

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN ASSEMBLY JUNE 14, 2013

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 305

Introduced by Senator ~~Price~~ *Lieu*
(Principal coauthor: Assembly Member Gordon)

February 15, 2013

An act to amend Sections 1000, 2450, 2450.3, 2530.2, 2531, 2531.75, 2533, 2570.19, ~~2602, 2607.5~~, 3010.5, 3014.6, 3685, 3686, 3710, 3716, and 3765 of, and to add Section 144.5 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 305, as amended, ~~Price~~ *Lieu*. Healing arts: boards.

(1) Existing law requires specified regulatory boards within the Department of Consumer Affairs to require an applicant for licensure to furnish to the board a full set of fingerprints in order to conduct a criminal history record check.

This bill would additionally authorize those boards to request and receive from a local or state agency certified records of all arrests and convictions, certified records regarding probation, and any and all other related documentation needed to complete an applicant or licensee investigation and would authorize a local or state agency to provide those records to the board upon request.

(2) The Chiropractic Act, enacted by an initiative measure, provides for the licensure and regulation of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law specifies that the law governing chiropractors is found in the act.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if these provisions were scheduled to be repealed on January 1, 2018. This bill would also make nonsubstantive changes to conform with the Governor's Reorganization Plan No. 2.

(3) Existing law, the Osteopathic Act, provides for the licensure and regulation of osteopathic physicians and surgeons by the Osteopathic Medical Board of California.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature. The bill would require that the review be performed as if these provisions were scheduled to be repealed as of January 1, 2018.

(4) Existing law, the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, provides for the licensure and regulation of speech-language pathologists, audiologists, and hearing aid dispensers by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. The act authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014, and subjects the board to review by the Joint Committee on Boards, Commissions, and Consumer Protection.

This bill would extend the operation of these provisions until January 1, 2018, and provide that the repeal of these provisions subjects the board to review by the appropriate policy committees of the Legislature.

The Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act also authorizes the board to refuse to issue, or issue subject to terms and conditions, a license on specified grounds, including, among others, securing a license by fraud or deceit.

This bill would additionally authorize the board to refuse to issue, or issue subject to terms and conditions, a license for a violation of a term or condition of a probationary order of a license issued by the board, as provided.

(5) Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of occupational therapists, as defined, by the California Board of Occupational Therapy. Existing law repeals those provisions on January 1, 2014, and subjects the board to review

by the Joint Committee on Boards, Commissions, and Consumer Protection.

This bill would extend the operation of these provisions until January 1, 2018, and provide that the repeal of these provisions subjects the board to review by the appropriate policy committees of the Legislature.

~~(6) Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California. The act authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014.~~

~~This bill would extend the operation of these provisions until January 1, 2018.~~

~~(7)~~

~~(6) Existing law, the Naturopathic Doctors Act, until January 1, 2014, provides for the licensure and regulation of naturopathic doctors by the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Existing law also specifies that the repeal of the committee subjects it to review by the appropriate policy committees of the Legislature.~~

~~This bill would extend the operation of these provisions until January 1, 2018, and make conforming changes.~~

~~(8)~~

~~(7) Existing law, the Optometry Practice Act, provides for the licensure and regulation of optometrists by the State Board of Optometry. The Respiratory Care Act provides for the licensure and regulation of respiratory care practitioners by the Respiratory Care Board of California. Each of those acts authorizes the board to employ an executive officer. Existing law repeals these provisions on January 1, 2014, and subjects the boards to review by the Joint Committee on Boards, Commissions, and Consumer Protection.~~

~~This bill would extend the operation of these provisions until January 1, 2018, and provide that the repeal of these provisions subjects the boards to review by the appropriate policy committees of the Legislature.~~

~~(9)~~

~~(8) The Respiratory Care Act also prohibits a person from engaging in the practice of respiratory care unless he or she is a licensed respiratory care practitioner. However, the act does not prohibit specified acts, including, among others, the performance of respiratory care services in case of an emergency or self-care by a patient.~~

~~This bill would additionally authorize the performance of pulmonary function testing by persons who are currently employed by Los Angeles~~

County hospitals and have performed pulmonary function testing for at least 15 years.

This bill would make legislative findings and declarations as to the necessity of a special statute for the persons described above.

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

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

1 SECTION 1. Section 144.5 is added to the Business and
2 Professions Code, to read:

3 144.5. Notwithstanding any other law, a board described in
4 Section 144 may request, and is authorized to receive, from a local
5 or state agency certified records of all arrests and convictions,
6 certified records regarding probation, and any and all other related
7 documentation needed to complete an applicant or licensee
8 investigation. A local or state agency may provide those records
9 to the board upon request.

10 SEC. 2. Section 1000 of the Business and Professions Code is
11 amended to read:

12 1000. (a) The law governing practitioners of chiropractic is
13 found in an initiative act entitled “An act prescribing the terms
14 upon which licenses may be issued to practitioners of chiropractic,
15 creating the State Board of Chiropractic Examiners and declaring
16 its powers and duties, prescribing penalties for violation hereof,
17 and repealing all acts and parts of acts inconsistent herewith,”
18 adopted by the electors November 7, 1922.

19 (b) The State Board of Chiropractic Examiners is within the
20 Department of Consumer Affairs.

21 (c) Notwithstanding any other law, the powers and duties of the
22 State Board of Chiropractic Examiners, as set forth in this article
23 and under the act creating the board, shall be subject to review by
24 the appropriate policy committees of the Legislature. The review
25 shall be performed as if this chapter were scheduled to be repealed
26 as of January 1, 2018.

27 SEC. 3. Section 2450 of the Business and Professions Code is
28 amended to read:

29 2450. There is a Board of Osteopathic Examiners of the State
30 of California, established by the Osteopathic Act, which shall be
31 known as the Osteopathic Medical Board of California which

1 enforces this chapter relating to persons holding or applying for
2 physician’s and surgeon’s certificates issued by the Osteopathic
3 Medical Board of California under the Osteopathic Act.

4 Persons who elect to practice using the term of suffix “M.D.,”
5 as provided in Section 2275, shall not be subject to this article,
6 and the Medical Board of California shall enforce the provisions
7 of this chapter relating to persons who made the election.

8 Notwithstanding any other law, the powers and duties of the
9 Osteopathic Medical Board of California, as set forth in this article
10 and under the Osteopathic Act, shall be subject to review by the
11 appropriate policy committees of the Legislature. The review shall
12 be performed as if this chapter were scheduled to be repealed as
13 of January 1, 2018.

14 SEC. 4. Section 2450.3 of the Business and Professions Code
15 is amended to read:

16 2450.3. There is within the jurisdiction of the Osteopathic
17 Medical Board of California a Naturopathic Medicine Committee
18 authorized under the Naturopathic Doctors Act (Chapter 8.2
19 (commencing with Section 3610)). This section shall become
20 inoperative on January 1, 2018, and, as of that date is repealed,
21 unless a later enacted statute that is enacted before January 1, 2018,
22 deletes or extends that date. Notwithstanding any other provision
23 of law, the repeal of this section renders the Naturopathic Medicine
24 Committee subject to review by the appropriate policy committees
25 of the Legislature.

26 SEC. 5. Section 2530.2 of the Business and Professions Code
27 is amended to read:

28 2530.2. As used in this chapter, unless the context otherwise
29 requires:

30 (a) “Board” means the Speech-Language Pathology and
31 Audiology and Hearing Aid Dispensers Board.

32 (b) “Person” means any individual, partnership, corporation,
33 limited liability company, or other organization or combination
34 thereof, except that only individuals can be licensed under this
35 chapter.

36 (c) A “speech-language pathologist” is a person who practices
37 speech-language pathology.

38 (d) The practice of speech-language pathology means all of the
39 following:

1 (1) The application of principles, methods, instrumental
2 procedures, and noninstrumental procedures for measurement,
3 testing, screening, evaluation, identification, prediction, and
4 counseling related to the development and disorders of speech,
5 voice, language, or swallowing.

6 (2) The application of principles and methods for preventing,
7 planning, directing, conducting, and supervising programs for
8 habilitating, rehabilitating, ameliorating, managing, or modifying
9 disorders of speech, voice, language, or swallowing in individuals
10 or groups of individuals.

11 (3) Conducting hearing screenings.

12 (4) Performing suctioning in connection with the scope of
13 practice described in paragraphs (1) and (2), after compliance with
14 a medical facility's training protocols on suctioning procedures.

15 (e) (1) Instrumental procedures referred to in subdivision (d)
16 are the use of rigid and flexible endoscopes to observe the
17 pharyngeal and laryngeal areas of the throat in order to observe,
18 collect data, and measure the parameters of communication and
19 swallowing as well as to guide communication and swallowing
20 assessment and therapy.

21 (2) Nothing in this subdivision shall be construed as a diagnosis.
22 Any observation of an abnormality shall be referred to a physician
23 and surgeon.

24 (f) A licensed speech-language pathologist shall not perform a
25 flexible fiber optic nasendoscopic procedure unless he or she has
26 received written verification from an otolaryngologist certified by
27 the American Board of Otolaryngology that the speech-language
28 pathologist has performed a minimum of 25 flexible fiber optic
29 nasendoscopic procedures and is competent to perform these
30 procedures. The speech-language pathologist shall have this written
31 verification on file and readily available for inspection upon request
32 by the board. A speech-language pathologist shall pass a flexible
33 fiber optic nasendoscopic instrument only under the direct
34 authorization of an otolaryngologist certified by the American
35 Board of Otolaryngology and the supervision of a physician and
36 surgeon.

37 (g) A licensed speech-language pathologist shall only perform
38 flexible endoscopic procedures described in subdivision (e) in a
39 setting that requires the facility to have protocols for emergency

1 medical backup procedures, including a physician and surgeon or
2 other appropriate medical professionals being readily available.

3 (h) “Speech-language pathology aide” means any person
4 meeting the minimum requirements established by the board, who
5 works directly under the supervision of a speech-language
6 pathologist.

7 (i) (1) “Speech-language pathology assistant” means a person
8 who meets the academic and supervised training requirements set
9 forth by the board and who is approved by the board to assist in
10 the provision of speech-language pathology under the direction
11 and supervision of a speech-language pathologist who shall be
12 responsible for the extent, kind, and quality of the services provided
13 by the speech-language pathology assistant.

14 (2) The supervising speech-language pathologist employed or
15 contracted for by a public school may hold a valid and current
16 license issued by the board, a valid, current, and professional clear
17 clinical or rehabilitative services credential in language, speech,
18 and hearing issued by the Commission on Teacher Credentialing,
19 or other credential authorizing service in language, speech, and
20 hearing issued by the Commission on Teacher Credentialing that
21 is not issued on the basis of an emergency permit or waiver of
22 requirements. For purposes of this paragraph, a “clear” credential
23 is a credential that is not issued pursuant to a waiver or emergency
24 permit and is as otherwise defined by the Commission on Teacher
25 Credentialing. Nothing in this section referring to credentialed
26 supervising speech-language pathologists expands existing
27 exemptions from licensing pursuant to Section 2530.5.

28 (j) An “audiologist” is one who practices audiology.

29 (k) “The practice of audiology” means the application of
30 principles, methods, and procedures of measurement, testing,
31 appraisal, prediction, consultation, counseling, instruction related
32 to auditory, vestibular, and related functions and the modification
33 of communicative disorders involving speech, language, auditory
34 behavior or other aberrant behavior resulting from auditory
35 dysfunction; and the planning, directing, conducting, supervising,
36 or participating in programs of identification of auditory disorders,
37 hearing conservation, cerumen removal, aural habilitation, and
38 rehabilitation, including, hearing aid recommendation and
39 evaluation procedures including, but not limited to, specifying
40 amplification requirements and evaluation of the results thereof,

1 auditory training, and speech reading, and the selling of hearing
2 aids.

3 (l) A “dispensing audiologist” is a person who is authorized to
4 sell hearing aids pursuant to his or her audiology license.

5 (m) “Audiology aide” means any person meeting the minimum
6 requirements established by the board. An audiology aid may not
7 perform any function that constitutes the practice of audiology
8 unless he or she is under the supervision of an audiologist. The
9 board may by regulation exempt certain functions performed by
10 an industrial audiology aide from supervision provided that his or
11 her employer has established a set of procedures or protocols that
12 the aide shall follow in performing these functions.

13 (n) “Medical board” means the Medical Board of California.

14 (o) A “hearing screening” performed by a speech-language
15 pathologist means a binary puretone screening at a preset intensity
16 level for the purpose of determining if the screened individuals
17 are in need of further medical or audiological evaluation.

18 (p) “Cerumen removal” means the nonroutine removal of
19 cerumen within the cartilaginous ear canal necessary for access in
20 performance of audiological procedures that shall occur under
21 physician and surgeon supervision. Cerumen removal, as provided
22 by this section, shall only be performed by a licensed audiologist.
23 Physician and surgeon supervision shall not be construed to require
24 the physical presence of the physician, but shall include all of the
25 following:

26 (1) Collaboration on the development of written standardized
27 protocols. The protocols shall include a requirement that the
28 supervised audiologist immediately refer to an appropriate
29 physician any trauma, including skin tears, bleeding, or other
30 pathology of the ear discovered in the process of cerumen removal
31 as defined in this subdivision.

32 (2) Approval by the supervising physician of the written
33 standardized protocol.

34 (3) The supervising physician shall be within the general
35 vicinity, as provided by the physician-audiologist protocol, of the
36 supervised audiologist and available by telephone contact at the
37 time of cerumen removal.

38 (4) A licensed physician and surgeon may not simultaneously
39 supervise more than two audiologists for purposes of cerumen
40 removal.

1 SEC. 6. Section 2531 of the Business and Professions Code is
2 amended to read:

3 2531. (a) There is in the Department of Consumer Affairs the
4 Speech-Language Pathology and Audiology and Hearing Aid
5 Dispensers Board in which the enforcement and administration of
6 this chapter are vested. The Speech-Language Pathology and
7 Audiology and Hearing Aid Dispensers Board shall consist of nine
8 members, three of whom shall be public members.

9 (b) This section shall remain in effect only until January 1, 2018,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2018, deletes or extends that date.
12 Notwithstanding any other law, the repeal of this section renders
13 the board subject to review by the appropriate policy committees
14 of the Legislature.

15 SEC. 7. Section 2531.75 of the Business and Professions Code
16 is amended to read:

17 2531.75. (a) The board may appoint a person exempt from
18 civil service who shall be designated as an executive officer and
19 who shall exercise the powers and perform the duties delegated
20 by the board and vested in him or her by this chapter.

21 (b) This section shall remain in effect only until January 1, 2018,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2018, deletes or extends that date.

24 SEC. 8. Section 2533 of the Business and Professions Code is
25 amended to read:

26 2533. The board may refuse to issue, or issue subject to terms
27 and conditions, a license on the grounds specified in Section 480,
28 or may suspend, revoke, or impose terms and conditions upon the
29 license of any licensee for any of the following:

30 (a) Conviction of a crime substantially related to the
31 qualifications, functions, and duties of a speech-language
32 pathologist or audiologist or hearing aid dispenser, as the case may
33 be. The record of the conviction shall be conclusive evidence
34 thereof.

35 (b) Securing a license by fraud or deceit.

36 (c) (1) The use or administering to himself or herself of any
37 controlled ~~substance~~; ~~(2) the substance~~.

38 (2) *The* use of any of the dangerous drugs specified in Section
39 4022, or of alcoholic beverages, to the extent or in a manner as to
40 be dangerous or injurious to the licensee, to any other person, or

1 to the public, or to the extent that the use impairs the ability of the
2 licensee to practice speech-language pathology or audiology ~~safely;~~
3 ~~(3) more safely.~~

4 (3) More than one misdemeanor or any felony involving the
5 use, consumption, or self-administration of any of the substances
6 referred to in this ~~section;~~ or ~~(4) any section.~~

7 (4) Any combination of paragraph (1), (2), or ~~(3).~~ The (3).

8 The record of the conviction shall be conclusive evidence of
9 unprofessional conduct.

10 (d) Advertising in violation of Section 17500. Advertising an
11 academic degree that was not validly awarded or earned under the
12 laws of this state or the applicable jurisdiction in which it was
13 issued is deemed to constitute a violation of Section 17500.

14 (e) Committing a dishonest or fraudulent act that is substantially
15 related to the qualifications, functions, or duties of a licensee.

16 (f) Incompetence, gross negligence, or repeated negligent acts.

17 (g) Other acts that have endangered or are likely to endanger
18 the health, welfare, and safety of the public.

19 (h) Use by a hearing aid dispenser of the term “doctor” or
20 “physician” or “clinic” or “audiologist,” or any derivation thereof,
21 except as authorized by law.

22 (i) The use, or causing the use, of any advertising or promotional
23 literature in a manner that has the capacity or tendency to mislead
24 or deceive purchasers or prospective purchasers.

25 (j) Any cause that would be grounds for denial of an application
26 for a license.

27 (k) Violation of Section 1689.6 or 1793.02 of the Civil Code.

28 (l) Violation of a term or condition of a probationary order of
29 a license issued by the board pursuant to Chapter 5 (commencing
30 with Section 11500) of Part 1 of Division 3 of Title 2 of the
31 Government Code.

32 SEC. 9. Section 2570.19 of the Business and Professions Code
33 is amended to read:

34 2570.19. (a) There is hereby created a California Board of
35 Occupational Therapy, hereafter referred to as the board. The board
36 shall enforce and administer this chapter.

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

38 (1) Three occupational therapists who shall have practiced
39 occupational therapy for five years.

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

3 (3) Three public members who shall not be licentiates of the
4 board, of any other board under this division, or of any board
5 referred to in Section 1000 or 3600.

6 (c) The Governor shall appoint the three occupational therapists
7 and one occupational therapy assistant to be members of the board.
8 The Governor, the Senate Committee on Rules, and the Speaker
9 of the Assembly shall each appoint a public member. Not more
10 than one member of the board shall be appointed from the full-time
11 faculty of any university, college, or other educational institution.

12 (d) All members shall be residents of California at the time of
13 their appointment. The occupational therapist and occupational
14 therapy assistant members shall have been engaged in rendering
15 occupational therapy services to the public, teaching, or research
16 in occupational therapy for at least five years preceding their
17 appointments.

18 (e) The public members may not be or have ever been
19 occupational therapists or occupational therapy assistants or in
20 training to become occupational therapists or occupational therapy
21 assistants. The public members may not be related to, or have a
22 household member who is, an occupational therapist or an
23 occupational therapy assistant, and may not have had, within two
24 years of the appointment, a substantial financial interest in a person
25 regulated by the board.

26 (f) The Governor shall appoint two board members for a term
27 of one year, two board members for a term of two years, and one
28 board member for a term of three years. Appointments made
29 thereafter shall be for four-year terms, but no person shall be
30 appointed to serve more than two consecutive terms. Terms shall
31 begin on the first day of the calendar year and end on the last day
32 of the calendar year or until successors are appointed, except for
33 the first appointed members who shall serve through the last
34 calendar day of the year in which they are appointed, before
35 commencing the terms prescribed by this section. Vacancies shall
36 be filled by appointment for the unexpired term. The board shall
37 annually elect one of its members as president.

38 (g) The board shall meet and hold at least one regular meeting
39 annually in the Cities of Sacramento, Los Angeles, and San
40 Francisco. The board may convene from time to time until its

1 business is concluded. Special meetings of the board may be held
2 at any time and place designated by the board.

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

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

11 (j) The appointing power shall have the power to remove any
12 member of the board from office for neglect of any duty imposed
13 by state law, for incompetency, or for unprofessional or
14 dishonorable conduct.

15 (k) This section shall remain in effect only until January 1, 2018,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2018, deletes or extends that date.
18 Notwithstanding any other law, the repeal of this section renders
19 the board subject to review by the appropriate policy committees
20 of the Legislature.

21 ~~SEC. 10. Section 2602 of the Business and Professions Code~~
22 ~~is amended to read:~~

23 ~~2602. The Physical Therapy Board of California, hereafter~~
24 ~~referred to as the board, shall enforce and administer this chapter.~~

25 ~~This section shall remain in effect only until January 1, 2018,~~
26 ~~and as of that date is repealed, unless a later enacted statute, that~~
27 ~~is enacted before January 1, 2018, deletes or extends that date.~~

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

31 ~~SEC. 11. Section 2607.5 of the Business and Professions Code~~
32 ~~is amended to read:~~

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

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

1 ~~SEC. 12.~~

2 *SEC. 10.* Section 3010.5 of the Business and Professions Code
3 is amended to read:

4 3010.5. (a) There is in the Department of Consumer Affairs
5 a State Board of Optometry in which the enforcement of this
6 chapter is vested. The board consists of 11 members, five of whom
7 shall be public members.

8 Six members of the board shall constitute a quorum.

9 (b) The board shall, with respect to conducting investigations,
10 inquiries, and disciplinary actions and proceedings, have the
11 authority previously vested in the board as created pursuant to
12 Section 3010. The board may enforce any disciplinary actions
13 undertaken by that board.

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

20 ~~SEC. 13.~~

21 *SEC. 11.* Section 3014.6 of the Business and Professions Code
22 is amended to read:

23 3014.6. (a) The board may appoint a person exempt from civil
24 service who shall be designated as an executive officer and who
25 shall exercise the powers and perform the duties delegated by the
26 board and vested in him or her by this chapter.

27 (b) This section shall remain in effect only until January 1, 2018,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2018, deletes or extends that date.

30 ~~SEC. 14.~~

31 *SEC. 12.* Section 3685 of the Business and Professions Code
32 is amended to read:

33 3685. Notwithstanding any other law, the repeal of this chapter
34 renders the committee subject to review by the appropriate policy
35 committees of the Legislature.

36 ~~SEC. 15.~~

37 *SEC. 13.* Section 3686 of the Business and Professions Code
38 is amended to read:

1 3686. This chapter shall remain in effect only until January 1,
2 2018, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, 2018, deletes or extends that date.

4 ~~SEC. 16.~~

5 *SEC. 14.* Section 3710 of the Business and Professions Code
6 is amended to read:

7 3710. (a) The Respiratory Care Board of California, hereafter
8 referred to as the board, shall enforce and administer this chapter.

9 (b) This section shall remain in effect only until January 1, 2018,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2018, deletes or extends that date.
12 Notwithstanding any other law, the repeal of this section renders
13 the board subject to review by the appropriate policy committees
14 of the Legislature.

15 ~~SEC. 17.~~

16 *SEC. 15.* Section 3716 of the Business and Professions Code
17 is amended to read:

18 3716. The board may employ an executive officer exempt from
19 civil service and, subject to the provisions of law relating to civil
20 service, clerical assistants and, except as provided in Section 159.5,
21 other employees as it may deem necessary to carry out its powers
22 and duties.

23 This section shall remain in effect only until January 1, 2018,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2018, deletes or extends that date.

26 ~~SEC. 18.~~

27 *SEC. 16.* Section 3765 of the Business and Professions Code
28 is amended to read:

29 3765. This act does not prohibit any of the following activities:

30 (a) The performance of respiratory care that is an integral part
31 of the program of study by students enrolled in approved
32 respiratory therapy training programs.

33 (b) Self-care by the patient or the gratuitous care by a friend or
34 member of the family who does not represent or hold himself or
35 herself out to be a respiratory care practitioner licensed under the
36 provisions of this chapter.

37 (c) The respiratory care practitioner from performing advances
38 in the art and techniques of respiratory care learned through formal
39 or specialized training.

1 (d) The performance of respiratory care in an emergency
2 situation by paramedical personnel who have been formally trained
3 in these modalities and are duly licensed under the provisions of
4 an act pertaining to their ~~speciality~~ *specialty*.

5 (e) Respiratory care services in case of an emergency.
6 “Emergency,” as used in this subdivision, includes an epidemic
7 or public disaster.

8 (f) Persons from engaging in cardiopulmonary research.

9 (g) Formally trained licensees and staff of child day care
10 facilities from administering to a child inhaled medication as
11 defined in Section 1596.798 of the Health and Safety Code.

12 (h) The performance by a person employed by a home medical
13 device retail facility or by a home health agency licensed by the
14 State Department of Public Health of specific, limited, and basic
15 respiratory care or respiratory care related services that have been
16 authorized by the board.

17 (i) The performance of pulmonary function testing by persons
18 who are currently employed by Los Angeles County hospitals and
19 have performed pulmonary function testing for at least 15 years.

20 ~~SEC. 19:~~

21 *SEC. 17.* The Legislature finds and declares that a special law,
22 as set forth in Section 18 of this act, is necessary and that a general
23 law cannot be made applicable within the meaning of Section 16
24 of Article IV of the California Constitution because of the unique
25 circumstances relating to persons who are currently employed by
26 Los Angeles County hospitals and have performed pulmonary
27 function testing for at least 15 years.