

AMENDED IN ASSEMBLY JUNE 15, 2012

AMENDED IN SENATE APRIL 30, 2012

AMENDED IN SENATE APRIL 16, 2012

SENATE BILL

No. 1237

Introduced by Senator Price

February 23, 2012

An act to amend Sections 2006, 2450.3, 2602, 2607.5, 4001, 4003, 8000, 8005, 8027, 8030.2, and 8030.5 of the Business and Professions Code, *and to amend Section 12529.6 of the Government Code*, relating to professions *and vocations*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as amended, Price. Professions *and vocations*: ~~pharmacists, court reporters, and Transcript Reimbursement Fund: sunset dates.~~ *regulatory boards.*

(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 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, 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.

(3) 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 Existing law makes these provisions inoperative on July 1, 2013, and repealed on January 1, 2014.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.

(1)

(4) 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.

(2)

(5) 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.

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

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

- 1 SECTION 1. Section 2006 of the Business and Professions
- 2 Code is amended to read:
- 3 2006. (a) Any reference in this chapter to an investigation by
- 4 the board shall be deemed to refer to a joint investigation conducted
- 5 by employees of the Department of Justice and the board under
- 6 the vertical enforcement and prosecution model, as specified in
- 7 Section 12529.6 of the Government Code.
- 8 (b) This section shall remain in effect only until January 1, ~~2013~~
- 9 2014, and as of that date is repealed, unless a later enacted statute,
- 10 that is enacted before January 1, ~~2013~~ 2014, deletes or extends
- 11 that date.
- 12 SEC. 2. Section 2450.3 of the Business and Professions Code
- 13 is amended to read:
- 14 2450.3. There is within the jurisdiction of the Osteopathic
- 15 Medical Board of California a Naturopathic Medicine Committee
- 16 authorized under the Naturopathic Doctors Act (Chapter 8.2

(commencing with Section 3610)). This section shall become inoperative on January 1, ~~2013~~ 2014, and, as of that date is repealed, unless a later enacted statute that is enacted before January 1, ~~2013~~ 2014, deletes or extends that date.—The *Notwithstanding any other provision of law, the* repeal of this section renders the Naturopathic Medicine Committee subject to ~~the review required by Division 1.2 (commencing with Section 473)~~ review by the appropriate policy committees of the Legislature.

SEC. 3. Section 2602 of the Business and Professions Code is amended to read:

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

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

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

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

SEC. 4. Section 2607.5 of the Business and Professions Code is amended to read:

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

~~This section shall become inoperative on July 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed.~~

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

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

1 ~~SECTION 1.~~

2 ~~SEC. 5.~~ Section 4001 of the Business and Professions Code is
3 amended to read:

4 4001. (a) There is in the Department of Consumer Affairs a
5 California State Board of Pharmacy in which the administration
6 and enforcement of this chapter is vested. The board consists of
7 13 members.

8 (b) The Governor shall appoint seven competent pharmacists
9 who reside in different parts of the state to serve as members of
10 the board. The Governor shall appoint four public members, and
11 the Senate Committee on Rules and the Speaker of the Assembly
12 shall each appoint a public member who shall not be a licensee of
13 the board, any other board under this division, or any board referred
14 to in Section 1000 or 3600.

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

28 (d) Members of the board shall be appointed for a term of four
29 years. No person shall serve as a member of the board for more
30 than two consecutive terms. Each member shall hold office until
31 the appointment and qualification of his or her successor or until
32 one year shall have elapsed since the expiration of the term for
33 which the member was appointed, whichever first occurs.
34 Vacancies occurring shall be filled by appointment for the
35 unexpired term.

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

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

4 ~~SEC. 2.~~

5 *SEC. 6.* Section 4003 of the Business and Professions Code is
6 amended to read:

7 4003. (a) The board, with the approval of the director, may
8 appoint a person exempt from civil service who shall be designated
9 as an executive officer and who shall exercise the powers and
10 perform the duties delegated by the board and vested in him or her
11 by this chapter. The executive officer may or may not be a member
12 of the board as the board may determine.

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

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

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

25 (e) 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. 3.~~

29 *SEC. 7.* Section 8000 of the Business and Professions Code is
30 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. 4.~~

5 *SEC. 8.* Section 8005 of the Business and Professions Code is
6 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. 5.~~

18 *SEC. 9.* Section 8027 of the Business and Professions Code is
19 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.

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

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

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

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

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

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

(l) Each court reporting school shall file with the board, not 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. 6.~~

29 *SEC. 10.* 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. 7.~~

7 *SEC. 11.* 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. 12. Section 12529.6 of the Government Code is amended*
7 *to read:*

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

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

33 (c) The Medical Board of California, the Department of
34 Consumer Affairs, and the Office of the Attorney General shall,
35 if necessary, enter into an interagency agreement to implement
36 this section.

37 (d) This section does not affect the requirements of Section
38 12529.5 as applied to the Medical Board of California where
39 complaints that have not been assigned to a field office for
40 investigation are concerned.

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

4 (1) Increase its computer capabilities and compatibilities with
5 the Health Quality Enforcement Section in order to share case
6 information.

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

11 (3) Establish and implement a plan to assist in team building
12 between its enforcement staff and the staff of the Health Quality
13 Enforcement Section in order to ensure a common and consistent
14 knowledge base.

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