

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

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**

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**Introduced by Senator Lieu**

(Principal coauthor: Assembly Member Gordon)

(Coauthor: Assembly Member Bonilla)

February 15, 2013

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An act to amend Sections 1000, 2450, 2450.3, 2530.2, 2531, 2531.06, 2531.75, 2532.6, 2533, 2570.19, 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, 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subject to review by the appropriate policy committees of the Legislature as if these provisions were scheduled to be repealed on January 1, 2018.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 The bill would require that the review be performed as if these provisions were scheduled to be repealed as of January 1, 2018.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 *or a term or condition of a conditional license* issued by the board, as provided. *The bill would also delete an obsolete provision and make other technical changes.*

(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 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.

(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.

(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  
32 enforces this chapter relating to persons holding or applying for  
33 physician’s and surgeon’s certificates issued by the Osteopathic  
34 Medical Board of California under the Osteopathic Act.

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

1 Notwithstanding any other law, the powers and duties of the  
2 Osteopathic Medical Board of California, as set forth in this article  
3 and under the Osteopathic Act, shall be subject to review by the  
4 appropriate policy committees of the Legislature. The review shall  
5 be performed as if this chapter were scheduled to be repealed as  
6 of January 1, 2018.

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

9 2450.3. There is within the jurisdiction of the Osteopathic  
10 Medical Board of California a Naturopathic Medicine Committee  
11 authorized under the Naturopathic Doctors Act (Chapter 8.2  
12 (commencing with Section 3610)). This section shall become  
13 inoperative on January 1, 2018, and, as of that date is repealed,  
14 unless a later enacted statute that is enacted before January 1, 2018,  
15 deletes or extends that date. Notwithstanding any other provision  
16 of law, the repeal of this section renders the Naturopathic Medicine  
17 Committee subject to review by the appropriate policy committees  
18 of the Legislature.

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

21 2530.2. As used in this chapter, unless the context otherwise  
22 requires:

23 (a) "Board" means the Speech-Language Pathology and  
24 Audiology and Hearing Aid Dispensers Board.

25 (b) "Person" means any individual, partnership, corporation,  
26 limited liability company, or other organization or combination  
27 thereof, except that only individuals can be licensed under this  
28 chapter.

29 (c) A "speech-language pathologist" is a person who practices  
30 speech-language pathology.

31 (d) The practice of speech-language pathology means all of the  
32 following:

33 (1) The application of principles, methods, instrumental  
34 procedures, and noninstrumental procedures for measurement,  
35 testing, screening, evaluation, identification, prediction, and  
36 counseling related to the development and disorders of speech,  
37 voice, language, or swallowing.

38 (2) The application of principles and methods for preventing,  
39 planning, directing, conducting, and supervising programs for  
40 habilitating, rehabilitating, ameliorating, managing, or modifying

1 disorders of speech, voice, language, or swallowing in individuals  
2 or groups of individuals.

3 (3) Conducting hearing screenings.

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

7 (e) (1) Instrumental procedures referred to in subdivision (d)  
8 are the use of rigid and flexible endoscopes to observe the  
9 pharyngeal and laryngeal areas of the throat in order to observe,  
10 collect data, and measure the parameters of communication and  
11 swallowing as well as to guide communication and swallowing  
12 assessment and therapy.

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

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

29 (g) A licensed speech-language pathologist shall only perform  
30 flexible endoscopic procedures described in subdivision (e) in a  
31 setting that requires the facility to have protocols for emergency  
32 medical backup procedures, including a physician and surgeon or  
33 other appropriate medical professionals being readily available.

34 (h) "Speech-language pathology aide" means any person  
35 meeting the minimum requirements established by the board, who  
36 works directly under the supervision of a speech-language  
37 pathologist.

38 (i) (1) "Speech-language pathology assistant" means a person  
39 who meets the academic and supervised training requirements set  
40 forth by the board and who is approved by the board to assist in

1 the provision of speech-language pathology under the direction  
2 and supervision of a speech-language pathologist who shall be  
3 responsible for the extent, kind, and quality of the services provided  
4 by the speech-language pathology assistant.

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

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

20 (k) “The practice of audiology” means the application of  
21 principles, methods, and procedures of measurement, testing,  
22 appraisal, prediction, consultation, counseling, instruction related  
23 to auditory, vestibular, and related functions and the modification  
24 of communicative disorders involving speech, language, auditory  
25 behavior or other aberrant behavior resulting from auditory  
26 dysfunction; and the planning, directing, conducting, supervising,  
27 or participating in programs of identification of auditory disorders,  
28 hearing conservation, cerumen removal, aural habilitation, and  
29 rehabilitation, including, hearing aid recommendation and  
30 evaluation procedures including, but not limited to, specifying  
31 amplification requirements and evaluation of the results thereof,  
32 auditory training, and speech reading, and the selling of hearing  
33 aids.

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

36 (m) “Audiology aide” means any person meeting the minimum  
37 requirements established by the board. An audiology aide may not  
38 perform any function that constitutes the practice of audiology  
39 unless he or she is under the supervision of an audiologist. The  
40 board may by regulation exempt certain functions performed by

1 an industrial audiology aide from supervision provided that his or  
2 her employer has established a set of procedures or protocols that  
3 the aide shall follow in performing these functions.

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

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

9 (p) “Cerumen removal” means the nonroutine removal of  
10 cerumen within the cartilaginous ear canal necessary for access in  
11 performance of audiological procedures that shall occur under  
12 physician and surgeon supervision. Cerumen removal, as provided  
13 by this section, shall only be performed by a licensed audiologist.  
14 Physician and surgeon supervision shall not be construed to require  
15 the physical presence of the physician, but shall include all of the  
16 following:

17 (1) Collaboration on the development of written standardized  
18 protocols. The protocols shall include a requirement that the  
19 supervised audiologist immediately refer to an appropriate  
20 physician any trauma, including skin tears, bleeding, or other  
21 pathology of the ear discovered in the process of cerumen removal  
22 as defined in this subdivision.

23 (2) Approval by the supervising physician of the written  
24 standardized protocol.

25 (3) The supervising physician shall be within the general  
26 vicinity, as provided by the physician-audiologist protocol, of the  
27 supervised audiologist and available by telephone contact at the  
28 time of cerumen removal.

29 (4) A licensed physician and surgeon may not simultaneously  
30 supervise more than two audiologists for purposes of cerumen  
31 removal.

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

34 2531. (a) There is in the Department of Consumer Affairs the  
35 Speech-Language Pathology and Audiology and Hearing Aid  
36 Dispensers Board in which the enforcement and administration of  
37 this chapter are vested. The Speech-Language Pathology and  
38 Audiology and Hearing Aid Dispensers Board shall consist of nine  
39 members, three of whom shall be public members.

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

7 *SEC. 7. Section 2531.06 of the Business and Professions Code*  
8 *is amended to read:*

9 2531.06. (a) The board is vested with the duties, powers,  
10 purposes, responsibilities, and jurisdiction over the licensing and  
11 regulation of hearing aid dispensers as provided under Article 8  
12 (commencing with Section 2538.10).

13 (b) In the performance of the duties and the exercise of the  
14 powers vested in the board under this chapter, the board may  
15 consult with hearing aid dispenser industry representatives.

16 (c) For the performance of the duties and the exercise of the  
17 powers vested in the board under this chapter, the board shall have  
18 possession and control of all records, papers, offices, equipment,  
19 supplies, or other property, real or personal, held for the benefit  
20 or use by the former Hearing Aid Dispensers Bureau.

21 (d) All regulations in Division 13.3 (commencing with Section  
22 1399.100) of Title 16 of the California Code of Regulations are  
23 continued in existence under the administration of the board *until*  
24 *repealed by regulation.*

25 ~~SEC. 7.~~

26 *SEC. 8. Section 2531.75 of the Business and Professions Code*  
27 *is amended to read:*

28 2531.75. (a) The board may appoint a person exempt from  
29 civil service who shall be designated as an executive officer and  
30 who shall exercise the powers and perform the duties delegated  
31 by the board and vested in him or her by this chapter.

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

35 *SEC. 9. Section 2532.6 of the Business and Professions Code*  
36 *is amended to read:*

37 2532.6. (a) The Legislature recognizes that the education and  
38 experience requirements of this chapter constitute only minimal  
39 requirements to assure the public of professional competence. The  
40 Legislature encourages all professionals licensed and registered

1 by the board under this chapter to regularly engage in continuing  
2 professional development and learning that is related and relevant  
3 to the professions of speech-language pathology and audiology.

4 ~~(b) On and after January 1, 2001, and until January 1, 2002, the~~  
5 ~~board shall not renew any license or registration pursuant to this~~  
6 ~~chapter unless the applicant certifies to the board that he or she~~  
7 ~~has completed, after April 12, 1999, and prior to his or her renewal~~  
8 ~~date in 2001, not less than the minimum number of continuing~~  
9 ~~professional development hours established by the board pursuant~~  
10 ~~to subdivision (e) for the professional practice authorized by his~~  
11 ~~or her license. On and after January 1, 2002, the~~ *The* board shall  
12 not renew any license or registration pursuant to this chapter unless  
13 the applicant certifies to the board that he or she has completed in  
14 the preceding two years not less than the minimum number of  
15 continuing professional development hours established by the  
16 board pursuant to subdivision (c) for the professional practice  
17 authorized by his or her license or registration.

18 (c) (1) The board shall prescribe the forms utilized for and the  
19 number of hours of required continuing professional development  
20 for persons licensed or registered under this chapter.

21 (2) The board shall have the right to audit the records of any  
22 applicant to verify the completion of the continuing professional  
23 development requirements.

24 (3) Applicants shall maintain records of completion of required  
25 continuing professional development coursework for a minimum  
26 of two years and shall make these records available to the board  
27 for auditing purposes upon request.

28 (d) The board shall establish exceptions from the continuing  
29 professional development requirements of this section for good  
30 cause as defined by the board.

31 (e) (1) The continuing professional development services shall  
32 be obtained from accredited institutions of higher learning,  
33 organizations approved as continuing education providers by either  
34 the American Speech-Language Hearing Association or the  
35 American Academy of Audiology, the California Medical  
36 Association's Institute for Medical Quality Continuing Medical  
37 Education Program, or other entities or organizations approved as  
38 continuing professional development providers by the board, in  
39 its discretion.

1 (2) No hours shall be credited for any course enrolled in by a  
2 licensee that has not first been approved and certified by the board,  
3 if the board has sufficient funding and staff resources to implement  
4 the approval and certification process.

5 (3) The continuing professional development services offered  
6 by these entities may, but are not required to, utilize pretesting and  
7 posttesting or other evaluation techniques to measure and  
8 demonstrate improved professional learning and competency.

9 (4) An accredited institution of higher learning, an organization  
10 approved as continuing education providers by either the American  
11 Speech-Language Hearing Association or the American Academy  
12 of Audiology, and the California Medical Association's Institute  
13 for Medical Quality Continuing Education Program shall be exempt  
14 from any application or registration fees that the board may charge  
15 for continuing education providers.

16 (5) Unless a course offered by entities listed in paragraph (4)  
17 meets the requirements established by the board, the course may  
18 not be credited towards the continuing professional development  
19 requirements for license renewal.

20 (6) The licensee shall be responsible for obtaining the required  
21 course completion documents for courses offered by entities  
22 specified in paragraph (1).

23 (f) The board, by regulation, shall fund the administration of  
24 this section through professional development services provider  
25 and licensing fees to be deposited in the Speech-Language  
26 Pathology and Audiology Board Fund. The fees related to the  
27 administration of this section shall be sufficient to meet, but shall  
28 not exceed, the costs of administering the corresponding provisions  
29 of this section.

30 (g) The continuing professional development requirements  
31 adopted by the board shall comply with any guidelines for  
32 mandatory continuing education established by the Department of  
33 Consumer Affairs.

34 ~~SEC. 8.~~

35 *SEC. 10.* Section 2533 of the Business and Professions Code  
36 is amended to read:

37 2533. The board may refuse to issue, or issue subject to terms  
38 and conditions, a license on the grounds specified in Section 480,  
39 or may suspend, revoke, or impose terms and conditions upon the  
40 license of any licensee for any of the following:

- 1 (a) Conviction of a crime substantially related to the  
2 qualifications, functions, and duties of a speech-language  
3 pathologist or audiologist or hearing aid dispenser, as the case may  
4 be. The record of the conviction shall be conclusive evidence  
5 thereof.
- 6 (b) Securing a license by fraud or deceit.
- 7 (c) (1) The use or administering to himself or herself of any  
8 controlled substance.
- 9 (2) The use of any of the dangerous drugs specified in Section  
10 4022, or of alcoholic beverages, to the extent or in a manner as to  
11 be dangerous or injurious to the licensee, to any other person, or  
12 to the public, or to the extent that the use impairs the ability of the  
13 licensee to practice speech-language pathology or audiology safely.
- 14 (3) More than one misdemeanor or any felony involving the  
15 use, consumption, or self-administration of any of the substances  
16 referred to in this section.
- 17 (4) Any combination of paragraph (1), (2), or (3).  
18 The record of the conviction shall be conclusive evidence of  
19 unprofessional conduct.
- 20 (d) Advertising in violation of Section 17500. Advertising an  
21 academic degree that was not validly awarded or earned under the  
22 laws of this state or the applicable jurisdiction in which it was  
23 issued is deemed to constitute a violation of Section 17500.
- 24 (e) Committing a dishonest or fraudulent act that is substantially  
25 related to the qualifications, functions, or duties of a licensee.
- 26 (f) Incompetence, gross negligence, or repeated negligent acts.
- 27 (g) Other acts that have endangered or are likely to endanger  
28 the health, welfare, and safety of the public.
- 29 (h) Use by a hearing aid dispenser of the term “doctor” or  
30 “physician” or “clinic” or “audiologist,” or any derivation thereof,  
31 except as authorized by law.
- 32 (i) The use, or causing the use, of any advertising or promotional  
33 literature in a manner that has the capacity or tendency to mislead  
34 or deceive purchasers or prospective purchasers.
- 35 (j) Any cause that would be grounds for denial of an application  
36 for a license.
- 37 (k) Violation of Section 1689.6 or 1793.02 of the Civil Code.
- 38 (l) Violation of a term or condition of a probationary order of  
39 a license issued by the board pursuant to Chapter 5 (commencing

1 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
2 Government Code.

3 *(m) Violation of a term or condition of a conditional license*  
4 *issued by the board pursuant to this section.*

5 ~~SEC. 9.~~

6 *SEC. 11.* Section 2570.19 of the Business and Professions Code  
7 is amended to read:

8 2570.19. (a) There is hereby created a California Board of  
9 Occupational Therapy, hereafter referred to as the board. The board  
10 shall enforce and administer this chapter.

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

12 (1) Three occupational therapists who shall have practiced  
13 occupational therapy for five years.

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

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

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

25 (d) All members shall be residents of California at the time of  
26 their appointment. The occupational therapist and occupational  
27 therapy assistant members shall have been engaged in rendering  
28 occupational therapy services to the public, teaching, or research  
29 in occupational therapy for at least five years preceding their  
30 appointments.

31 (e) The public members may not be or have ever been  
32 occupational therapists or occupational therapy assistants or in  
33 training to become occupational therapists or occupational therapy  
34 assistants. The public members may not be related to, or have a  
35 household member who is, an occupational therapist or an  
36 occupational therapy assistant, and may not have had, within two  
37 years of the appointment, a substantial financial interest in a person  
38 regulated by the board.

39 (f) The Governor shall appoint two board members for a term  
40 of one year, two board members for a term of two years, and one

1 board member for a term of three years. Appointments made  
2 thereafter shall be for four-year terms, but no person shall be  
3 appointed to serve more than two consecutive terms. Terms shall  
4 begin on the first day of the calendar year and end on the last day  
5 of the calendar year or until successors are appointed, except for  
6 the first appointed members who shall serve through the last  
7 calendar day of the year in which they are appointed, before  
8 commencing the terms prescribed by this section. Vacancies shall  
9 be filled by appointment for the unexpired term. The board shall  
10 annually elect one of its members as president.

11 (g) The board shall meet and hold at least one regular meeting  
12 annually in the Cities of Sacramento, Los Angeles, and San  
13 Francisco. The board may convene from time to time until its  
14 business is concluded. Special meetings of the board may be held  
15 at any time and place designated by the board.

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

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

24 (j) The appointing power shall have the power to remove any  
25 member of the board from office for neglect of any duty imposed  
26 by state law, for incompetency, or for unprofessional or  
27 dishonorable conduct.

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

34 ~~SEC. 10.~~

35 *SEC. 12.* Section 3010.5 of the Business and Professions Code  
36 is amended to read:

37 3010.5. (a) There is in the Department of Consumer Affairs  
38 a State Board of Optometry in which the enforcement of this  
39 chapter is vested. The board consists of 11 members, five of whom  
40 shall be public members.

1 Six members of the board shall constitute a quorum.

2 (b) The board shall, with respect to conducting investigations,  
3 inquiries, and disciplinary actions and proceedings, have the  
4 authority previously vested in the board as created pursuant to  
5 Section 3010. The board may enforce any disciplinary actions  
6 undertaken by that board.

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

13 ~~SEC. 11.~~

14 *SEC. 13.* Section 3014.6 of the Business and Professions Code  
15 is amended to read:

16 3014.6. (a) The board may appoint a person exempt from civil  
17 service who shall be designated as an executive officer and who  
18 shall exercise the powers and perform the duties delegated by the  
19 board and vested in him or her by this chapter.

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

23 ~~SEC. 12.~~

24 *SEC. 14.* Section 3685 of the Business and Professions Code  
25 is amended to read:

26 3685. Notwithstanding any other law, the repeal of this chapter  
27 renders the committee subject to review by the appropriate policy  
28 committees of the Legislature.

29 ~~SEC. 13.~~

30 *SEC. 15.* Section 3686 of the Business and Professions Code  
31 is amended to read:

32 3686. This chapter shall remain in effect only until January 1,  
33 2018, and as of that date is repealed, unless a later enacted statute,  
34 that is enacted before January 1, 2018, deletes or extends that date.

35 ~~SEC. 14.~~

36 *SEC. 16.* Section 3710 of the Business and Professions Code  
37 is amended to read:

38 3710. (a) The Respiratory Care Board of California, hereafter  
39 referred to as the board, shall enforce and administer this chapter.

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

7 ~~SEC. 15.~~

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

10 3716. The board may employ an executive officer exempt from  
 11 civil service and, subject to the provisions of law relating to civil  
 12 service, clerical assistants and, except as provided in Section 159.5,  
 13 other employees as it may deem necessary to carry out its powers  
 14 and duties.

15 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 ~~SEC. 16.~~

19 *SEC. 18.* Section 3765 of the Business and Professions Code  
 20 is amended to read:

21 3765. This act does not prohibit any of the following activities:

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

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

29 (c) The respiratory care practitioner from performing advances  
 30 in the art and techniques of respiratory care learned through formal  
 31 or specialized training.

32 (d) The performance of respiratory care in an emergency  
 33 situation by paramedical personnel who have been formally trained  
 34 in these modalities and are duly licensed under the provisions of  
 35 an act pertaining to their specialty.

36 (e) Respiratory care services in case of an emergency.  
 37 "Emergency," as used in this subdivision, includes an epidemic  
 38 or public disaster.

39 (f) Persons from engaging in cardiopulmonary research.

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

4 (h) The performance by a person employed by a home medical  
5 device retail facility or by a home health agency licensed by the  
6 State Department of Public Health of specific, limited, and basic  
7 respiratory care or respiratory care related services that have been  
8 authorized by the board.

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

12 ~~SEC. 17.~~

13 *SEC. 19.* The Legislature finds and declares that a special law,  
14 as set forth in Section 18 of this act, is necessary and that a general  
15 law cannot be made applicable within the meaning of Section 16  
16 of Article IV of the California Constitution because of the unique  
17 circumstances relating to persons who are currently employed by  
18 Los Angeles County hospitals and have performed pulmonary  
19 function testing for at least 15 years.

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