

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 12, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 16, 2013

**SENATE BILL**

**No. 304**

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**Introduced by Senator Lieu**

(Principal coauthor: *coauthors: Assembly Member Members Bonilla and Gordon*)

February 15, 2013

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An act to amend Sections ~~160, 159.5, 160.5, 2001, 2006, 2020, 2021, 2135.7, 2177, 2220.08, 2225.5, 2514, 2225.5, 2514, 2569, 4800, 4804.5, 4809.5, 4809.7, and 4809.8~~ of, to amend, repeal, and add ~~Section Sections 160 and 4836.1~~ of, *to amend and add Section 2006 of*, and to add Sections 2216.3, 2216.4, 2403, 4836.2, 4836.3, and 4836.4 to, the Business and Professions Code, to amend Sections 11529, 12529.6, and 12529.7 of, and to amend and repeal Sections 12529 and 12529.5 of, the Government Code, to amend Section 1248.15 of the Health and Safety Code, and to ~~amend amend, repeal, and add~~ Section 830.3 of the Penal Code, relating to healing arts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 304, as amended, Lieu. Healing arts: boards.

(1) Existing law provides for the licensure and regulation of physicians and surgeons by the Medical Board of ~~California within the Department of Consumer Affairs. California~~. Existing law authorizes the board to employ an executive director. Existing law provides that

those provisions will be repealed on January 1, 2014, and, upon repeal, the board is subject to review by the Joint Sunset Review Committee.

This bill would instead repeal those provisions on January 1, 2018, and subject the board to review by the appropriate policy committees of the Legislature. The bill would authorize the board to employ an executive director by, and with the approval of, the Director of Consumer Affairs.

Existing law authorizes the board to issue a physician and surgeon's license to an applicant who acquired all or part of his or her medical education at a foreign medical school that is not recognized by the board if, among other requirements, the applicant has held an unlimited and unrestricted license as a physician and surgeon in another state or federal territory and has continuously practiced for a minimum of 10 years prior to the date of application or to an applicant who acquired any part of his or her professional instruction at a foreign medical school that has previously been disapproved by the board if, among other requirements, the applicant has held an unlimited and unrestricted license as a physician and surgeon in another state or federal territory and has continuously practiced for a minimum of 20 years prior to the date of application. For the purposes of these provisions, the board may combine the period of time that the applicant has held an unlimited and unrestricted license, but requires each applicant to have a minimum of 5 years continuous licensure and practice in a single state or federal territory.

This bill would instead authorize the board to issue a physician and surgeon's license to an applicant who acquired any part of his or her medical education from an unrecognized *medical school if, among other requirements, the applicant has held an unlimited and unrestricted license as a physician and surgeon in another state, a federal territory, or a Canadian province and has continuously practiced for a minimum of 10 years prior to the date of application, or from a disapproved medical school if, among other requirements, the applicant has held an unlimited and unrestricted license as a physician and surgeon in another state, a federal territory, or a Canadian province and has continuously practiced for a minimum of 12 years prior to the date of application.* The bill would reduce the minimum number of years that each applicant must have continuous licensure and practice in a single state or federal territory to 2 years and permit the period of continuous licensure and practice to occur in a Canadian province.

Existing law authorizes the Medical Board of California, if it publishes a directory of its licensees, as specified, to require persons licensed, as specified, to furnish specified information to the board for purposes of compiling the directory.

This bill would require that an applicant and licensee who has an electronic mail address report to the board that electronic mail address no later than July 1, 2014. The bill would provide that the electronic mail address is to be considered confidential, as specified.

Existing law requires an applicant for a physician and surgeon's certificate to obtain a passing score on Step 3 of the United States Medical Licensing Examination with not more than 4 attempts, subject to an exception.

This bill would require an applicant to have obtained a passing score on all parts of that examination with not more than 4 attempts, subject to the exception.

Existing law requires that a complaint, with exceptions, received by the board determined to involve quality of care, before referral to a field office for further investigation, meet certain criteria.

This bill would expand the types of reports that are exempted from that requirement.

Existing law provides for a civil penalty of up to \$1,000 per day, as specified, to be imposed on a health care facility that fails to comply with a patient's medical record request, as specified, within 30 days.

This bill would shorten the time limit for compliance to 15 days for those health care facilities that have electronic health records.

Existing law establishes that corporations and other artificial legal entities have no professional rights, privileges, or powers.

This bill would provide that those provisions do not apply to physicians and surgeons or doctors of podiatric medicine enrolled in approved residency postgraduate training programs or fellowship programs.

(2) Existing law, the Licensed Midwifery Practice Act of 1993, ~~licenses and regulates~~ *provides for the licensure and regulation of* licensed midwives by the Medical Board of California. Existing law specifies that a midwife student meeting certain conditions is not precluded from engaging in the practice of midwifery as part of his or her course of study, if certain conditions are met, including, that the student is under the supervision of a licensed midwife.

This bill would require that to engage in those practices, the student is to be enrolled and participating in a midwifery education program or

enrolled in a program of supervised clinical training, as provided. The bill would add that the student is permitted to engage in those practices if he or she is under the supervision of a licensed nurse-midwife.

(3) Existing law provides for the regulation of registered dispensing opticians by the Medical Board of California and requires that the powers and duties of the board in that regard be subject to review by the Joint Sunset Review Committee as if those provisions were scheduled to be repealed on January 1, 2014.

This bill would instead make the powers and duties of the board subject to review by the appropriate policy committees of the Legislature as if those provisions were scheduled to be repealed on January 1, 2018.

(4) Existing law provides for the accreditation of outpatient settings, as defined by the Medical Board of California, and requires outpatient settings to report adverse events, as defined, to the State Department of Public Health within specified time limits. Existing law provides for the imposition of a civil penalty in the event that an adverse event is not reported within the applicable time limit.

This bill would instead require those outpatient settings to report adverse events to the Medical Board of California within specified time limits and authorize the board to impose a civil penalty if an outpatient setting fails to timely report an adverse event.

(5) Existing law establishes the Medical Quality Hearing Panel, consisting of no fewer than 5 administrative law judges with certain medical training, within the Office of Administrative Hearings. Existing law authorizes those administrative law judges to issue interim orders suspending a license, or imposing drug testing, continuing education, supervision of procedures, or other license restrictions. Existing law requires that in all of those cases in which an interim order is issued, and an accusation is not filed and served within 15 days of the date in which the parties to the hearing have submitted the matter, the order be dissolved.

Under existing law, if a healing arts practitioner is unable to practice his or her profession safely due to mental or physical illness, his or her licensing agency may order the practitioner to be examined by specified professionals.

This bill would extend the time in which the accusation must be filed and served to 30 days from the date on which the parties to the hearing submitted the matter. ~~This~~ *The* bill would also provide that a physician and surgeon's failure to comply with an order ~~related to these examination requirements~~ *to be examined* may constitute grounds for

an administrative law judge of the Medical Quality Hearing Panel to issue an interim suspension order.

Existing law establishes the Health Quality Enforcement Section within the Department of Justice to carry out certain duties. Existing law provides for the funding for the section, and for the appointment of a Senior Assistant Attorney General to the section to carry out specified duties. Existing law requires that all complaints or relevant information concerning licensees that are within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, or the Board of Psychology be made available to the Health Quality Enforcement Section. Existing law establishes the procedures for processing the complaints, assisting the boards or committees in establishing training programs for their staff, and for determining whether to bring a disciplinary proceeding against a licensee of the boards. Existing law provides for the repeal of those provisions, as provided, on January 1, 2014.

This bill would extend the operation of those provisions indefinitely.

Existing law establishes, until January 1, 2014, a vertical enforcement and prosecution model for cases before the Medical Board of California and requires the board to report to the Governor and Legislature on that model by March 1, 2012.

This bill would extend the date that report is due to March 1, 2015.

Existing law creates the Division of Investigation within the Department of Consumer Affairs and requires investigators who have the authority of peace officers to be in the division, except that investigators of the Medical Board of California and the Dental Board of California who have that authority are not required to be in the division.

This bill would ~~require~~ *require, effective July 1, 2014*, that investigators of the Medical Board of California who have the authority of a peace officer be in the division and would protect the positions, status, and rights of those investigators who are subsequently transferred as a result of these provisions. ~~This~~ *The* bill would also create within the Division of Investigation the Health Quality Investigation Unit.

(6) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board. Existing law repeals the provisions establishing the board, and authorizing the board to appoint an executive ~~officer~~ *officer*, as of January 1, 2014. Under existing law, the board is

subject to evaluation by the Joint Sunset Review Committee prior to its repeal.

This bill would provide that those provisions are instead repealed as of January 1, 2016. The bill, upon repeal of the board, would require that the board be subject to a specifically limited review by the appropriate policy committees of the Legislature.

Existing law authorizes the board, at any time, to inspect the premises in which veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced.

~~This bill would exclude premises that are not required to be registered with the board from inspection.~~

~~Existing law~~ *practiced and requires that those premises be registered with the board.* Existing law requires the board to establish a regular inspection program that will provide for random, unannounced inspections.

This bill would require the board to make every effort to inspect at least 20% of veterinary premises on an annual basis *and would exclude from inspection those premises that are not registered with the board.*

Existing law requires the board to establish an advisory committee, the Veterinary Medicine Multidisciplinary Advisory Committee, to assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of specified provisions and to assist the board in its examination, licensure, and registration programs. Existing law requires the committee to consist of 7 members, with 4 licensed veterinarians, 2 registered veterinary technicians, and one public member.

This bill would expand the number of members on the committee to 9 by including one veterinarian member of the board, to be appointed by the board president, and the registered veterinary technician of the board, both of whom would serve concurrently with their terms of office on the board. The bill would additionally require that the committee serve only in an advisory capacity to the board, as specified. The bill would make other technical and conforming changes.

Existing law authorizes a registered veterinary technician or a veterinary assistant to administer a drug under the direct or indirect supervision of a licensed veterinarian when administered pursuant to the order, control, and full professional responsibility of a licensed veterinarian. Existing law limits access to controlled substances by veterinary assistants to persons who have undergone a background check and who, to the best of the licensee manager's knowledge, do

not have any drug- or alcohol-related felony convictions. Existing law repeals these provisions on January 1, 2015.

This bill would instead require, until the later of January 1, 2015, or the effective date of a specified legislative determination, a licensee manager to conduct a background check on a veterinary assistant prior to authorizing him or her to obtain or administer a controlled substance by the order of a supervising veterinarian and to prohibit the veterinary assistant from obtaining or administering controlled substances if the veterinary assistant has a drug- or alcohol-related felony conviction.

This bill would require that, upon the later of January 1, 2015, or the effective date of a specified legislative determination, a veterinary assistant be designated by a licensed veterinarian ~~to obtain or administer controlled substances~~ and hold a valid veterinary assistant controlled substances permit from the ~~board~~: *board in order to obtain or administer controlled substances*. The bill would, as part of the application for a permit, require an applicant to furnish a set of fingerprints to the Department of Justice for the purposes of conducting both a state and federal criminal history record check. The bill would require an applicant for a veterinary assistant controlled substances permit to apply for a renewal of his or her permit on or before the last day of the applicant’s birthday month and to update his or her mailing or employer address with the board. The bill would authorize the board to collect a filing fee, not to exceed \$100, from applicants for a veterinary assistant controlled substances permit. Because that fee would be deposited in the Veterinary Medical Board Contingent Fund, which is a continuously appropriated fund, the bill would make an appropriation.

(7) 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 159.5 of the Business and Professions
- 2 Code is amended to read:

1 159.5. (a) (1) There is in the department the Division of  
2 Investigation. The division is in the charge of a person with the  
3 title of chief of the division.

4 ~~Except~~

5 (2) *Except* as provided in Section 160, investigators who have  
6 the authority of peace officers, as specified in subdivision (a) of  
7 Section 160 and in subdivision (a) of Section 830.3 of the Penal  
8 Code, shall be in the division and shall be appointed by the director.

9 (b) (1) *There is in the Division of Investigation the Health*  
10 *Quality Investigation Unit. The primary responsibility of the unit*  
11 *is to investigate violations of law or regulation within the*  
12 *jurisdiction of the Medical Board of California, the California*  
13 *Board of Podiatric Medicine, the Board of Psychology, or any*  
14 *committee under the jurisdiction of the Medical Board of*  
15 *California.*

16 (2) *The Medical Board of California shall not be charged an*  
17 *hourly rate for the performance of investigations by the unit, nor*  
18 *shall investigation costs incurred by the unit be charged to the*  
19 *Medical Board of California.*

20 (3) *This subdivision shall become operative on July 1, 2014.*

21 *SEC. 2. Section 160 of the Business and Professions Code is*  
22 *amended to read:*

23 160. (a) The Chief and all investigators of the Division of  
24 Investigation of the department and all investigators of the Medical  
25 Board of California and the Dental Board of California have the  
26 authority of peace officers while engaged in exercising the powers  
27 granted or performing the duties imposed upon them or the division  
28 in investigating the laws administered by the various boards  
29 comprising the department or commencing directly or indirectly  
30 any criminal prosecution arising from any investigation conducted  
31 under these laws. All persons herein referred to shall be deemed  
32 to be acting within the scope of employment with respect to all  
33 acts and matters set forth in this section.

34 (b) The Division of Investigation of the department, the Medical  
35 Board of California, and the Dental Board of California may  
36 employ individuals, who are not peace officers, to provide  
37 investigative services.

38 (c) *This section shall become inoperative on July 1, 2014, and,*  
39 *as of January 1, 2015, is repealed, unless a later enacted statute,*

1 *that becomes operative on or before January 1, 2015, deletes or*  
2 *extends the dates on which it becomes inoperative and is repealed.*

3 ~~SECTION 1. Section 160 of the Business and Professions Code~~  
4 ~~is amended to read:~~

5 ~~160.—~~

6 *SEC. 3. Section 160 is added to the Business and Professions*  
7 *Code, to read:*

8 *160. (a) The Chief and all investigators of the Division of*  
9 *Investigation of the department and all investigators of the Dental*  
10 *Board of California have the authority of peace officers while*  
11 *engaged in exercising the powers granted or performing the duties*  
12 *imposed upon them or the division in investigating the laws*  
13 *administered by the various boards comprising the department or*  
14 *commencing directly or indirectly any criminal prosecution arising*  
15 *from any investigation conducted under these laws. All persons*  
16 *herein referred to shall be deemed to be acting within the scope*  
17 *of employment with respect to all acts and matters set forth in this*  
18 *section.*

19 *(b) The Division of Investigation of the department and the*  
20 *Dental Board of California may employ individuals, who are not*  
21 *peace officers, to provide investigative services.*

22 ~~*(c) There is in the Division of Investigation the Health Quality*~~  
23 ~~*Investigation Unit. The primary responsibility of the unit is to*~~  
24 ~~*investigate violations of law or regulation by licensees and*~~  
25 ~~*applicants within the jurisdiction of the Medical Board of*~~  
26 ~~*California, the California Board of Podiatric Medicine, the Board*~~  
27 ~~*of Psychology, or any committee under the jurisdiction of the*~~  
28 ~~*Medical Board of California.*~~

29 *(c) This section shall become operative on July 1, 2014.*

30 ~~SEC. 2.~~

31 *SEC. 4. Section 160.5 of the Business and Professions Code*  
32 *is amended to read:*

33 *160.5. (a) All civil service employees currently employed by*  
34 *the Board of Dental Examiners of the Department of Consumer*  
35 *Affairs, whose functions are transferred as a result of the act adding*  
36 *this section shall retain their positions, status, and rights pursuant*  
37 *to Section 19050.9 of the Government Code and the State Civil*  
38 *Service Act (Part 2 (commencing with Section 18500) of Division*  
39 *5 of Title 2 of the Government Code). The transfer of employees*

1 as a result of the act adding this section shall occur no later than  
2 July 1, 1999.

3 (b) (1) All civil service employees currently employed by the  
4 Medical Board of California of the Department of Consumer  
5 Affairs, whose functions are transferred as a result of the act adding  
6 this subdivision shall retain their positions, status, and rights  
7 pursuant to Section 19050.9 of the Government Code and the State  
8 Civil Service Act (Part 2 (commencing with Section 18500) of  
9 Division 5 of Title 2 of the Government Code). The transfer of  
10 employees as a result of the act adding this subdivision shall occur  
11 no later than ~~January~~ July 1, 2014.

12 (2) The transfer of employees pursuant to this subdivision shall  
13 include all peace officer positions and *all* staff support positions  
14 ~~that are identified by the department as positions whose functions~~  
15 ~~are primarily enforcement related.~~ *for those peace officer positions.*

16 ~~SEC. 3.~~

17 *SEC. 5.* Section 2001 of the Business and Professions Code is  
18 amended to read:

19 2001. (a) There is in the Department of Consumer Affairs a  
20 Medical Board of California that consists of 15 members, seven  
21 of whom shall be public members.

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

26 (c) This section shall remain in effect only until January 1, 2018,  
27 and as of that date is repealed, unless a later enacted statute, that  
28 is enacted before January 1, 2018, deletes or extends that date.  
29 Notwithstanding any other law, the repeal of this section renders  
30 the board subject to review by the appropriate policy committees  
31 of the Legislature.

32 *SEC. 6. Section 2006 of the Business and Professions Code is*  
33 *amended to read:*

34 2006. (a) Any reference in this chapter to an investigation by  
35 the board shall be deemed to refer to a joint investigation conducted  
36 by employees of the Department of Justice and the board under  
37 the vertical enforcement and prosecution model, as specified in  
38 Section 12529.6 of the Government Code.

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

4 *(b) This section shall become inoperative on July 1, 2014, and,*  
5 *as of January 1, 2015, is repealed, unless a later enacted statute,*  
6 *that becomes operative on or before January 1, 2015, deletes or*  
7 *extends the dates on which it becomes inoperative and is repealed.*

8 ~~SEC. 4. Section 2006 of the Business and Professions Code is~~  
9 ~~amended to read:~~

10 ~~2006.—~~

11 *SEC. 7. Section 2006 is added to the Business and Professions*  
12 *Code, to read:*

13 *2006. (a) Any reference in this chapter to an investigation by*  
14 *the board shall be deemed to refer to a joint investigation conducted*  
15 *by employees of the Department of Justice and the Health Quality*  
16 *Investigation Unit under the vertical enforcement and prosecution*  
17 *model, as specified in Section 12529.6 of the Government Code.*

18 *(b) This section shall become operative on July 1, 2014.*

19 ~~SEC. 5.~~

20 *SEC. 8. Section 2020 of the Business and Professions Code is*  
21 *amended to read:*

22 *2020. (a) The board, by and with the approval of the director,*  
23 *may employ an executive director exempt from the provisions of*  
24 *the Civil Service Act and may also employ investigators, legal*  
25 *counsel, medical consultants, and other assistance as it may deem*  
26 *necessary to carry this chapter into effect. The board may fix the*  
27 *compensation to be paid for services subject to the provisions of*  
28 *applicable state laws and regulations and may incur other expenses*  
29 *as it may deem necessary. Investigators employed by the board*  
30 *shall be provided special training in investigating medical practice*  
31 *activities.*

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

35 *(c) This section shall remain in effect only until January 1, 2018,*  
36 *and as of that date is repealed, unless a later enacted statute, that*  
37 *is enacted before January 1, 2018, deletes or extends that date.*

38 ~~SEC. 6.~~

39 *SEC. 9. Section 2021 of the Business and Professions Code is*  
40 *amended to read:*

1 2021. (a) If the board publishes a directory pursuant to Section  
2 112, it may require persons licensed pursuant to this chapter to  
3 furnish any information as it may deem necessary to enable it to  
4 compile the directory.

5 (b) Each licensee shall report to the board each and every change  
6 of address within 30 days after each change, giving both the old  
7 and new address. If an address reported to the board at the time of  
8 application for licensure or subsequently is a post office box, the  
9 applicant shall also provide the board with a street address. If  
10 another address is the licensee's address of record, he or she may  
11 request that the second address not be disclosed to the public.

12 (c) Each licensee shall report to the board each and every change  
13 of name within 30 days after each change, giving both the old and  
14 new names.

15 (d) Each applicant and licensee who has an electronic mail  
16 address shall report to the board that electronic mail address no  
17 later than July 1, 2014. The electronic mail address shall be  
18 considered confidential and not subject to public disclosure.

19 (e) The board shall annually send an electronic notice to each  
20 applicant and licensee that requests confirmation from the applicant  
21 or licensee that his or her electronic mail address is current.

22 ~~SEC. 7.~~

23 *SEC. 10.* Section 2135.7 of the Business and Professions Code  
24 is amended to read:

25 2135.7. (a) Upon review and recommendation, the board may  
26 determine that an applicant for a physician and surgeon's certificate  
27 who acquired his or her medical education or a portion thereof at  
28 a foreign medical school that is not recognized or has been  
29 previously disapproved by the board is eligible for a physician and  
30 surgeon's certificate if the applicant meets all of the following  
31 criteria:

32 (1) Has successfully completed a resident course of medical  
33 education leading to a degree of medical doctor equivalent to that  
34 specified in Sections 2089 to 2091.2, inclusive.

35 (2) (A) (i) For an applicant who acquired any part of his or  
36 her medical education from an unrecognized foreign medical school  
37 ~~or from a foreign medical school previously disapproved by the~~  
38 ~~board, school~~, he or she holds an unlimited and unrestricted license  
39 as a physician and surgeon in another state, a federal territory, or

1 a Canadian province and has held that license and continuously  
2 practiced for a minimum of 10 years prior to the date of application.

3 (ii) *For an applicant who acquired any part of his or her*  
4 *professional instruction from a foreign medical school that was*  
5 *disapproved by the board at the time he or she attended the school,*  
6 *he or she holds an unlimited and unrestricted license as a physician*  
7 *and surgeon in another state or federal territory and has held that*  
8 *license and continuously practiced for a minimum of 12 years*  
9 *prior to the date of application.*

10 (B) For the purposes of *clauses (i) and (ii) of subparagraph (A),*  
11 *the board may combine the period of time that the applicant has*  
12 *held an unlimited and unrestricted license in other states, federal*  
13 *territories, or Canadian provinces and continuously practiced*  
14 *therein, but each applicant under this section shall have a minimum*  
15 *of two years continuous licensure and practice in a single state,*  
16 *federal territory, or Canadian province. For purposes of this*  
17 *paragraph, continuous licensure and practice includes any*  
18 *postgraduate training after 24 months in a postgraduate training*  
19 *program that is accredited by the Accreditation Council for*  
20 *Graduate Medical Education (ACGME) or postgraduate training*  
21 *completed in Canada that is accredited by the Royal College of*  
22 *Physicians and Surgeons of Canada (RCPSC).*

23 (3) Is certified by a specialty board that is a member board of  
24 the American Board of Medical Specialties.

25 (4) Has successfully taken and passed the examinations  
26 described in Article 9 (commencing with Section 2170).

27 (5) Has not been the subject of a disciplinary action by a medical  
28 licensing authority or of adverse judgments or settlements resulting  
29 from the practice of medicine that the board determines constitutes  
30 a pattern of negligence or incompetence.

31 (6) Has successfully completed three years of approved  
32 postgraduate training. The postgraduate training required by this  
33 paragraph shall have been obtained in a postgraduate training  
34 program accredited by the ACGME or postgraduate training  
35 completed in Canada that is accredited by the RCPSC.

36 (7) Is not subject to denial of licensure under Division 1.5  
37 (commencing with Section 475) or Article 12 (commencing with  
38 Section 2220).

1 (8) Has not held a healing arts license and been the subject of  
2 disciplinary action by a healing arts board of this state or by another  
3 state, federal territory, or Canadian province.

4 (b) The board may adopt regulations to establish procedures for  
5 accepting transcripts, diplomas, and other supporting information  
6 and records when the originals are not available due to  
7 circumstances outside the applicant's control. The board may also  
8 adopt regulations authorizing the substitution of additional specialty  
9 board certifications for years of practice or licensure when  
10 considering the certification for a physician and surgeon pursuant  
11 to this section.

12 (c) This section shall not apply to a person seeking to participate  
13 in a program described in Sections 2072, 2073, 2111, 2112, 2113,  
14 2115, or 2168, or seeking to engage in postgraduate training in  
15 this state.

16 ~~SEC. 8.~~

17 *SEC. 11.* Section 2177 of the Business and Professions Code  
18 is amended to read:

19 2177. (a) A passing score is required for an entire examination  
20 or for each part of an examination, as established by resolution of  
21 the board.

22 (b) Applicants may elect to take the written examinations  
23 conducted or accepted by the board in separate parts.

24 (c) (1) An applicant shall have obtained a passing score on all  
25 parts of Step 3 of the United States Medical Licensing Examination  
26 within not more than four attempts in order to be eligible for a  
27 physician's and surgeon's certificate.

28 (2) Notwithstanding paragraph (1), an applicant who obtains  
29 a passing score on all parts of Step 3 of the United States Medical  
30 Licensing Examination in more than four attempts and who meets  
31 the requirements of Section 2135.5 shall be eligible to be  
32 considered for issuance of a physician's and surgeon's certificate.

33 ~~SEC. 9.~~

34 *SEC. 12.* Section 2216.3 is added to the Business and  
35 Professions Code, to read:

36 2216.3. (a) An outpatient setting accredited pursuant to Section  
37 1248.1 of the Health and Safety Code shall report an adverse event  
38 to the board no later than five days after the adverse event has been  
39 detected, or, if that event is an ongoing urgent or emergent threat  
40 to the welfare, health, or safety of patients, personnel, or visitors,

1 not later than 24 hours after the adverse event has been detected.  
2 Disclosure of individually identifiable patient information shall  
3 be consistent with applicable law.

4 (b) For the purposes of this section, “adverse event” has the  
5 same meaning as in subdivision (b) of Section 1279.1 of the Health  
6 and Safety Code.

7 ~~SEC. 10.~~

8 *SEC. 13.* Section 2216.4 is added to the Business and  
9 Professions Code, to read:

10 2216.4. If an accredited outpatient setting fails to report an  
11 adverse event pursuant to Section 2216.3, the board may assess  
12 the accredited outpatient setting a civil penalty in an amount not  
13 to exceed one hundred dollars (\$100) for each day that the adverse  
14 event is not reported following the initial five-day period or 24-hour  
15 period, as applicable. If the accredited outpatient setting disputes  
16 a determination by the board regarding an alleged failure to report  
17 an adverse event, the accredited outpatient setting may, within 10  
18 days of notification of the board’s determination, request a hearing,  
19 which shall be conducted pursuant to the administrative  
20 adjudication provisions of Chapter 4.5 (commencing with Section  
21 11400) and Chapter 5 (commencing with Section 11500) of Part  
22 1 of Division 3 of Title 2 of the Government Code. Penalties shall  
23 be paid when appeals pursuant to those provisions have been  
24 exhausted.

25 ~~SEC. 11.~~

26 *SEC. 14.* Section 2220.08 of the Business and Professions Code  
27 is amended to read:

28 2220.08. (a) Except for reports received by the board pursuant  
29 to Section 801.01 or 805 that may be treated as complaints by the  
30 board and new complaints relating to a physician and surgeon who  
31 is the subject of a pending accusation or investigation or who is  
32 on probation, any complaint determined to involve quality of care,  
33 before referral to a field office for further investigation, shall meet  
34 the following criteria:

35 (1) It shall be reviewed by one or more medical experts with  
36 the pertinent education, training, and expertise to evaluate the  
37 specific standard of care issues raised by the complaint to determine  
38 if further field investigation is required.

39 (2) It shall include the review of the following, which shall be  
40 requested by the board:

- 1 (A) Relevant patient records.
- 2 (B) The statement or explanation of the care and treatment
- 3 provided by the physician and surgeon.
- 4 (C) Any additional expert testimony or literature provided by
- 5 the physician and surgeon.
- 6 (D) Any additional facts or information requested by the medical
- 7 expert reviewers that may assist them in determining whether the
- 8 care rendered constitutes a departure from the standard of care.
- 9 (b) If the board does not receive the information requested
- 10 pursuant to paragraph (2) of subdivision (a) within 10 working
- 11 days of requesting that information, the complaint may be reviewed
- 12 by the medical experts and referred to a field office for
- 13 investigation without the information.
- 14 (c) Nothing in this section shall impede the board’s ability to
- 15 seek and obtain an interim suspension order or other emergency
- 16 relief.

17 ~~SEC. 12.~~

18 *SEC. 15.* Section 2225.5 of the Business and Professions Code  
19 is amended to read:

20 2225.5. (a) (1) A licensee who fails or refuses to comply with  
21 a request for the certified medical records of a patient, that is  
22 accompanied by that patient’s written authorization for release of  
23 records to the board, within 15 days of receiving the request and  
24 authorization, shall pay to the board a civil penalty of one thousand  
25 dollars (\$1,000) per day for each day that the documents have not  
26 been produced after the 15th day, up to ten thousand dollars  
27 (\$10,000), unless the licensee is unable to provide the documents  
28 within this time period for good cause.

29 (2) A health care facility shall comply with a request for the  
30 certified medical records of a patient that is accompanied by that  
31 patient’s written authorization for release of records to the board  
32 together with a notice citing this section and describing the  
33 penalties for failure to comply with this section. Failure to provide  
34 the authorizing patient’s certified medical records to the board  
35 within 30 days of receiving the request, authorization, and notice  
36 shall subject the health care facility to a civil penalty, payable to  
37 the board, of up to one thousand dollars (\$1,000) per day for each  
38 day that the documents have not been produced after the 30th day,  
39 up to ten thousand dollars (\$10,000), unless the health care facility  
40 is unable to provide the documents within this time period for good

1 cause. For health care facilities that have electronic health records,  
2 failure to provide the authorizing patient's certified medical records  
3 to the board within 15 days of receiving the request, authorization,  
4 and notice shall subject the health care facility to a civil penalty,  
5 payable to the board, of up to one thousand dollars (\$1,000) per  
6 day for each day that the documents have not been produced after  
7 the 15th day, up to ten thousand dollars (\$10,000), unless the health  
8 care facility is unable to provide the documents within this time  
9 period for good cause. This paragraph shall not require health care  
10 facilities to assist the board in obtaining the patient's authorization.  
11 The board shall pay the reasonable costs of copying the certified  
12 medical records.

13 (b) (1) A licensee who fails or refuses to comply with a court  
14 order, issued in the enforcement of a subpoena, mandating the  
15 release of records to the board shall pay to the board a civil penalty  
16 of one thousand dollars (\$1,000) per day for each day that the  
17 documents have not been produced after the date by which the  
18 court order requires the documents to be produced, up to ten  
19 thousand dollars (\$10,000), unless it is determined that the order  
20 is unlawful or invalid. Any statute of limitations applicable to the  
21 filing of an accusation by the board shall be tolled during the period  
22 the licensee is out of compliance with the court order and during  
23 any related appeals.

24 (2) Any licensee who fails or refuses to comply with a court  
25 order, issued in the enforcement of a subpoena, mandating the  
26 release of records to the board is guilty of a misdemeanor  
27 punishable by a fine payable to the board not to exceed five  
28 thousand dollars (\$5,000). The fine shall be added to the licensee's  
29 renewal fee if it is not paid by the next succeeding renewal date.  
30 Any statute of limitations applicable to the filing of an accusation  
31 by the board shall be tolled during the period the licensee is out  
32 of compliance with the court order and during any related appeals.

33 (3) A health care facility that fails or refuses to comply with a  
34 court order, issued in the enforcement of a subpoena, mandating  
35 the release of patient records to the board, that is accompanied by  
36 a notice citing this section and describing the penalties for failure  
37 to comply with this section, shall pay to the board a civil penalty  
38 of up to one thousand dollars (\$1,000) per day for each day that  
39 the documents have not been produced, up to ten thousand dollars  
40 (\$10,000), after the date by which the court order requires the

1 documents to be produced, unless it is determined that the order  
2 is unlawful or invalid. Any statute of limitations applicable to the  
3 filing of an accusation by the board against a licensee shall be  
4 tolled during the period the health care facility is out of compliance  
5 with the court order and during any related appeals.

6 (4) Any health care facility that fails or refuses to comply with  
7 a court order, issued in the enforcement of a subpoena, mandating  
8 the release of records to the board is guilty of a misdemeanor  
9 punishable by a fine payable to the board not to exceed five  
10 thousand dollars (\$5,000). Any statute of limitations applicable to  
11 the filing of an accusation by the board against a licensee shall be  
12 tolled during the period the health care facility is out of compliance  
13 with the court order and during any related appeals.

14 (c) Multiple acts by a licensee in violation of subdivision (b)  
15 shall be punishable by a fine not to exceed five thousand dollars  
16 (\$5,000) or by imprisonment in a county jail not exceeding six  
17 months, or by both that fine and imprisonment. Multiple acts by  
18 a health care facility in violation of subdivision (b) shall be  
19 punishable by a fine not to exceed five thousand dollars (\$5,000)  
20 and shall be reported to the State Department of Public Health and  
21 shall be considered as grounds for disciplinary action with respect  
22 to licensure, including suspension or revocation of the license or  
23 certificate.

24 (d) A failure or refusal of a licensee to comply with a court  
25 order, issued in the enforcement of a subpoena, mandating the  
26 release of records to the board constitutes unprofessional conduct  
27 and is grounds for suspension or revocation of his or her license.

28 (e) Imposition of the civil penalties authorized by this section  
29 shall be in accordance with the Administrative Procedure Act  
30 (Chapter 5 (commencing with Section 11500) of Division 3 of  
31 Title 2 of the Government Code).

32 (f) For purposes of this section, “certified medical records”  
33 means a copy of the patient’s medical records authenticated by the  
34 licensee or health care facility, as appropriate, on a form prescribed  
35 by the board.

36 (g) For purposes of this section, a “health care facility” means  
37 a clinic or health facility licensed or exempt from licensure  
38 pursuant to Division 2 (commencing with Section 1200) of the  
39 Health and Safety Code.

1 ~~SEC. 13.~~

2 *SEC. 16.* Section 2403 is added to the Business and Professions  
3 Code, to read:

4 2403. The provisions of Section 2400 do not apply to  
5 physicians and surgeons or doctors of podiatric medicine enrolled  
6 in approved residency postgraduate training programs or fellowship  
7 programs.

8 ~~SEC. 14.~~

9 *SEC. 17.* Section 2514 of the Business and Professions Code  
10 is amended to read:

11 2514. (a) Nothing in this chapter shall be construed to prevent  
12 a bona fide student from engaging in the practice of midwifery in  
13 this state, as part of his or her course of study, if both of the  
14 following conditions are met:

15 (1) The student is under the supervision of a licensed midwife  
16 or certified nurse-midwife, who holds a clear and unrestricted  
17 license in this state, who is present on the premises at all times  
18 client services are provided, and who is practicing pursuant to  
19 Section 2507 or 2746.5, or a physician and surgeon.

20 (2) The client is informed of the student's status.

21 (b) For the purposes of this section, a "bona fide student" means  
22 an individual who is enrolled and participating in a midwifery  
23 education program or who is enrolled in a program of supervised  
24 clinical training as part of the instruction of a three year  
25 postsecondary midwifery education program approved by the  
26 board.

27 ~~SEC. 15.~~

28 *SEC. 18.* Section 2569 of the Business and Professions Code  
29 is amended to read:

30 2569. Notwithstanding any other law, the powers and duties  
31 of the board, as set forth in this chapter, shall be subject to review  
32 by the appropriate policy committees of the Legislature. The review  
33 shall be performed as if this chapter were scheduled to be repealed  
34 as of January 1, 2018.

35 ~~SEC. 16.~~

36 *SEC. 19.* Section 4800 of the Business and Professions Code  
37 is amended to read:

38 4800. (a) There is in the Department of Consumer Affairs a  
39 Veterinary Medical Board in which the administration of this  
40 chapter is vested. The board consists of the following members:

- 1 (1) Four licensed veterinarians.
- 2 (2) One registered veterinary technician.
- 3 (3) Three public members.

4 (b) This section shall remain in effect only until January 1, 2016,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2016, deletes or extends that date.

7 (c) Notwithstanding any other law, the repeal of this section  
8 renders the board subject to review by the appropriate policy  
9 committees of the Legislature. However, the review of the board  
10 shall be limited to those issues identified by the appropriate policy  
11 committees of the Legislature and shall not involve the preparation  
12 or submission of a sunset review document or evaluative  
13 questionnaire.

14 ~~SEC. 17.~~

15 *SEC. 20.* Section 4804.5 of the Business and Professions Code  
16 is amended to read:

17 4804.5. The board may appoint a person exempt from civil  
18 service who shall be designated as an executive officer and who  
19 shall exercise the powers and perform the duties delegated by the  
20 board and vested in him or her by this chapter.

21 This section shall remain in effect only until January 1, 2016,  
22 and as of that date is repealed, unless a later enacted statute, that  
23 is enacted before January 1, 2016, deletes or extends that date.

24 ~~SEC. 18.~~

25 *SEC. 21.* Section 4809.5 of the Business and Professions Code  
26 is amended to read:

27 4809.5. The board may at any time inspect the premises in  
28 which veterinary medicine, veterinary dentistry, or veterinary  
29 surgery is being practiced. The board's inspection authority does  
30 not extend to premises that are ~~not required to be~~ registered with  
31 the board. Nothing in this section shall be construed to affect the  
32 board's ability to investigate alleged unlicensed activity.

33 ~~SEC. 19.~~

34 *SEC. 22.* Section 4809.7 of the Business and Professions Code  
35 is amended to read:

36 4809.7. The board shall establish a regular inspection program  
37 that will provide for random, unannounced inspections. The board  
38 shall make every effort to inspect at least 20 percent of veterinary  
39 premises on an annual basis.

1     ~~SEC. 20.~~

2     *SEC. 23.* Section 4809.8 of the Business and Professions Code  
3 is amended to read:

4     4809.8. (a) The board shall establish an advisory committee  
5 to assist, advise, and make recommendations for the  
6 implementation of rules and regulations necessary to ensure proper  
7 administration and enforcement of this chapter and to assist the  
8 board in its examination, licensure, and registration programs. The  
9 committee shall serve only in an advisory capacity to the board  
10 and the objectives, duties, and actions of the committee shall not  
11 be a substitute for or conflict with any of the powers, duties, and  
12 responsibilities of the board. The committee shall be known as the  
13 Veterinary Medicine Multidisciplinary Advisory Committee. The  
14 multidisciplinary committee shall consist of nine members. The  
15 following members of the multidisciplinary committee shall be  
16 appointed by the board from lists of nominees solicited by the  
17 board: four licensed veterinarians, two registered veterinary  
18 technicians, and one public member. The committee shall also  
19 include one veterinarian member of the board, to be appointed by  
20 the board president, and the registered veterinary technician  
21 member of the board. Members of the multidisciplinary committee  
22 shall represent a sufficient cross section of the interests in  
23 veterinary medicine in order to address the issues before it, as  
24 determined by the board, including veterinarians, registered  
25 veterinary technicians, and members of the public.

26     (b) Multidisciplinary committee members appointed by the  
27 board shall serve for a term of three years and appointments shall  
28 be staggered accordingly. A member may be reappointed, but no  
29 person shall serve as a member of the committee for more than  
30 two consecutive terms. Vacancies occurring shall be filled by  
31 appointment for the unexpired term, within 90 days after they  
32 occur. Board members of the multidisciplinary committee shall  
33 serve concurrently with their terms of office on the board.

34     (c) The multidisciplinary committee shall be subject to the  
35 requirements of Article 9 (commencing with Section 11120) of  
36 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
37 Code.

38     (d) Multidisciplinary committee members shall receive a per  
39 diem as provided in Section 103 and shall be compensated for their

1 actual travel expenses in accordance with the rules and regulations  
2 adopted by the Department of Human Resources.

3 (e) The board may remove a member of the multidisciplinary  
4 committee appointed by the board for continued neglect of a duty  
5 required by this chapter, for incompetency, or for unprofessional  
6 conduct.

7 (f) It is the intent of the Legislature that the multidisciplinary  
8 committee, in implementing this section, give appropriate  
9 consideration to issues pertaining to the practice of registered  
10 veterinarian technicians.

11 ~~SEC. 24.~~

12 *SEC. 24.* Section 4836.1 of the Business and Professions Code  
13 is amended to read:

14 4836.1. (a) Notwithstanding any other provision of law, a  
15 registered veterinary technician or a veterinary assistant may  
16 administer a drug, including, but not limited to, a drug that is a  
17 controlled substance, under the direct or indirect supervision of a  
18 licensed veterinarian when done pursuant to the order, control,  
19 and full professional responsibility of a licensed veterinarian.  
20 However, no person, other than a licensed veterinarian, may induce  
21 anesthesia unless authorized by regulation of the board.

22 (b) Prior to authorizing a veterinary assistant to obtain or  
23 administer a controlled substance by the order of a supervising  
24 veterinarian, the licensee manager in a veterinary practice shall  
25 conduct a background check on that veterinary assistant. A  
26 veterinary assistant who has a drug- or alcohol-related felony  
27 conviction, as indicated in the background check, shall be  
28 prohibited from obtaining or administering controlled substances.

29 (c) Notwithstanding subdivision (b), if the Veterinary Medical  
30 Board, in consultation with the Board of Pharmacy, identifies a  
31 dangerous drug, as defined in Section 4022, as a drug that has an  
32 established pattern of being diverted, the Veterinary Medical Board  
33 may restrict access to that drug by veterinary assistants.

34 (d) For purposes of this section, the following definitions apply:

35 (1) “Controlled substance” has the same meaning as that term  
36 is defined in Section 11007 of the Health and Safety Code.

37 (2) “Direct supervision” has the same meaning as that term is  
38 defined in subdivision (e) of Section 2034 of Title 16 of the  
39 California Code of Regulations.

1 (3) “Drug” has the same meaning as that term is defined in  
2 Section 11014 of the Health and Safety Code.

3 (4) “Indirect supervision” has the same meaning as that term is  
4 defined in subdivision (f) of Section 2034 of Title 16 of the  
5 California Code of Regulations.

6 (e) This section shall become inoperative on the later of January  
7 1, 2015, or the date Section 4836.2 becomes operative, and, as of  
8 January 1 next following that date, is repealed, unless a later  
9 enacted statute, that becomes operative on or before that date,  
10 deletes or extends the dates on which it becomes inoperative is  
11 repealed.

12 ~~SEC. 22.~~

13 SEC. 25. Section 4836.1 is added to the Business and  
14 Professions Code, to read:

15 4836.1. (a) Notwithstanding any other ~~provision of~~ law, a  
16 registered veterinary technician or a veterinary assistant may  
17 administer a drug, including, but not limited to, a drug that is a  
18 controlled ~~substance~~ *substance*, under the direct or indirect  
19 supervision of a licensed veterinarian when done pursuant to the  
20 order, control, and full professional responsibility of a licensed  
21 veterinarian. However, no person, other than a licensed  
22 veterinarian, may induce anesthesia unless authorized by regulation  
23 of the board.

24 (b) A veterinary assistant may obtain or administer a controlled  
25 substance pursuant to the order, control, and full professional  
26 responsibility of a licensed veterinarian, only if he or she meets  
27 both of the following conditions:

28 (1) Is designated by a licensed veterinarian to obtain or  
29 administer controlled substances.

30 (2) Holds a valid veterinary assistant controlled substance permit  
31 issued pursuant to Section 4836.2.

32 (c) Notwithstanding subdivision (b), if the Veterinary Medical  
33 Board, in consultation with the Board of Pharmacy, identifies a  
34 dangerous drug, as defined in Section 4022, as a drug that has an  
35 established pattern of being diverted, the Veterinary Medical Board  
36 may restrict access to that drug by veterinary assistants.

37 (d) For purposes of this section, the following definitions apply:

38 (1) “Controlled substance” has the same meaning as that term  
39 is defined in Section 11007 of the Health and Safety Code.

1 (2) “Direct supervision” has the same meaning as that term is  
2 defined in subdivision (e) of Section 2034 of Title 16 of the  
3 California Code of Regulations.

4 (3) “Drug” has the same meaning as that term is defined in  
5 Section 11014 of the Health and Safety Code.

6 (4) “Indirect supervision” has the same meaning as that term is  
7 defined in subdivision (f) of Section 2034 of Title 16 of the  
8 California Code of Regulations.

9 (e) This section shall become operative on the date Section  
10 4836.2 becomes operative.

11 ~~SEC. 23.~~

12 *SEC. 26.* Section 4836.2 is added to the Business and  
13 Professions Code, to read:

14 4836.2. (a) Applications for a veterinary assistant controlled  
15 substance permit shall be upon a form furnished by the board.

16 (b) The fee for filing an application for a veterinary assistant  
17 controlled substance permit shall be set by the board in an amount  
18 the board determines is reasonably necessary to provide sufficient  
19 funds to carry out the purposes of this section, not to exceed one  
20 hundred dollars (\$100).

21 (c) The board may deny, suspend, or revoke the controlled  
22 substance permit of a veterinary assistant after notice and hearing  
23 for any cause provided in this subdivision. The proceedings under  
24 this section shall be conducted in accordance with the provisions  
25 for administrative adjudication in Chapter 5 (commencing with  
26 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
27 Code, and the board shall have all the powers granted therein. The  
28 board may revoke or suspend a veterinary assistant controlled  
29 substance permit for any of the following reasons:

30 (1) The employment of fraud, misrepresentation, or deception  
31 in obtaining a veterinary assistant controlled substance permit.

32 (2) Chronic inebriety or habitual use of controlled substances.

33 (3) Violating or attempts to violate, directly or indirectly, or  
34 assisting in or abetting the violation of, or conspiring to violate,  
35 any provision of this chapter, or of the regulations adopted under  
36 this chapter.

37 (d) The board shall not issue a veterinary assistant controlled  
38 substance permit to any applicant with a state or federal felony  
39 controlled substance conviction.

1 (e) The board shall revoke a veterinary assistant controlled  
2 substance permit upon notification that the veterinary assistant to  
3 whom the license is issued has been convicted of a state or federal  
4 felony controlled substance violation.

5 (f) (1) As part of the application for a veterinary assistant  
6 controlled substance permit, the applicant shall submit to the  
7 Department of Justice fingerprint images and related information,  
8 as required by the Department of Justice for all veterinary assistant  
9 applicants, for the purposes of obtaining information as to the  
10 existence and content of a record of state or federal convictions  
11 and state or federal arrests and information as to the existence and  
12 content of a record of state or federal arrests for which the  
13 Department of Justice establishes that the person is free on bail or  
14 on his or her own recognizance pending trial or appeal.

15 (2) When received, the Department of Justice shall forward to  
16 the Federal Bureau of Investigation requests for federal summary  
17 criminal history information that it receives pursuant to this section.  
18 The Department of Justice shall review any information returned  
19 to it from the Federal Bureau of Investigation and compile and  
20 disseminate a response to the board summarizing that information.

21 (3) The Department of Justice shall provide a state or federal  
22 level response to the board pursuant to paragraph (1) of subdivision  
23 (p) of Section 11105 of the Penal Code.

24 (4) The Department of Justice shall charge a reasonable fee  
25 sufficient to cover the cost of processing the request described in  
26 this subdivision.

27 (g) The board shall request from the Department of Justice  
28 subsequent notification service, as provided pursuant to Section  
29 11105.2 of the Penal Code, for persons described in paragraph (1)  
30 of subdivision (f).

31 (h) This section shall become operative upon the later of January  
32 1, 2015, or the effective date of the statute in which the Legislature  
33 makes a determination that the board has sufficient staffing to  
34 implement this section.

35 ~~SEC. 24.~~

36 *SEC. 27.* Section 4836.3 is added to the Business and  
37 Professions Code, to read:

38 4836.3. (a) Each person who has been issued a veterinary  
39 assistant controlled substance permit by the board pursuant to  
40 Section 4836.2 shall biennially apply for renewal of his or her

1 permit on or before the last day of the applicant's birthday month.

2 The application shall be made on a form provided by the board.

3 (b) The application shall contain a statement to the effect that  
4 the applicant has not been convicted of a felony, has not been the  
5 subject of professional disciplinary action taken by any public  
6 agency in California or any other state or territory, and has not  
7 violated any of the provisions of this chapter. If the applicant is  
8 unable to make that statement, the application shall contain a  
9 statement of the conviction, professional discipline, or violation.

10 (c) The board may, as part of the renewal process, make  
11 necessary inquiries of the applicant and conduct an investigation  
12 in order to determine if cause for disciplinary action exists.

13 (d) The fee for filing an application for a renewal of a veterinary  
14 assistant controlled substance permit shall be set by the board in  
15 an amount the board determines is reasonably necessary to provide  
16 sufficient funds to carry out the purposes of this section, not to  
17 exceed fifty dollars (\$50).

18 (e) This section shall become operative on the date Section  
19 4836.2 becomes operative.

20 ~~SEC. 25.~~

21 *SEC. 28.* Section 4836.4 is added to the Business and  
22 Professions Code, to read:

23 4836.4. (a) Every person who has been issued a veterinary  
24 assistant controlled substance permit by the board pursuant to  
25 Section 4836.2 who changes his or her mailing or employer address  
26 shall notify the board of his or her new mailing or employer address  
27 within 30 days of the change. The board shall not renew the permit  
28 of any person who fails to comply with this section unless the  
29 person pays the penalty fee prescribed in Section 4842.5. An  
30 applicant for the renewal of a permit shall specify in his or her  
31 application whether he or she has changed his or her mailing or  
32 employer address and the board may accept that statement as  
33 evidence of the fact.

34 (b) This section shall become operative on the date Section  
35 4836.2 becomes operative.

36 ~~SEC. 26.~~

37 *SEC. 29.* Section 11529 of the Government Code is amended  
38 to read:

39 11529. (a) The administrative law judge of the Medical Quality  
40 Hearing Panel established pursuant to Section 11371 may issue

1 an interim order suspending a license, or imposing drug testing,  
2 continuing education, supervision of procedures, or other license  
3 restrictions. Interim orders may be issued only if the affidavits in  
4 support of the petition show that the licensee has engaged in, or  
5 is about to engage in, acts or omissions constituting a violation of  
6 the Medical Practice Act or the appropriate practice act governing  
7 each allied health profession, or is unable to practice safely due to  
8 a mental or physical condition, and that permitting the licensee to  
9 continue to engage in the profession for which the license was  
10 issued will endanger the public health, safety, or welfare. The  
11 failure to comply with an order issued pursuant to Section 820 of  
12 the Business and Professions Code may constitute grounds to issue  
13 an interim suspension order under this section.

14 (b) All orders authorized by this section shall be issued only  
15 after a hearing conducted pursuant to subdivision (d), unless it  
16 appears from the facts shown by affidavit that serious injury would  
17 result to the public before the matter can be heard on notice. Except  
18 as provided in subdivision (c), the licensee shall receive at least  
19 15 days' prior notice of the hearing, which notice shall include  
20 affidavits and all other information in support of the order.

21 (c) If an interim order is issued without notice, the administrative  
22 law judge who issued the order without notice shall cause the  
23 licensee to be notified of the order, including affidavits and all  
24 other information in support of the order by a 24-hour delivery  
25 service. That notice shall also include the date of the hearing on  
26 the order, which shall be conducted in accordance with the  
27 requirement of subdivision (d), not later than 20 days from the  
28 date of issuance. The order shall be dissolved unless the  
29 requirements of subdivision (a) are satisfied.

30 (d) For the purposes of the hearing conducted pursuant to this  
31 section, the licentiate shall, at a minimum, have the following  
32 rights:

- 33 (1) To be represented by counsel.
- 34 (2) To have a record made of the proceedings, copies of which  
35 may be obtained by the licentiate upon payment of any reasonable  
36 charges associated with the record.
- 37 (3) To present written evidence in the form of relevant  
38 declarations, affidavits, and documents.

39 The discretion of the administrative law judge to permit  
40 testimony at the hearing conducted pursuant to this section shall

1 be identical to the discretion of a superior court judge to permit  
2 testimony at a hearing conducted pursuant to Section 527 of the  
3 Code of Civil Procedure.

4 (4) To present oral argument.

5 (e) Consistent with the burden and standards of proof applicable  
6 to a preliminary injunction entered under Section 527 of the Code  
7 of Civil Procedure, the administrative law judge shall grant the  
8 interim order where, in the exercise of discretion, the administrative  
9 law judge concludes that:

10 (1) There is a reasonable probability that the petitioner will  
11 prevail in the underlying action.

12 (2) The likelihood of injury to the public in not issuing the order  
13 outweighs the likelihood of injury to the licensee in issuing the  
14 order.

15 (f) In all cases where an interim order is issued, and an  
16 accusation is not filed and served pursuant to Sections 11503 and  
17 11505 within 30 days of the date in which the parties to the hearing  
18 on the interim order have submitted the matter, the order shall be  
19 dissolved.

20 Upon service of the accusation the licensee shall have, in addition  
21 to the rights granted by this section, all of the rights and privileges  
22 available as specified in this chapter. If the licensee requests a  
23 hearing on the accusation, the board shall provide the licensee with  
24 a hearing within 30 days of the request, unless the licensee  
25 stipulates to a later hearing, and a decision within 15 days of the  
26 date the decision is received from the administrative law judge, or  
27 the board shall nullify the interim order previously issued, unless  
28 good cause can be shown by the Division of Medical Quality for  
29 a delay.

30 (g) Where an interim order is issued, a written decision shall be  
31 prepared within 15 days of the hearing, by the administrative law  
32 judge, including findings of fact and a conclusion articulating the  
33 connection between the evidence produced at the hearing and the  
34 decision reached.

35 (h) Notwithstanding the fact that interim orders issued pursuant  
36 to this section are not issued after a hearing as otherwise required  
37 by this chapter, interim orders so issued shall be subject to judicial  
38 review pursuant to Section 1094.5 of the Code of Civil Procedure.  
39 The relief which may be ordered shall be limited to a stay of the  
40 interim order. Interim orders issued pursuant to this section are

1 final interim orders and, if not dissolved pursuant to subdivision  
2 (c) or (f), may only be challenged administratively at the hearing  
3 on the accusation.

4 (i) The interim order provided for by this section shall be:

5 (1) In addition to, and not a limitation on, the authority to seek  
6 injunctive relief provided for in the Business and Professions Code.

7 (2) A limitation on the emergency decision procedure provided  
8 in Article 13 (commencing with Section 11460.10) of Chapter 4.5.

9 ~~SEC. 27.~~

10 *SEC. 30.* Section 12529 of the Government Code, as amended  
11 by Section 112 of Chapter 332 of the Statutes of 2012, is amended  
12 to read:

13 12529. (a) There is in the Department of Justice the Health  
14 Quality Enforcement Section. The primary responsibility of the  
15 section is to investigate and prosecute proceedings against licensees  
16 and applicants within the jurisdiction of the Medical Board of  
17 California, the California Board of Podiatric Medicine, the Board  
18 of Psychology, or any committee under the jurisdiction of the  
19 Medical Board of California.

20 (b) The Attorney General shall appoint a Senior Assistant  
21 Attorney General of the Health Quality Enforcement Section. The  
22 Senior Assistant Attorney General of the Health Quality  
23 Enforcement Section shall be an attorney in good standing licensed  
24 to practice in the State of California, experienced in prosecutorial  
25 or administrative disciplinary proceedings and competent in the  
26 management and supervision of attorneys performing those  
27 functions.

28 (c) The Attorney General shall ensure that the Health Quality  
29 Enforcement Section is staffed with a sufficient number of  
30 experienced and able employees that are capable of handling the  
31 most complex and varied types of disciplinary actions against the  
32 licensees of the board.

33 (d) Funding for the Health Quality Enforcement Section shall  
34 be budgeted in consultation with the Attorney General from the  
35 special funds financing the operations of the Medical Board of  
36 California, the California Board of Podiatric Medicine, the Board  
37 of Psychology, and the committees under the jurisdiction of the  
38 Medical Board of California, with the intent that the expenses be  
39 proportionally shared as to services rendered.

1     ~~SEC. 28.~~

2     *SEC. 31.* Section 12529 of the Government Code, as amended  
3 by Section 113 of Chapter 332 of the Statutes of 2012, is repealed.

4     ~~SEC. 29.~~

5     *SEC. 32.* Section 12529.5 of the Government Code, as amended  
6 by Section 114 of Chapter 332 of the Statutes of 2012, is amended  
7 to read:

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

13     (b) The Senior Assistant Attorney General of the Health Quality  
14 Enforcement Section shall assign attorneys to work on location at  
15 the intake unit of the boards described in subdivision (a) to assist  
16 in evaluating and screening complaints and to assist in developing  
17 uniform standards and procedures for processing complaints.

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

23     (d) The determination to bring a disciplinary proceeding against  
24 a licensee of the boards shall be made by the executive officer of  
25 the boards or committees as appropriate in consultation with the  
26 senior assistant.

27     ~~SEC. 30.~~

28     *SEC. 33.* Section 12529.5 of the Government Code, as amended  
29 by Section 115 of Chapter 332 of the Statutes of 2012, is repealed.

30     ~~SEC. 31.~~

31     *SEC. 34.* Section 12529.6 of the Government Code is amended  
32 to read:

33     12529.6. (a) The Legislature finds and declares that the  
34 Medical Board of California, by ensuring the quality and safety  
35 of medical care, performs one of the most critical functions of state  
36 government. Because of the critical importance of the board's  
37 public health and safety function, the complexity of cases involving  
38 alleged misconduct by physicians and surgeons, and the evidentiary  
39 burden in the board's disciplinary cases, the Legislature finds and  
40 declares that using a vertical enforcement and prosecution model

1 for those investigations is in the best interests of the people of  
2 California.

3 (b) Notwithstanding any other provision of law, as of January  
4 1, 2006, each complaint that is referred to a district office of the  
5 board for investigation shall be simultaneously and jointly assigned  
6 to an investigator and to the deputy attorney general in the Health  
7 Quality Enforcement Section responsible for prosecuting the case  
8 if the investigation results in the filing of an accusation. The joint  
9 assignment of the investigator and the deputy attorney general  
10 shall exist for the duration of the disciplinary matter. During the  
11 assignment, the investigator so assigned shall, under the direction  
12 but not the supervision of the deputy attorney general, be  
13 responsible for obtaining the evidence required to permit the  
14 Attorney General to advise the board on legal matters such as  
15 whether the board should file a formal accusation, dismiss the  
16 complaint for a lack of evidence required to meet the applicable  
17 burden of proof, or take other appropriate legal action.

18 (c) The Medical Board of California, the Department of  
19 Consumer Affairs, and the Office of the Attorney General shall,  
20 if necessary, enter into an interagency agreement to implement  
21 this section.

22 (d) This section does not affect the requirements of Section  
23 12529.5 as applied to the Medical Board of California where  
24 complaints that have not been assigned to a field office for  
25 investigation are concerned.

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

29 (1) Increase its computer capabilities and compatibilities with  
30 the Health Quality Enforcement Section in order to share case  
31 information.

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

36 (3) Establish and implement a plan to assist in team building  
37 between its enforcement staff and the staff of the Health Quality  
38 Enforcement Section in order to ensure a common and consistent  
39 knowledge base.

1     ~~SEC. 32.~~

2     SEC. 35. Section 12529.7 of the Government Code is amended  
3 to read:

4     12529.7. By March 1, 2015, the Medical Board of California,  
5 in consultation with the Department of Justice and the Department  
6 of Consumer Affairs, shall report and make recommendations to  
7 the Governor and the Legislature on the vertical enforcement and  
8 prosecution model created under Section 12529.6.

9     ~~SEC. 33.~~

10    SEC. 36. Section 1248.15 of the Health and Safety Code is  
11 amended to read:

12    1248.15. (a) The board shall adopt standards for accreditation  
13 and, in approving accreditation agencies to perform accreditation  
14 of outpatient settings, shall ensure that the certification program  
15 shall, at a minimum, include standards for the following aspects  
16 of the settings' operations:

17    (1) Outpatient setting allied health staff shall be licensed or  
18 certified to the extent required by state or federal law.

19    (2) (A) Outpatient settings shall have a system for facility safety  
20 and emergency training requirements.

21    (B) There shall be onsite equipment, medication, and trained  
22 personnel to facilitate handling of services sought or provided and  
23 to facilitate handling of any medical emergency that may arise in  
24 connection with services sought or provided.

25    (C) In order for procedures to be performed in an outpatient  
26 setting as defined in Section 1248, the outpatient setting shall do  
27 one of the following:

28    (i) Have a written transfer agreement with a local accredited or  
29 licensed acute care hospital, approved by the facility's medical  
30 staff.

31    (ii) Permit surgery only by a licensee who has admitting  
32 privileges at a local accredited or licensed acute care hospital, with  
33 the exception that licensees who may be precluded from having  
34 admitting privileges by their professional classification or other  
35 administrative limitations, shall have a written transfer agreement  
36 with licensees who have admitting privileges at local accredited  
37 or licensed acute care hospitals.

38    (iii) Submit for approval by an accrediting agency a detailed  
39 procedural plan for handling medical emergencies that shall be

1 reviewed at the time of accreditation. No reasonable plan shall be  
2 disapproved by the accrediting agency.

3 (D) In addition to the requirements imposed in subparagraph  
4 (C), the outpatient setting shall submit for approval by an  
5 accreditation agency at the time of accreditation a detailed plan,  
6 standardized procedures, and protocols to be followed in the event  
7 of serious complications or side effects from surgery that would  
8 place a patient at high risk for injury or harm or to govern  
9 emergency and urgent care situations. The plan shall include, at a  
10 minimum, that if a patient is being transferred to a local accredited  
11 or licensed acute care hospital, the outpatient setting shall do all  
12 of the following:

13 (i) Notify the individual designated by the patient to be notified  
14 in case of an emergency.

15 (ii) Ensure that the mode of transfer is consistent with the  
16 patient's medical condition.

17 (iii) Ensure that all relevant clinical information is documented  
18 and accompanies the patient at the time of transfer.

19 (iv) Continue to provide appropriate care to the patient until the  
20 transfer is effectuated.

21 (E) All physicians and surgeons transferring patients from an  
22 outpatient setting shall agree to cooperate with the medical staff  
23 peer review process on the transferred case, the results of which  
24 shall be referred back to the outpatient setting, if deemed  
25 appropriate by the medical staff peer review committee. If the  
26 medical staff of the acute care facility determines that inappropriate  
27 care was delivered at the outpatient setting, the acute care facility's  
28 peer review outcome shall be reported, as appropriate, to the  
29 accrediting body or in accordance with existing law.

30 (3) The outpatient setting shall permit surgery by a dentist acting  
31 within his or her scope of practice under Chapter 4 (commencing  
32 with Section 1600) of Division 2 of the Business and Professions  
33 Code or physician and surgeon, osteopathic physician and surgeon,  
34 or podiatrist acting within his or her scope of practice under  
35 Chapter 5 (commencing with Section 2000) of Division 2 of the  
36 Business and Professions Code or the Osteopathic Initiative Act.  
37 The outpatient setting may, in its discretion, permit anesthesia  
38 service by a certified registered nurse anesthetist acting within his  
39 or her scope of practice under Article 7 (commencing with Section

1 2825) of Chapter 6 of Division 2 of the Business and Professions  
2 Code.

3 (4) Outpatient settings shall have a system for maintaining  
4 clinical records.

5 (5) Outpatient settings shall have a system for patient care and  
6 monitoring procedures.

7 (6) (A) Outpatient settings shall have a system for quality  
8 assessment and improvement.

9 (B) Members of the medical staff and other practitioners who  
10 are granted clinical privileges shall be professionally qualified and  
11 appropriately credentialed for the performance of privileges  
12 granted. The outpatient setting shall grant privileges in accordance  
13 with recommendations from qualified health professionals, and  
14 credentialing standards established by the outpatient setting.

15 (C) Clinical privileges shall be periodically reappraised by the  
16 outpatient setting. The scope of procedures performed in the  
17 outpatient setting shall be periodically reviewed and amended as  
18 appropriate.

19 (7) Outpatient settings regulated by this chapter that have  
20 multiple service locations shall have all of the sites inspected.

21 (8) Outpatient settings shall post the certificate of accreditation  
22 in a location readily visible to patients and staff.

23 (9) Outpatient settings shall post the name and telephone number  
24 of the accrediting agency with instructions on the submission of  
25 complaints in a location readily visible to patients and staff.

26 (10) Outpatient settings shall have a written discharge criteria.

27 (b) Outpatient settings shall have a minimum of two staff  
28 persons on the premises, one of whom shall either be a licensed  
29 physician and surgeon or a licensed health care professional with  
30 current certification in advanced cardiac life support (ACLS), as  
31 long as a patient is present who has not been discharged from  
32 supervised care. Transfer to an unlicensed setting of a patient who  
33 does not meet the discharge criteria adopted pursuant to paragraph  
34 (10) of subdivision (a) shall constitute unprofessional conduct.

35 (c) An accreditation agency may include additional standards  
36 in its determination to accredit outpatient settings if these are  
37 approved by the board to protect the public health and safety.

38 (d) No accreditation standard adopted or approved by the board,  
39 and no standard included in any certification program of any  
40 accreditation agency approved by the board, shall serve to limit

1 the ability of any allied health care practitioner to provide services  
2 within his or her full scope of practice. Notwithstanding this or  
3 any other provision of law, each outpatient setting may limit the  
4 privileges, or determine the privileges, within the appropriate scope  
5 of practice, that will be afforded to physicians and allied health  
6 care practitioners who practice at the facility, in accordance with  
7 credentialing standards established by the outpatient setting in  
8 compliance with this chapter. Privileges may not be arbitrarily  
9 restricted based on category of licensure.

10 (e) The board shall adopt standards that it deems necessary for  
11 outpatient settings that offer in vitro fertilization.

12 (f) The board may adopt regulations it deems necessary to  
13 specify procedures that should be performed in an accredited  
14 outpatient setting for facilities or clinics that are outside the  
15 definition of outpatient setting as specified in Section 1248.

16 (g) As part of the accreditation process, the accrediting agency  
17 shall conduct a reasonable investigation of the prior history of the  
18 outpatient setting, including all licensed physicians and surgeons  
19 who have an ownership interest therein, to determine whether there  
20 have been any adverse accreditation decisions rendered against  
21 them. For the purposes of this section, “conducting a reasonable  
22 investigation” means querying the Medical Board of California  
23 and the Osteopathic Medical Board of California to ascertain if  
24 either the outpatient setting has, or, if its owners are licensed  
25 physicians and surgeons, if those physicians and surgeons have,  
26 been subject to an adverse accreditation decision.

27 *SEC. 37. Section 830.3 of the Penal Code is amended to read:*

28 830.3. The following persons are peace officers whose authority  
29 extends to any place in the state for the purpose of performing  
30 their primary duty or when making an arrest pursuant to Section  
31 836 as to any public offense with respect to which there is  
32 immediate danger to person or property, or of the escape of the  
33 perpetrator of that offense, or pursuant to Section 8597 or 8598 of  
34 the Government Code. These peace officers may carry firearms  
35 only if authorized and under those terms and conditions as specified  
36 by their employing agencies:

37 (a) Persons employed by the Division of Investigation of the  
38 Department of Consumer Affairs and investigators of the Medical  
39 Board of California and the Board of Dental Examiners, who are  
40 designated by the Director of Consumer Affairs, provided that the

1 primary duty of these peace officers shall be the enforcement of  
2 the law as that duty is set forth in Section 160 of the Business and  
3 Professions Code.

4 (b) Voluntary fire wardens designated by the Director of  
5 Forestry and Fire Protection pursuant to Section 4156 of the Public  
6 Resources Code, provided that the primary duty of these peace  
7 officers shall be the enforcement of the law as that duty is set forth  
8 in Section 4156 of that code.

9 (c) Employees of the Department of Motor Vehicles designated  
10 in Section 1655 of the Vehicle Code, provided that the primary  
11 duty of these peace officers shall be the enforcement of the law as  
12 that duty is set forth in Section 1655 of that code.

13 (d) Investigators of the California Horse Racing Board  
14 designated by the board, provided that the primary duty of these  
15 peace officers shall be the enforcement of Chapter 4 (commencing  
16 with Section 19400) of Division 8 of the Business and Professions  
17 Code and Chapter 10 (commencing with Section 330) of Title 9  
18 of Part 1 of this code.

19 (e) The State Fire Marshal and assistant or deputy state fire  
20 marshals appointed pursuant to Section 13103 of the Health and  
21 Safety Code, provided that the primary duty of these peace officers  
22 shall be the enforcement of the law as that duty is set forth in  
23 Section 13104 of that code.

24 (f) Inspectors of the food and drug section designated by the  
25 chief pursuant to subdivision (a) of Section 106500 of the Health  
26 and Safety Code, provided that the primary duty of these peace  
27 officers shall be the enforcement of the law as that duty is set forth  
28 in Section 106500 of that code.

29 (g) All investigators of the Division of Labor Standards  
30 Enforcement designated by the Labor Commissioner, provided  
31 that the primary duty of these peace officers shall be the  
32 enforcement of the law as prescribed in Section 95 of the Labor  
33 Code.

34 (h) All investigators of the State Departments of Health Care  
35 Services, Public Health, Social Services, Mental Health, and  
36 Alcohol and Drug Programs, the Department of Toxic Substances  
37 Control, the Office of Statewide Health Planning and Development,  
38 and the Public Employees' Retirement System, provided that the  
39 primary duty of these peace officers shall be the enforcement of  
40 the law relating to the duties of his or her department or office.

1 Notwithstanding any other provision of law, investigators of the  
2 Public Employees' Retirement System shall not carry firearms.

3 (i) The Chief of the Bureau of Fraudulent Claims of the  
4 Department of Insurance and those investigators designated by the  
5 chief, provided that the primary duty of those investigators shall  
6 be the enforcement of Section 550.

7 (j) Employees of the Department of Housing and Community  
8 Development designated under Section 18023 of the Health and  
9 Safety Code, provided that the primary duty of these peace officers  
10 shall be the enforcement of the law as that duty is set forth in  
11 Section 18023 of that code.

12 (k) Investigators of the office of the Controller, provided that  
13 the primary duty of these investigators shall be the enforcement  
14 of the law relating to the duties of that office. Notwithstanding any  
15 other law, except as authorized by the Controller, the peace officers  
16 designated pursuant to this subdivision shall not carry firearms.

17 (l) Investigators of the Department of ~~Corporations~~ *Business*  
18 *Oversight* designated by the Commissioner of ~~Corporations~~,  
19 *Business Oversight*, provided that the primary duty of these  
20 investigators shall be the enforcement of the provisions of law  
21 administered by the Department of ~~Corporations~~. *Business*  
22 *Oversight*. Notwithstanding any other provision of law, the peace  
23 officers designated pursuant to this subdivision shall not carry  
24 firearms.

25 (m) Persons employed by the Contractors State License Board  
26 designated by the Director of Consumer Affairs pursuant to Section  
27 7011.5 of the Business and Professions Code, provided that the  
28 primary duty of these persons shall be the enforcement of the law  
29 as that duty is set forth in Section 7011.5, and in Chapter 9  
30 (commencing with Section 7000) of Division 3, of that code. The  
31 Director of Consumer Affairs may designate as peace officers not  
32 more than 12 persons who shall at the time of their designation be  
33 assigned to the special investigations unit of the board.  
34 Notwithstanding any other provision of law, the persons designated  
35 pursuant to this subdivision shall not carry firearms.

36 (n) The Chief and coordinators of the Law Enforcement Branch  
37 of the ~~California Emergency Management Agency~~. *Office of*  
38 *Emergency Services*.

39 (o) Investigators of the office of the Secretary of State designated  
40 by the Secretary of State, provided that the primary duty of these

1 peace officers shall be the enforcement of the law as prescribed  
2 in Chapter 3 (commencing with Section 8200) of Division 1 of  
3 Title 2 of, and Section 12172.5 of, the Government Code.  
4 Notwithstanding any other provision of law, the peace officers  
5 designated pursuant to this subdivision shall not carry firearms.

6 (p) The Deputy Director for Security designated by Section  
7 8880.38 of the Government Code, and all lottery security personnel  
8 assigned to the California State Lottery and designated by the  
9 director, provided that the primary duty of any of those peace  
10 officers shall be the enforcement of the laws related to assuring  
11 the integrity, honesty, and fairness of the operation and  
12 administration of the California State Lottery.

13 (q) Investigators employed by the Investigation Division of the  
14 Employment Development Department designated by the director  
15 of the department, provided that the primary duty of those peace  
16 officers shall be the enforcement of the law as that duty is set forth  
17 in Section 317 of the Unemployment Insurance Code.

18 Notwithstanding any other provision of law, the peace officers  
19 designated pursuant to this subdivision shall not carry firearms.

20 (r) The chief and assistant chief of museum security and safety  
21 of the California Science Center, as designated by the executive  
22 director pursuant to Section 4108 of the Food and Agricultural  
23 Code, provided that the primary duty of those peace officers shall  
24 be the enforcement of the law as that duty is set forth in Section  
25 4108 of the Food and Agricultural Code.

26 (s) Employees of the Franchise Tax Board designated by the  
27 board, provided that the primary duty of these peace officers shall  
28 be the enforcement of the law as set forth in Chapter 9  
29 (commencing with Section 19701) of Part 10.2 of Division 2 of  
30 the Revenue and Taxation Code.

31 (t) Notwithstanding any other provision of this section, a peace  
32 officer authorized by this section shall not be authorized to carry  
33 firearms by his or her employing agency until that agency has  
34 adopted a policy on the use of deadly force by those peace officers,  
35 and until those peace officers have been instructed in the employing  
36 agency's policy on the use of deadly force.

37 Every peace officer authorized pursuant to this section to carry  
38 firearms by his or her employing agency shall qualify in the use  
39 of the firearms at least every six months.

1 (u) Investigators of the Department of Managed Health Care  
2 designated by the Director of the Department of Managed Health  
3 Care, provided that the primary duty of these investigators shall  
4 be the enforcement of the provisions of laws administered by the  
5 Director of the Department of Managed Health Care.  
6 Notwithstanding any other provision of law, the peace officers  
7 designated pursuant to this subdivision shall not carry firearms.

8 (v) The Chief, Deputy Chief, supervising investigators, and  
9 investigators of the Office of Protective Services of the State  
10 Department of Developmental Services, provided that the primary  
11 duty of each of those persons shall be the enforcement of the law  
12 relating to the duties of his or her department or office.

13 (w) *This section shall become inoperative on July 1, 2014, and,*  
14 *as of January 1, 2015, is repealed, unless a later enacted statute,*  
15 *that becomes operative on or before January 1, 2015, deletes or*  
16 *extends the dates on which it becomes inoperative and is repealed.*

17 ~~SEC. 34. Section 830.3 of the Penal Code is amended to read:~~  
18 ~~830.3.—~~

19 *SEC. 38. Section 830.3 is added to the Penal Code, to read:*

20 830.3. The following persons are peace officers whose authority  
21 extends to any place in the state for the purpose of performing  
22 their primary duty or when making an arrest pursuant to Section  
23 836 as to any public offense with respect to which there is  
24 immediate danger to person or property, or of the escape of the  
25 perpetrator of that offense, or pursuant to Section 8597 or 8598 of  
26 the Government Code. These peace officers may carry firearms  
27 only if authorized and under those terms and conditions as specified  
28 by their employing agencies:

29 (a) Persons employed by the Division of Investigation of the  
30 Department of Consumer Affairs and investigators of the Board  
31 of Dental Examiners, who are designated by the Director of  
32 Consumer Affairs, provided that the primary duty of these peace  
33 officers shall be the enforcement of the law as that duty is set forth  
34 in Section 160 of the Business and Professions Code.

35 (b) Voluntary fire wardens designated by the Director of  
36 Forestry and Fire Protection pursuant to Section 4156 of the Public  
37 Resources Code, provided that the primary duty of these peace  
38 officers shall be the enforcement of the law as that duty is set forth  
39 in Section 4156 of that code.

1 (c) Employees of the Department of Motor Vehicles designated  
2 in Section 1655 of the Vehicle Code, provided that the primary  
3 duty of these peace officers shall be the enforcement of the law as  
4 that duty is set forth in Section 1655 of that code.

5 (d) Investigators of the California Horse Racing Board  
6 designated by the board, provided that the primary duty of these  
7 peace officers shall be the enforcement of Chapter 4 (commencing  
8 with Section 19400) of Division 8 of the Business and Professions  
9 Code and Chapter 10 (commencing with Section 330) of Title 9  
10 of Part 1 of this code.

11 (e) The State Fire Marshal and assistant or deputy state fire  
12 marshals appointed pursuant to Section 13103 of the Health and  
13 Safety Code, provided that the primary duty of these peace officers  
14 shall be the enforcement of the law as that duty is set forth in  
15 Section 13104 of that code.

16 (f) Inspectors of the food and drug section designated by the  
17 chief pursuant to subdivision (a) of Section 106500 of the Health  
18 and Safety Code, provided that the primary duty of these peace  
19 officers shall be the enforcement of the law as that duty is set forth  
20 in Section 106500 of that code.

21 (g) All investigators of the Division of Labor Standards  
22 Enforcement designated by the Labor Commissioner, provided  
23 that the primary duty of these peace officers shall be the  
24 enforcement of the law as prescribed in Section 95 of the Labor  
25 Code.

26 (h) All investigators of the State Departments of Health Care  
27 Services, Public Health, Social Services, Mental Health, and  
28 Alcohol and Drug Programs, the Department of Toxic Substances  
29 Control, the Office of Statewide Health Planning and Development,  
30 and the Public Employees' Retirement System, provided that the  
31 primary duty of these peace officers shall be the enforcement of  
32 the law relating to the duties of his or her department or office.  
33 Notwithstanding any other provision of law, investigators of the  
34 Public Employees' Retirement System shall not carry firearms.

35 (i) The Chief of the Bureau of Fraudulent Claims of the  
36 Department of Insurance and those investigators designated by the  
37 chief, provided that the primary duty of those investigators shall  
38 be the enforcement of Section 550.

39 (j) Employees of the Department of Housing and Community  
40 Development designated under Section 18023 of the Health and

1 Safety Code, provided that the primary duty of these peace officers  
2 shall be the enforcement of the law as that duty is set forth in  
3 Section 18023 of that code.

4 (k) Investigators of the office of the Controller, provided that  
5 the primary duty of these investigators shall be the enforcement  
6 of the law relating to the duties of that office. Notwithstanding any  
7 other law, except as authorized by the Controller, the peace officers  
8 designated pursuant to this subdivision shall not carry firearms.

9 (l) Investigators of the Department of ~~Corporations~~ *Business*  
10 *Oversight* designated by the Commissioner of ~~Corporations~~,  
11 *Business Oversight*, provided that the primary duty of these  
12 investigators shall be the enforcement of the provisions of law  
13 administered by the Department of ~~Corporations~~. *Business*  
14 *Oversight*. Notwithstanding any other provision of law, the peace  
15 officers designated pursuant to this subdivision shall not carry  
16 firearms.

17 (m) Persons employed by the Contractors State License Board  
18 designated by the Director of Consumer Affairs pursuant to Section  
19 7011.5 of the Business and Professions Code, provided that the  
20 primary duty of these persons shall be the enforcement of the law  
21 as that duty is set forth in Section 7011.5, and in Chapter 9  
22 (commencing with Section 7000) of Division 3, of that code. The  
23 Director of Consumer Affairs may designate as peace officers not  
24 more than 12 persons who shall at the time of their designation be  
25 assigned to the special investigations unit of the board.  
26 Notwithstanding any other provision of law, the persons designated  
27 pursuant to this subdivision shall not carry firearms.

28 (n) The Chief and coordinators of the Law Enforcement Branch  
29 of the ~~California Emergency Management Agency~~. *Office of*  
30 *Emergency Services*.

31 (o) Investigators of the office of the Secretary of State designated  
32 by the Secretary of State, provided that the primary duty of these  
33 peace officers shall be the enforcement of the law as prescribed  
34 in Chapter 3 (commencing with Section 8200) of Division 1 of  
35 Title 2 of, and Section 12172.5 of, the Government Code.  
36 Notwithstanding any other provision of law, the peace officers  
37 designated pursuant to this subdivision shall not carry firearms.

38 (p) The Deputy Director for Security designated by Section  
39 8880.38 of the Government Code, and all lottery security personnel  
40 assigned to the California State Lottery and designated by the

1 director, provided that the primary duty of any of those peace  
2 officers shall be the enforcement of the laws related to assuring  
3 the integrity, honesty, and fairness of the operation and  
4 administration of the California State Lottery.

5 (q) Investigators employed by the Investigation Division of the  
6 Employment Development Department designated by the director  
7 of the department, provided that the primary duty of those peace  
8 officers shall be the enforcement of the law as that duty is set forth  
9 in Section 317 of the Unemployment Insurance Code.

10 Notwithstanding any other provision of law, the peace officers  
11 designated pursuant to this subdivision shall not carry firearms.

12 (r) The chief and assistant chief of museum security and safety  
13 of the California Science Center, as designated by the executive  
14 director pursuant to Section 4108 of the Food and Agricultural  
15 Code, provided that the primary duty of those peace officers shall  
16 be the enforcement of the law as that duty is set forth in Section  
17 4108 of the Food and Agricultural Code.

18 (s) Employees of the Franchise Tax Board designated by the  
19 board, provided that the primary duty of these peace officers shall  
20 be the enforcement of the law as set forth in Chapter 9  
21 (commencing with Section 19701) of Part 10.2 of Division 2 of  
22 the Revenue and Taxation Code.

23 (t) Notwithstanding any other provision of this section, a peace  
24 officer authorized by this section shall not be authorized to carry  
25 firearms by his or her employing agency until that agency has  
26 adopted a policy on the use of deadly force by those peace officers,  
27 and until those peace officers have been instructed in the employing  
28 agency's policy on the use of deadly force.

29 Every peace officer authorized pursuant to this section to carry  
30 firearms by his or her employing agency shall qualify in the use  
31 of the firearms at least every six months.

32 (u) Investigators of the Department of Managed Health Care  
33 designated by the Director of the Department of Managed Health  
34 Care, provided that the primary duty of these investigators shall  
35 be the enforcement of the provisions of laws administered by the  
36 Director of the Department of Managed Health Care.  
37 Notwithstanding any other provision of law, the peace officers  
38 designated pursuant to this subdivision shall not carry firearms.

39 (v) The Chief, Deputy Chief, supervising investigators, and  
40 investigators of the Office of Protective Services of the State

1 Department of Developmental Services, provided that the primary  
2 duty of each of those persons shall be the enforcement of the law  
3 relating to the duties of his or her department or office.

4 *(w) This section shall become operative July 1, 2014.*

5 ~~SEC. 35.~~

6 *SEC. 39.* No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.

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