, and pay the renewal  
25 fee prescribed by this chapter.

26 (c) To renew an expired registration, the service contractor shall  
27 apply for renewal on a form prescribed by the director, pay the  
28 renewal fee in effect on the last regular renewal date, and pay all  
29 accrued and unpaid delinquency and renewal fees.

30 (d) Renewal is effective on the date that the application is filed,  
31 the renewal fee is paid, and all delinquency fees are paid.

32 (e) For purposes of implementing the distribution of the renewal  
33 of registrations throughout the year, the director may extend, by  
34 not more than six months, the date fixed by law for renewal of a  
35 registration, except that, in that event, any renewal fee that may  
36 be involved shall be prorated in such a manner that no person shall  
37 be required to pay a greater or lesser fee than would have been  
38 required had the change in renewal dates not occurred.

1 (f) This section shall remain in effect only until January 1, 2015,  
2 and as of that date is repealed, unless a later enacted statute, which  
3 is enacted before January 1, 2015, deletes or extends that date.

4 ~~SEC. 95.~~

5 *SEC. 98.* Section 9847.5 of the Business and Professions Code  
6 is amended to read:

7 9847.5. Each service contractor shall maintain those records  
8 as are required by the regulations adopted to carry out the  
9 provisions of this chapter for a period of at least three years. These  
10 records shall be open for reasonable inspection by the director or  
11 other law enforcement officials.

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

15 ~~SEC. 96.~~

16 *SEC. 99.* Section 9849 of the Business and Professions Code,  
17 as amended by Section 49 of Chapter 354 of the Statutes of 2007,  
18 is amended to read:

19 9849. The expiration of a valid registration shall not deprive  
20 the director of jurisdiction to proceed with any investigation or  
21 hearing on a cease and desist order against a service dealer or  
22 service contractor or to render a decision to suspend, revoke, or  
23 place on probation a registration.

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

27 ~~SEC. 97.~~

28 *SEC. 100.* Section 9849 of the Business and Professions Code,  
29 as amended by Section 50 of Chapter 354 of the Statutes of 2007,  
30 is amended to read:

31 9849. The expiration of a valid registration shall not deprive  
32 the director of jurisdiction to proceed with any investigation or  
33 hearing on a cease and desist order against a service dealer or to  
34 render a decision to suspend, revoke, or place on probation a  
35 registration.

36 This section shall become operative on January 1, 2015.

37 ~~SEC. 98.~~

38 *SEC. 101.* Section 9851 of the Business and Professions Code,  
39 as amended by Section 51 of Chapter 354 of the Statutes of 2007,  
40 is amended to read:

1 9851. The superior court in and for the county wherein any  
2 person carries on, or attempts to carry on, business as a service  
3 dealer or service contractor in violation of the provisions of this  
4 chapter, or any regulation thereunder, shall, on application of the  
5 director, issue an injunction or other appropriate order restraining  
6 that conduct.

7 The proceedings under this section shall be governed by Chapter  
8 3 (commencing with Section 525) of Title 7 of Part 2 of the Code  
9 of Civil Procedure, except that the director shall not be required  
10 to allege facts necessary to show or tending to show lack of an  
11 adequate remedy at law or irreparable injury.

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

15 ~~SEC. 99.~~

16 *SEC. 102.* Section 9851 of the Business and Professions Code,  
17 as amended by Section 52 of Chapter 354 of the Statutes of 2007,  
18 is amended to read:

19 9851. The superior court in and for the county wherein any  
20 person carries on, or attempts to carry on, business as a service  
21 dealer in violation of the provisions of this chapter, or any  
22 regulation thereunder, shall, on application of the director, issue  
23 an injunction or other appropriate order restraining that conduct.

24 The proceedings under this section shall be governed by Chapter  
25 3 (commencing with Section 525) of Title 7 of Part 2 of the Code  
26 of Civil Procedure, except that the director shall not be required  
27 to allege facts necessary to show or tending to show lack of an  
28 adequate remedy at law or irreparable injury.

29 This section shall become operative on January 1, 2015.

30 ~~SEC. 100.~~

31 *SEC. 103.* Section 9853 of the Business and Professions Code,  
32 as amended by Section 53 of Chapter 354 of the Statutes of 2007,  
33 is amended to read:

34 9853. A plea or verdict of guilty or a conviction following a  
35 plea of nolo contendere made to a charge substantially related to  
36 the qualifications, functions, and duties of a service dealer or  
37 service contractor is deemed to be a conviction within the meaning  
38 of this article. The director may suspend, revoke, or place on  
39 probation a registration, or may deny registration, when the time  
40 for appeal has elapsed, or the judgment of conviction has been

1 affirmed on appeal or when an order granting probation is made  
2 suspending the imposition of sentence, irrespective of a subsequent  
3 order under Section 1203.4 of the Penal Code, allowing that person  
4 to withdraw his or her plea of guilty and to enter a plea of not  
5 guilty, or setting aside the verdict of guilty, or dismissing the  
6 accusation, information, or indictment.

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

10 ~~SEC. 101.~~

11 *SEC. 104.* Section 9853 of the Business and Professions Code,  
12 as amended by Section 54 of Chapter 354 of the Statutes of 2007,  
13 is amended to read:

14 9853. A plea or verdict of guilty or a conviction following a  
15 plea of nolo contendere made to a charge substantially related to  
16 the qualifications, functions, and duties of a service dealer is  
17 deemed to be a conviction within the meaning of this article. The  
18 director may suspend, revoke, or place on probation a registration,  
19 or may deny registration, when the time for appeal has elapsed, or  
20 the judgment of conviction has been affirmed on appeal or when  
21 an order granting probation is made suspending the imposition of  
22 sentence, irrespective of a subsequent order under Section 1203.4  
23 of the Penal Code allowing that person to withdraw his or her plea  
24 of guilty and to enter a plea of not guilty, or setting aside the verdict  
25 of guilty, or dismissing the accusation, information, or indictment.

26 This section shall become operative on January 1, 2015.

27 ~~SEC. 102.~~

28 *SEC. 105.* Section 9860 of the Business and Professions Code,  
29 as amended by Section 58 of Chapter 354 of the Statutes of 2007,  
30 is amended to read:

31 9860. The director shall establish procedures for accepting  
32 complaints from the public against any service dealer or service  
33 contractor.

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. 103.~~

38 *SEC. 106.* Section 9860 of the Business and Professions Code,  
39 as amended by Section 59 of Chapter 354 of the Statutes of 2007,  
40 is amended to read:

1 9860. The director shall establish procedures for accepting  
2 complaints from the public against any service dealer.

3 This section shall become operative on January 1, 2015.

4 ~~SEC. 104.~~

5 *SEC. 107.* Section 9862.5 of the Business and Professions Code  
6 is amended to read:

7 9862.5. If a complaint indicates a possible violation of this  
8 chapter or of the regulations adopted pursuant to this chapter, the  
9 director may advise the service contractor of the contents of the  
10 complaint and, if the service contractor is so advised, the director  
11 shall make a summary investigation of the facts after the service  
12 contractor has had reasonable opportunity to reply thereto.

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

16 ~~SEC. 105.~~

17 *SEC. 108.* Section 9863 of the Business and Professions Code,  
18 as amended by Section 61 of Chapter 354 of the Statutes of 2007,  
19 is amended to read:

20 9863. If, upon summary investigation, it appears probable to  
21 the director that a violation of this chapter, or the regulations  
22 thereunder, has occurred, the director, in his or her discretion, may  
23 suggest measures that in the director's judgment would compensate  
24 the complainant for the damages he or she has suffered as a result  
25 of the alleged violation. If the service dealer or service contractor  
26 accepts the director's suggestions and performs accordingly, the  
27 director shall give that fact due consideration in any subsequent  
28 disciplinary proceeding. If the service dealer or service contractor  
29 declines to abide by the suggestions of the director, the director  
30 may investigate further and may institute disciplinary proceedings  
31 in accordance with the provisions of this chapter.

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

35 ~~SEC. 106.~~

36 *SEC. 109.* Section 9863 of the Business and Professions Code,  
37 as amended by Section 62 of Chapter 354 of the Statutes of 2007,  
38 is amended to read:

39 9863. If, upon summary investigation, it appears probable to  
40 the director that a violation of this chapter, or the regulations

1 thereunder, has occurred, the director, in his or her discretion, may  
2 suggest measures that in the director's judgment would compensate  
3 the complainant for the damages he or she has suffered as a result  
4 of the alleged violation. If the service dealer accepts the director's  
5 suggestions and performs accordingly, the director shall give that  
6 fact due consideration in any subsequent disciplinary proceeding.  
7 If the service dealer declines to abide by the suggestions of the  
8 director, the director may investigate further and may institute  
9 disciplinary proceedings in accordance with the provisions of this  
10 chapter.

11 This section shall become operative on January 1, 2015.

12 ~~SEC. 107.~~

13 *SEC. 110.* Section 9873 of the Business and Professions Code,  
14 as amended by Section 63 of Chapter 354 of the Statutes of 2007,  
15 is amended to read:

16 9873. The fees prescribed by this chapter shall be set by the  
17 director by regulation, according to the following schedule:

18 (a) (1) The initial registration fee for an electronic repair  
19 industry service dealer or for an appliance repair industry service  
20 dealer is not more than one hundred sixty-five dollars (\$165) for  
21 each place of business in this state. The initial registration fee for  
22 a service contractor is not more than seventy-five dollars (\$75) for  
23 each place of business in this state.

24 (2) The initial registration fee for a person who engages in  
25 business as both an electronic repair industry service dealer and  
26 an appliance repair industry service dealer is not more than three  
27 hundred twenty-five dollars (\$325) for each place of business in  
28 this state. The initial registration fee for a person who is a service  
29 contractor and engages in business as either an electronic repair  
30 industry service dealer or an appliance repair industry service  
31 dealer is not more than two hundred forty dollars (\$240) for each  
32 place of business in this state.

33 (3) The initial registration fee for a person who engages in both  
34 the electronic repair industry and the appliance repair industry as  
35 a service dealer and is a service contractor is not more than four  
36 hundred dollars (\$400) for each place of business in this state.

37 (4) On or after January 1, 2000, the initial registration fee for a  
38 service contractor described in subdivision (e) of Section 12741  
39 of the Insurance Code shall be set by the director in an amount not  
40 to exceed the actual and direct costs associated with the regulation

1 of those service contractors, but in no event more than fifty  
2 thousand dollars (\$50,000).

3 A service dealer or service contractor who does not operate a  
4 place of business in this state, but engages in the electronic repair  
5 industry, the appliance repair industry, or sells, issues, or  
6 administers service contracts in this state shall pay the registration  
7 fee specified herein as if he or she had a place of business in this  
8 state.

9 (b) (1) The annual registration renewal fee for an electronic  
10 repair industry service dealer or for an appliance repair industry  
11 service dealer is not more than one hundred sixty-five dollars  
12 (\$165) for each place of business in this state, if renewed prior to  
13 its expiration date. The annual registration renewal fee for a service  
14 contractor is seventy-five dollars (\$75) for each place of business  
15 in this state, if renewed prior to its expiration date.

16 (2) The annual renewal fee for a service dealer who engages in  
17 the business as both an electronic repair industry service dealer  
18 and an appliance repair industry service dealer is not more than  
19 three hundred dollars (\$300) for each place of business in this  
20 state.

21 (3) The annual renewal fee for a service dealer who engages in  
22 the electronic repair industry and the appliance repair industry and  
23 is a service contractor is not more than three hundred seventy-five  
24 dollars (\$375) for each place of business in this state.

25 (4) It is the intent of the Legislature that the amount of the  
26 annual registration renewal fee for a service contractor described  
27 in subdivision (e) of Section 12741 of the Insurance Code shall be  
28 evaluated and set by the Legislature.

29 A service dealer or service contractor who does not operate a  
30 place of business in this state, but who engages in the electronic  
31 repair industry, the appliance repair industry, or sells or issues  
32 service contracts in this state shall pay the registration fee specified  
33 herein as if he or she had a place of business in this state.

34 (c) The delinquency fee is an amount equal to 50 percent of the  
35 renewal fee for a license in effect on the date of renewal of the  
36 license, except as otherwise provided in Section 163.5.

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

1     ~~SEC. 108.~~

2     *SEC. 111.* Section 9873 of the Business and Professions Code,  
3 as amended by Section 64 of Chapter 354 of the Statutes of 2007,  
4 is amended to read:

5     9873. The fees prescribed by this chapter shall be set by the  
6 director by regulation, according to the following schedule:

7     (a) The initial registration fee for an electronic repair industry  
8 service dealer or for an appliance repair industry service dealer is  
9 not more than one hundred sixty-five dollars (\$165) for each place  
10 of business in this state. The initial registration fee for a person  
11 who engages in business as both an electronic repair industry  
12 service dealer and an appliance repair industry service dealer is  
13 not more than three hundred twenty-five dollars (\$325).

14     (b) The annual registration renewal fee for an electronic repair  
15 industry service dealer or for an appliance repair industry service  
16 dealer is not more than one hundred sixty-five dollars (\$165) for  
17 each place of business in this state, if renewed prior to its expiration  
18 date. The annual renewal fee for a service dealer who engages in  
19 the business as both an electronic repair industry service dealer  
20 and an appliance repair industry service dealer is not more than  
21 three hundred dollars (\$300).

22     (c) The delinquency fee is an amount equal to 50 percent of the  
23 renewal fee for a license in effect on the date of renewal of the  
24 license, except as otherwise provided in Section 163.5.

25     This section shall become operative on January 1, 2015.

26     ~~SEC. 109.~~

27     *SEC. 112.* Section 12529 of the Government Code, as amended  
28 by Section 8 of Chapter 505 of the Statutes of 2009, is amended  
29 to read:

30     12529. (a) There is in the Department of Justice the Health  
31 Quality Enforcement Section. The primary responsibility of the  
32 section is to investigate and prosecute proceedings against licensees  
33 and applicants within the jurisdiction of the Medical Board of  
34 California, the California Board of Podiatric Medicine, the Board  
35 of Psychology, or any committee under the jurisdiction of the  
36 Medical Board of California.

37     (b) The Attorney General shall appoint a Senior Assistant  
38 Attorney General of the Health Quality Enforcement Section. The  
39 Senior Assistant Attorney General of the Health Quality  
40 Enforcement Section shall be an attorney in good standing licensed

1 to practice in the State of California, experienced in prosecutorial  
2 or administrative disciplinary proceedings and competent in the  
3 management and supervision of attorneys performing those  
4 functions.

5 (c) The Attorney General shall ensure that the Health Quality  
6 Enforcement Section is staffed with a sufficient number of  
7 experienced and able employees that are capable of handling the  
8 most complex and varied types of disciplinary actions against the  
9 licensees of the board.

10 (d) Funding for the Health Quality Enforcement Section shall  
11 be budgeted in consultation with the Attorney General from the  
12 special funds financing the operations of the Medical Board of  
13 California, the California Board of Podiatric Medicine, the Board  
14 of Psychology, and the committees under the jurisdiction of the  
15 Medical Board of California, with the intent that the expenses be  
16 proportionally shared as to services rendered.

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

20 ~~SEC. 110.~~

21 *SEC. 113.* Section 12529 of the Government Code, as amended  
22 by Section 9 of Chapter 505 of the Statutes of 2009, is amended  
23 to read:

24 12529. (a) There is in the Department of Justice the Health  
25 Quality Enforcement Section. The primary responsibility of the  
26 section is to prosecute proceedings against licensees and applicants  
27 within the jurisdiction of the Medical Board of California, the  
28 California Board of Podiatric Medicine, the Board of Psychology,  
29 or any committee under the jurisdiction of the Medical Board of  
30 California, and to provide ongoing review of the investigative  
31 activities conducted in support of those prosecutions, as provided  
32 in subdivision (b) of Section 12529.5.

33 (b) The Attorney General shall appoint a Senior Assistant  
34 Attorney General of the Health Quality Enforcement Section. The  
35 Senior Assistant Attorney General of the Health Quality  
36 Enforcement Section shall be an attorney in good standing licensed  
37 to practice in the State of California, experienced in prosecutorial  
38 or administrative disciplinary proceedings and competent in the  
39 management and supervision of attorneys performing those  
40 functions.

1 (c) The Attorney General shall ensure that the Health Quality  
2 Enforcement Section is staffed with a sufficient number of  
3 experienced and able employees that are capable of handling the  
4 most complex and varied types of disciplinary actions against the  
5 licensees of the board.

6 (d) Funding for the Health Quality Enforcement Section shall  
7 be budgeted in consultation with the Attorney General from the  
8 special funds financing the operations of the Medical Board of  
9 California, the California Board of Podiatric Medicine, the Board  
10 of Psychology, and the committees under the jurisdiction of the  
11 Medical Board of California, with the intent that the expenses be  
12 proportionally shared as to services rendered.

13 (e) This section shall become operative January 1, 2014.

14 ~~SEC. 111.~~

15 *SEC. 114.* Section 12529.5 of the Government Code, as  
16 amended by Section 10 of Chapter 505 of the Statutes of 2009, is  
17 amended to read:

18 12529.5. (a) All complaints or relevant information concerning  
19 licensees that are within the jurisdiction of the Medical Board of  
20 California, the California Board of Podiatric Medicine, or the  
21 Board of Psychology shall be made available to the Health Quality  
22 Enforcement Section.

23 (b) The Senior Assistant Attorney General of the Health Quality  
24 Enforcement Section shall assign attorneys to work on location at  
25 the intake unit of the boards described in subdivision (d) of Section  
26 12529 to assist in evaluating and screening complaints and to assist  
27 in developing uniform standards and procedures for processing  
28 complaints.

29 (c) The Senior Assistant Attorney General or his or her deputy  
30 attorneys general shall assist the boards or committees in designing  
31 and providing initial and in-service training programs for staff of  
32 the boards or committees, including, but not limited to, information  
33 collection and investigation.

34 (d) The determination to bring a disciplinary proceeding against  
35 a licensee of the boards shall be made by the executive officer of  
36 the boards or committees as appropriate in consultation with the  
37 senior assistant.

38 (e) This section shall remain in effect only until January 1, 2014,  
39 and as of that date is repealed, unless a later enacted statute, that  
40 is enacted before January 1, 2014, deletes or extends that date.

1 ~~SEC. 112.~~

2 *SEC. 115.* Section 12529.5 of the Government Code, as  
3 amended by Section 11 of Chapter 505 of the Statutes of 2009, is  
4 amended to read:

5 12529.5. (a) All complaints or relevant information concerning  
6 licensees that are within the jurisdiction of the Medical Board of  
7 California, the California Board of Podiatric Medicine, or the  
8 Board of Psychology shall be made available to the Health Quality  
9 Enforcement Section.

10 (b) The Senior Assistant Attorney General of the Health Quality  
11 Enforcement Section shall assign attorneys to assist the boards in  
12 intake and investigations and to direct discipline-related  
13 prosecutions. Attorneys shall be assigned to work closely with  
14 each major intake and investigatory unit of the boards, to assist in  
15 the evaluation and screening of complaints from receipt through  
16 disposition and to assist in developing uniform standards and  
17 procedures for the handling of complaints and investigations.

18 A deputy attorney general of the Health Quality Enforcement  
19 Section shall frequently be available on location at each of the  
20 working offices at the major investigation centers of the boards,  
21 to provide consultation and related services and engage in case  
22 review with the boards' investigative, medical advisory, and intake  
23 staff. The Senior Assistant Attorney General and deputy attorneys  
24 general working at his or her direction shall consult as appropriate  
25 with the investigators of the boards, medical advisors, and  
26 executive staff in the investigation and prosecution of disciplinary  
27 cases.

28 (c) The Senior Assistant Attorney General or his or her deputy  
29 attorneys general shall assist the boards or committees in designing  
30 and providing initial and in-service training programs for staff of  
31 the boards or committees, including, but not limited to, information  
32 collection and investigation.

33 (d) The determination to bring a disciplinary proceeding against  
34 a licensee of the boards shall be made by the executive officer of  
35 the boards or committees as appropriate in consultation with the  
36 senior assistant.

37 (e) This section shall become operative January 1, 2014.

38 ~~SEC. 113.~~

39 *SEC. 116.* Section 12529.6 of the Government Code is amended  
40 to read:

1 12529.6. (a) The Legislature finds and declares that the  
2 Medical Board of California, by ensuring the quality and safety  
3 of medical care, performs one of the most critical functions of state  
4 government. Because of the critical importance of the board's  
5 public health and safety function, the complexity of cases involving  
6 alleged misconduct by physicians and surgeons, and the evidentiary  
7 burden in the board's disciplinary cases, the Legislature finds and  
8 declares that using a vertical enforcement and prosecution model  
9 for those investigations is in the best interests of the people of  
10 California.

11 (b) Notwithstanding any other provision of law, as of January  
12 1, 2006, each complaint that is referred to a district office of the  
13 board for investigation shall be simultaneously and jointly assigned  
14 to an investigator and to the deputy attorney general in the Health  
15 Quality Enforcement Section responsible for prosecuting the case  
16 if the investigation results in the filing of an accusation. The joint  
17 assignment of the investigator and the deputy attorney general  
18 shall exist for the duration of the disciplinary matter. During the  
19 assignment, the investigator so assigned shall, under the direction  
20 but not the supervision of the deputy attorney general, be  
21 responsible for obtaining the evidence required to permit the  
22 Attorney General to advise the board on legal matters such as  
23 whether the board should file a formal accusation, dismiss the  
24 complaint for a lack of evidence required to meet the applicable  
25 burden of proof, or take other appropriate legal action.

26 (c) The Medical Board of California, the Department of  
27 Consumer Affairs, and the Office of the Attorney General shall,  
28 if necessary, enter into an interagency agreement to implement  
29 this section.

30 (d) This section does not affect the requirements of Section  
31 12529.5 as applied to the Medical Board of California where  
32 complaints that have not been assigned to a field office for  
33 investigation are concerned.

34 (e) It is the intent of the Legislature to enhance the vertical  
35 enforcement and prosecution model as set forth in subdivision (a).  
36 The Medical Board of California shall do all of the following:

37 (1) Increase its computer capabilities and compatibilities with  
38 the Health Quality Enforcement Section in order to share case  
39 information.

1 (2) Establish and implement a plan to locate its enforcement  
2 staff and the staff of the Health Quality Enforcement Section in  
3 the same offices, as appropriate, in order to carry out the intent of  
4 the vertical enforcement and prosecution model.

5 (3) Establish and implement a plan to assist in team building  
6 between its enforcement staff and the staff of the Health Quality  
7 Enforcement Section in order to ensure a common and consistent  
8 knowledge base.

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

12 ~~SEC. 114.~~

13 *SEC. 117.* No reimbursement is required by this act pursuant  
14 to Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.