

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY JUNE 18, 2014

AMENDED IN SENATE APRIL 21, 2014

**SENATE BILL**

**No. 1243**

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**Introduced by Senator Lieu**

(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

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An act to amend Sections *101.7*, 149, 201, 312, ~~453~~, 4800, 4804.5, 4836.2, ~~4841.5~~, ~~4844~~, 11506, and 22259 of, and to add Sections ~~101.7~~, 154.1, 211, and 312.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1243, as amended, Lieu. Professions and vocations.

(1) Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations. Existing law requires those agencies to hold public meetings and provide public notice of a meeting.

This bill would require each of those agencies to offer a person requesting to receive notice of a meeting the option to receive that notice by regular mail, email, or both regular mail and email, and would require the agency to comply with that request. The bill would require an agency that intends to Web cast a meeting, to provide notice of intent to Web cast the meeting.

(2) Existing law authorizes certain agencies within the department, upon investigation and with probable cause to believe that a person is

advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by or registered with the agency, to issue a citation including an order of correction. Existing law authorizes those agencies to notify the Public Utilities Commission if a person does not comply with a final order of correction, and requires the commission to require the telephone corporation providing the telephone services to disconnect the service.

This bill would apply those provisions to all agencies that comprise the department, and would delete the requirement that the advertising appear in a telephone directory.

(3) Existing law imposes specified duties on the department and allows the department to levy a charge for the estimated administrative expenses in advance on a pro rata share basis against funds of an agency comprising the department.

This bill would require the department to ~~conduct a study of its system for prorating administrative expenses and to submit a~~ *an annual report of the accounting of the pro rata calculation of administrative expenses* to the appropriate policy committees of the Legislature, on or before July 1, 2015, and on or before July 1 of each subsequent year, ~~including year. The bill would require the department to conduct a one-time study of its system for prorating administrative excesses, and to include the findings of the study and an accounting of the pro rata calculation in the report it is required to submit on or before July 1, 2015.~~ The bill would also require the department, if it engages a third-party consultant to assess the department's operations, to promptly, upon receipt of the consultant's final report on that assessment, to submit that report to the appropriate policy committees of the Legislature including the entire study upon its completion.

The bill would require the department to ~~develop an enforcement academy, as specified, and to provide an opportunity for an employee of an agency comprising the department who performs~~ *and make available training courses for employees who perform* enforcement functions to ~~attend an enforcement academy, at least annually, to provide a solid, standard baseline of~~ *develop* knowledge ~~and of enforcement practices for all employees who perform enforcement functions.~~

(4) Existing law requires an agency comprising the department to investigate a consumer accusation or complaint against a licensee and, where appropriate, the agency is authorized to impose disciplinary action against a licensee. Under existing law, an agency comprising the department may refer a complaint to the Attorney General or Office of

Administrative Hearings for further action. Existing law requires the Director of Consumer Affairs to submit an annual report to the Governor and the Legislature, on or before January 1, that includes information regarding consumer complaints and the action taken on those complaints.

This bill would require the director's report to include specific, detailed information regarding those complaints and actions. The bill would require the ~~Attorney General~~ *Office of Administrative Hearings* to submit a report to the department, the Governor, and the appropriate policy committees of the Legislature, on or before January 1, 2016, and on or before January 1 of each subsequent year, that includes specified information regarding the actions taken by the Office of the ~~Attorney General~~ *Administrative Hearings* pertaining to accusations and cases relating to consumer complaints against a person whose profession or vocation is licensed by an agency comprising the department. ~~The bill would require the Office of Administrative Hearings to submit a report to the same parties in the same timeframe as described above that includes actions taken by that office with respect to cases pertaining to those complaints.~~

~~(5) Existing law requires a newly appointed member of a board comprising the department to, within one year of assuming office, complete a training and orientation program offered by the department.~~

~~This bill would require the department to develop a board member mentor program to assign an experienced board member to mentor a new board member serving on a different board.~~

~~(6)~~

(5) Existing law regulates the practice of veterinary medicine. Existing law, until January 1, 2016, provides for a Veterinary Medical Board within the Department of Consumer Affairs. Existing law, until January 1, 2016, authorizes the board to appoint a person exempt from civil service to be designated as an executive officer of the board, as specified.

This bill would extend those provisions until January 1, 2017.

*(6) Existing law, beginning January 1, 2015, requires a veterinary assistant to obtain a controlled substance permit from the board in order to administer a controlled substance, and requires the board to revoke a veterinary controlled substance permit upon notification that the veterinary assistant has been convicted of a state or federal felony controlled substance violation.*

*This bill would, instead, beginning July 1, 2015, authorize the board to deny, suspend, or revoke the controlled substance permit of a*

*veterinary assistant after notice and hearing if the veterinary assistant has been convicted of a state or federal felony controlled substance violation.*

(7) Existing law regulates the practice of common interest development managers, and makes those provisions effective only until January 1, 2015.

This bill would extend the effectiveness of those provisions until January 1, 2019, and subject those provisions to review by the appropriate policy committees of the Legislature. The bill would also delete an obsolete reference.

(8) Existing law establishes the California Tax Education Council, a nonprofit organization, and requires the council to register and regulate tax preparers. Existing law makes those provisions effective only until January 1, 2015.

This bill would extend the effectiveness of those provisions until January 1, 2019.

*(9) This bill would make technical, nonsubstantive, and conforming changes.*

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 101.7 is added to the Business and~~  
2     ~~Professions Code, to read:~~  
3     ~~101.7. (a) An agency within the department that is required~~  
4     ~~to provide a written notice pursuant to subdivision (a) of Section~~  
5     ~~11125 Government Code, may provide that notice by regular mail,~~  
6     ~~email, or by both regular mail and email. An agency shall give a~~  
7     ~~person who requests a notice the option of receiving the notice by~~  
8     ~~regular mail, email, or by both regular mail and electronic mail.~~  
9     ~~The agency shall comply with the requester’s chosen form or forms~~  
10    ~~of notice.~~  
11    ~~(b) An agency that plans to Web cast a meeting shall include~~  
12    ~~in the meeting notice required pursuant to subdivision (a) of Section~~  
13    ~~11125 of the Government Code a statement of the board’s intent~~  
14    ~~to Web cast the meeting. An agency may Web cast a meeting even~~  
15    ~~if the agency fails to include that statement of intent in the notice.~~  
16    ~~SECTION 1. Section 101.7 of the Business and Professions~~  
17    ~~Code is amended to read:~~

1 101.7. (a) Notwithstanding any other provision of law, boards  
2 shall meet at least three times each calendar year. Boards shall  
3 meet at least once each calendar year in northern California and  
4 once each calendar year in southern California in order to facilitate  
5 participation by the public and its licensees.

6 (b) The director at his or her discretion may exempt any board  
7 from the requirement in subdivision (a) upon a showing of good  
8 cause that the board is not able to meet at least three times in a  
9 calendar year.

10 (c) The director may call for a special meeting of the board  
11 when a board is not fulfilling its duties.

12 (d) *An agency within the department that is required to provide*  
13 *a written notice pursuant to subdivision (a) of Section 11125 of*  
14 *the Government Code, may provide that notice by regular mail,*  
15 *email, or by both regular mail and email. An agency shall give a*  
16 *person who requests a notice the option of receiving the notice by*  
17 *regular mail, email, or by both regular mail and email. The agency*  
18 *shall comply with the requester's chosen form or forms of notice.*

19 (e) *An agency that plans to Web cast a meeting shall include in*  
20 *the meeting notice required pursuant to subdivision (a) of Section*  
21 *11125 of the Government Code a statement of the board's intent*  
22 *to Web cast the meeting. An agency may Web cast a meeting even*  
23 *if the agency fails to include that statement of intent in the notice.*

24 SEC. 2. Section 149 of the Business and Professions Code is  
25 amended to read:

26 149. (a) If, upon investigation, an agency designated in Section  
27 101 has probable cause to believe that a person is advertising with  
28 respect to the offering or performance of services, without being  
29 properly licensed by or registered with the agency to offer or  
30 perform those services, the agency may issue a citation under  
31 Section 148 containing an order of correction that requires the  
32 violator to do both of the following:

33 (1) Cease the unlawful advertising.

34 (2) Notify the telephone company furnishing services to the  
35 violator to disconnect the telephone service furnished to any  
36 telephone number contained in the unlawful advertising.

37 (b) This action is stayed if the person to whom a citation is  
38 issued under subdivision (a) notifies the agency in writing that he  
39 or she intends to contest the citation. The agency shall afford an  
40 opportunity for a hearing, as specified in Section 125.9.

1 (c) If the person to whom a citation and order of correction is  
2 issued under subdivision (a) fails to comply with the order of  
3 correction after that order is final, the agency shall inform the  
4 Public Utilities Commission of the violation and the Public Utilities  
5 Commission shall require the telephone corporation furnishing  
6 services to that person to disconnect the telephone service furnished  
7 to any telephone number contained in the unlawful advertising.

8 (d) The good faith compliance by a telephone corporation with  
9 an order of the Public Utilities Commission to terminate service  
10 issued pursuant to this section shall constitute a complete defense  
11 to any civil or criminal action brought against the telephone  
12 corporation arising from the termination of service.

13 SEC. 3. Section 154.1 is added to the Business and Professions  
14 Code, to read:

15 154.1. (a) The Legislature hereby finds and declares all of the  
16 following:

17 (1) The department is currently providing opportunities for  
18 employees of agencies comprising the department who perform  
19 enforcement functions to attend an *entry level* enforcement  
20 academy.

21 (2) It is in the best interest of consumers in the state for the  
22 department to continue to provide ~~these ongoing training~~  
23 opportunities for employees performing enforcement functions  
24 for each agency comprising the department.

25 (b) The department shall ~~provide an opportunity for an employee~~  
26 ~~of an agency comprising the department who performs~~ *continue*  
27 *to develop and make available training courses for employees who*  
28 *perform enforcement functions to attend an enforcement academy,*  
29 *at least annually, to provide a solid, standard baseline of functions.*  
30 *The purpose of the training courses is to develop knowledge and*  
31 *of enforcement* practices for all employees who perform  
32 enforcement functions. The department shall encourage an agency  
33 executive officer, registrar, executive director, bureau chief,  
34 enforcement manager, supervisor, or staff member to attend ~~an~~  
35 ~~enforcement academy training courses.~~

36 (c) The department shall develop the enforcement ~~academy~~  
37 *training* curricula in consultation and cooperation with the office  
38 of the Attorney General and the Office of Administrative Hearings.  
39 ~~The curricula shall include, but not be limited to, complaint intake,~~  
40 ~~determining which cases should be referred for investigation,~~

1 ~~preparing a case suitable for filing an accusation, and the~~  
2 ~~Administrative Procedure Act.~~

3 ~~(d) The department shall develop and implement a measure of~~  
4 ~~training outcomes that includes a pretest and posttest of an~~  
5 ~~employee's knowledge of the training subject matter, and any other~~  
6 ~~performance measures that the department deems appropriate.~~

7 SEC. 4. Section 201 of the Business and Professions Code is  
8 amended to read:

9 201. (a) (1) A charge for the estimated administrative expenses  
10 of the department, not to exceed the available balance in any  
11 appropriation for any one fiscal year, may be levied in advance on  
12 a pro rata share basis against any of the boards, bureaus,  
13 commissions, divisions, and agencies, at the discretion of the  
14 director and with the approval of the Department of Finance. ~~The~~

15 (2) ~~The~~ department shall submit a report of the accounting of  
16 the pro rata calculation of administrative expenses to the  
17 appropriate policy committees of the Legislature on or before July  
18 1, 2015, and on or before July 1 of each subsequent year.

19 (b) The department shall conduct a *one-time* study of its current  
20 system for prorating administrative expenses to determine if that  
21 system is the most productive, efficient, and cost-effective manner  
22 for the department and the agencies comprising the department.  
23 The study shall include consideration of whether some of the  
24 administrative services offered by the department should be  
25 outsourced or charged on an as-needed basis and whether the  
26 agencies should be permitted to elect not to receive and be charged  
27 for certain administrative services. The department shall include  
28 *the findings* in its report pursuant to *paragraph (2) of subdivision*  
29 ~~(a) the findings of the study that it is required to submit on or~~  
30 ~~before July 1, 2015.~~

31 SEC. 5. Section 211 is added to the Business and Professions  
32 Code, to read:

33 211. If the department hires a third-party consultant to assess  
34 the department's operations, the department shall, promptly upon  
35 receipt of the consultant's final report on that assessment, submit  
36 that report to the appropriate policy committees of the Legislature  
37 *after omitting any information that is not subject to disclosure*  
38 *under the California Public Records Act (Chapter 3.5 commencing*  
39 *with Section 6250) of Division 7 of Title 1 of the Government Code.*

1 SEC. 6. Section 312 of the Business and Professions Code is  
2 amended to read:

3 312. (a) The director shall submit to the Governor and the  
4 Legislature on or before January 1, 2003, and annually thereafter,  
5 a report of programmatic and statistical information regarding the  
6 activities of the department and its constituent entities *for the*  
7 *previous fiscal year*. The report shall include information  
8 concerning the director's activities pursuant to Section 326,  
9 including the number and general patterns of consumer complaints  
10 and the action taken on those complaints.

11 ~~(1) The report shall include, at a minimum, all of the following~~  
12 ~~information:~~

13 ~~(2) The total number of temporary restraining orders or interim~~  
14 ~~suspension orders sought by each constituent entity to enjoin~~  
15 ~~licensees pursuant to Sections 125.7 and 125.8, the circumstances~~  
16 ~~in each case that prompted the constituent entity to seek that~~  
17 ~~injunctive relief, and whether a restraining order or interim~~  
18 ~~suspension order was issued.~~

19 ~~(3) Information relative to the performance of each constituent~~  
20 ~~entity, including all of the following:~~

21 ~~(A) Number of consumer calls received.~~

22 ~~(B) Number of consumer calls or letters designated as~~  
23 ~~discipline-related complaints.~~

24 ~~(C) Number of complaint forms received.~~

25 ~~(D) Number of convictions of licensees reported to the~~  
26 ~~constituent entity.~~

27 ~~(E) Number of criminal filings reported to the constituent entity.~~

28 ~~(F) Number of complaints and referrals closed, referred out, or~~  
29 ~~resolved without discipline, respectively, prior to accusation.~~

30 ~~(G) Number of accusations filed and final disposition of~~  
31 ~~accusations through the constituent entities and court review,~~  
32 ~~respectively.~~

33 ~~(H) Final discipline by category.~~

34 ~~(I) Number of citations issued with and without fines.~~

35 ~~(J) Number of cases in process more than six months after a~~  
36 ~~constituent entity receives information regarding the acts relevant~~  
37 ~~to a filed accusation.~~

38 ~~(K) The average and median times in processing complaints~~  
39 ~~from when a constituent entity receives a complaint to each stage~~  
40 ~~of discipline and court review.~~

- 1 ~~(L) Number of public reprimands issued.~~
- 2 ~~(M) Probation violation reports and probation revocation filings~~
- 3 ~~and dispositions.~~
- 4 ~~(N) Number of petitions for reinstatement and the dispositions~~
- 5 ~~of those petitions.~~
- 6 ~~(O) Caseloads of investigators for both original cases and~~
- 7 ~~probation cases.~~
- 8 ~~(P) Number of reports pursuant to Section 805 or Section 805.01~~
- 9 ~~by type of peer review body reporting and, where applicable, the~~
- 10 ~~type of health care facility involved and the number and type of~~
- 11 ~~administrative or disciplinary actions taken by a constituent entity~~
- 12 ~~with respect to those reports.~~
- 13 ~~(Q) Number of reports pursuant to Section 801.01 or 803.~~
- 14 ~~(R) The number of malpractice settlements in excess of thirty~~
- 15 ~~thousand dollars (\$30,000) reported pursuant to Section 801.01.~~
- 16 ~~(S) Number of coroner's reports received by a constituent entity.~~
- 17 ~~(T) Average~~
- 18 *(b) The report shall include information relative to the*
- 19 *performance of each constituent entity, including, but not limited*
- 20 *to, length of time for a constituent entity to reach each of the*
- 21 *following milestones in the enforcement process:*
- 22 *(i)*
- 23 *(1) Average number of days from when a constituent entity*
- 24 *receives a complaint until the constituent entity assigns an*
- 25 *investigator to the complaint.*
- 26 *(ii)*
- 27 *(2) Average number of days from a constituent entity opening*
- 28 *an investigation conducted by the constituent entity staff or the*
- 29 *Division of Investigation to closing the investigation regardless*
- 30 *of outcome.*
- 31 *(iii)*
- 32 *(3) Average number of days from a constituent entity closing*
- 33 *an investigation to imposing formal discipline.*
- 34 ~~(iv) Average number of days for a constituent entity to conduct~~
- 35 ~~a supplemental investigation for a case that was rereferred by the~~
- 36 ~~constituent entity to the Attorney General to file an accusation.~~
- 37 ~~(b) "Action," for purposes of this section, means a proceeding~~
- 38 ~~brought by, or on behalf of, a constituent entity against a licensee~~
- 39 ~~for unprofessional conduct that has not been finally adjudicated;~~

1 and a disciplinary action taken by a constituent entity against a  
2 licensee.

3 (c) A report submitted pursuant to subdivision (a) shall be  
4 submitted in compliance with Section 9795 of the Government  
5 Code.

6 SEC. 7. Section 312.1 is added to the Business and Professions  
7 Code, to read:

8 ~~312.1. (a) The Attorney General shall submit a report to the~~  
9 ~~department, the Governor, and the appropriate policy committees~~  
10 ~~of the Legislature on or before January 1, 2016, and on or before~~  
11 ~~January 1 of each subsequent year that includes, at a minimum,~~  
12 ~~all of the following:~~

13 ~~(1) Number of cases referred to the Attorney General by each~~  
14 ~~constituent entity comprising the department.~~

15 ~~(2) Number of cases referred by the Attorney General back to~~  
16 ~~each constituent entity with no further action.~~

17 ~~(3) Number of cases rereferred by a constituent entity to the~~  
18 ~~Attorney General after each constituent entity or the Division of~~  
19 ~~Investigation completes a supplemental investigation.~~

20 ~~(4) Number of accusations filed by each constituent entity.~~

21 ~~(5) Number of accusations a constituent entity withdraws.~~

22 ~~(6) Average number of days from the Attorney General receiving~~  
23 ~~a case to filing an accusation on behalf of each constituent entity.~~

24 ~~(7) Average number of days to prepare an accusation for a case~~  
25 ~~that is rereferred to the Attorney General after a supplemental~~  
26 ~~investigation is conducted by staff of a constituent entity or the~~  
27 ~~Division of Investigation for each constituent entity.~~

28 ~~(8) Average number of days from filing an accusation to~~  
29 ~~transmitting a stipulated settlement for each constituent entity.~~

30 ~~(9) Average number of days from filing an accusation to~~  
31 ~~transmitting a default decision for each constituent entity.~~

32 ~~(10) Average of days from filing an accusation to scheduling a~~  
33 ~~hearing for each constituent entity.~~

34 ~~(11) Average numbers of days from scheduling a hearing to~~  
35 ~~conducting a hearing for each constituent entity.~~

36 ~~(b)~~

37 ~~312.1.~~ The Office of Administrative Hearings shall submit a  
38 report to the department, the Governor, and the Legislature on or  
39 before January 1, 2016, and on or before January 1 of each

1 subsequent year that includes, at a minimum, all of the following  
2 *for the previous fiscal year:*

3 (1)

4 (a) Number of cases referred by each constituent entity to each  
5 office of the Office of Administrative Hearings for a hearing.

6 (2)

7 (b) Average number of days from receiving a request to setting  
8 a hearing date at each office of the Office of Administrative  
9 Hearings.

10 (3)

11 (c) Average number of days from setting a hearing to conducting  
12 the hearing.

13 (4)

14 (d) Average number of days after conducting a hearing to  
15 transmitting the proposed decision by each office of the Office of  
16 Administrative Hearings.

17 ~~SEC. 8. Section 453 of the Business and Professions Code is~~  
18 ~~amended to read:~~

19 ~~453. (a) Every newly appointed board member shall, within~~  
20 ~~one year of assuming office, complete a training and orientation~~  
21 ~~program offered by the department regarding, among other things,~~  
22 ~~his or her functions, responsibilities, and obligations as a member~~  
23 ~~of a board. The department shall adopt regulations necessary to~~  
24 ~~establish this training and orientation program and its content.~~

25 ~~(b) The department shall develop a board member mentor~~  
26 ~~program through which experienced board members will be trained~~  
27 ~~to act as mentors to newly appointed board members. A mentor~~  
28 ~~member should be assigned to a new board member who serves~~  
29 ~~on a different board. A mentor may be a current or former board~~  
30 ~~member.~~

31 ~~SEC. 9.~~

32 ~~SEC. 8. Section 4800 of the Business and Professions Code is~~  
33 ~~amended to read:~~

34 4800. (a) There is in the Department of Consumer Affairs a  
35 Veterinary Medical Board in which the administration of this  
36 chapter is vested. The board consists of the following members:

37 (1) Four licensed veterinarians.

38 (2) One registered veterinary technician.

39 (3) Three public members.

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

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

11 ~~SEC. 10.~~

12 *SEC. 9.* Section 4804.5 of the Business and Professions Code  
13 is amended to read:

14 4804.5. The board may appoint a person exempt from civil  
15 service who shall be designated as an executive officer and who  
16 shall exercise the powers and perform the duties delegated by the  
17 board and vested in him or her by this chapter.

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

21 *SEC. 10. Section 4836.2 of the Business and Professions Code*  
22 *is amended to read:*

23 4836.2. (a) Applications for a veterinary assistant controlled  
24 substance permit shall be upon a form furnished by the board.

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

30 (c) The board may deny, suspend, or revoke the controlled  
31 substance permit of a veterinary assistant after notice and hearing  
32 for any cause provided in this subdivision. The proceedings under  
33 this section shall be conducted in accordance with the provisions  
34 for administrative adjudication in Chapter 5 (commencing with  
35 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
36 Code, and the board shall have all the powers granted therein. The  
37 board may revoke or suspend a veterinary assistant controlled  
38 substance permit for any of the following reasons:

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

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

2 (3) *The veterinary assistant to whom the permit is issued has*  
3 *been convicted of a state or federal felony controlled substance*  
4 *violation.*

5 ~~(3)~~

6 (4) Violating or attempts to violate, directly or indirectly, or  
7 assisting in or abetting the violation of, or conspiring to violate,  
8 any provision of this chapter, or of the regulations adopted under  
9 this chapter.

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

13 ~~(e) The board shall revoke a veterinary assistant controlled~~  
14 ~~substance permit upon notification that the veterinary assistant to~~  
15 ~~whom the license is issued has been convicted of a state or federal~~  
16 ~~felony controlled substance violation.~~

17 ~~(f)~~

18 (e) (1) As part of the application for a veterinary assistant  
19 controlled substance permit, the applicant shall submit to the  
20 Department of Justice fingerprint images and related information,  
21 as required by the Department of Justice for all veterinary assistant  
22 applicants, for the purposes of obtaining information as to the  
23 existence and content of a record of state or federal convictions  
24 and state or federal arrests and information as to the existence and  
25 content of a record of state or federal arrests for which the  
26 Department of Justice establishes that the person is free on bail or  
27 on his or her own recognizance pending trial or appeal.

28 (2) When received, the Department of Justice shall forward to  
29 the Federal Bureau of Investigation requests for federal summary  
30 criminal history information that it receives pursuant to this section.  
31 The Department of Justice shall review any information returned  
32 to it from the Federal Bureau of Investigation and compile and  
33 disseminate a response to the board summarizing that information.

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

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

40 ~~(g)~~

1 (f) The board shall request from the Department of Justice  
 2 subsequent notification service, as provided pursuant to Section  
 3 11105.2 of the Penal Code, for persons described in paragraph (1)  
 4 of subdivision ~~(f)~~ (e).

5 ~~(h)~~

6 (g) This section shall become operative ~~upon the later of January~~  
 7 ~~1, 2015, or the effective date of the statute in which the Legislature~~  
 8 ~~makes a determination that the board has sufficient staffing to~~  
 9 ~~implement this section on July 1, 2015.~~

10 *SEC. 11. Section 4841.5 of the Business and Professions Code*  
 11 *is amended to read:*

12 4841.5. To be eligible to take the written and practical  
 13 examination for registration as a registered veterinary technician,  
 14 the applicant shall:

15 (a) Be at least 18 years of age.

16 (b) (1) Furnish satisfactory evidence of graduation from, at  
 17 minimum, a two-year curriculum in veterinary technology, in a  
 18 college or other postsecondary institution approved by the board,  
 19 or the equivalent thereof as determined by the board. In the case  
 20 of a private postsecondary institution, the institution shall also be  
 21 approved by the Bureau for Private Postsecondary and Vocational  
 22 Education.

23 (2) For purposes of this subdivision, education or a combination  
 24 of education and clinical practice experience may constitute the  
 25 equivalent of the graduation requirement imposed under this  
 26 subdivision, as determined by the board.

27 *SEC. 12. Section 4844 of the Business and Professions Code*  
 28 *is amended to read:*

29 4844. A person who fails to renew his certificate of registration  
 30 within five years after its expiration may not renew it, and it shall  
 31 not be restored, reissued, or reinstated thereafter, but ~~such~~ *that*  
 32 person may apply for and obtain a new certificate of registration  
 33 if:

34 (a) He *or she* is not subject to denial of registration under Section  
 35 480.

36 (b) No fact, circumstance, or condition exists which, if the  
 37 certificate of registration were issued, would justify its revocation  
 38 or suspension.

39 (c) He *or she* takes and passes the examination, if any, ~~which~~  
 40 *that* would be required of him *or her* if he *or she* were then

1 applying for a certificate of registration for the first time, or  
2 otherwise establishes to the satisfaction of the board that, with due  
3 regard for the public interest, he *or she* is qualified to be a  
4 registered ~~animal health~~ *veterinary* technician.

5 (d) He *or she* pays all of the fees that would be required of him  
6 *or her* if he *or she* were applying for the certificate of registration  
7 for the first time.

8 The board may, by regulation, provide for the waiver or refund  
9 of all or any part of the examination fee ~~in those cases in which~~  
10 *when* a certificate of registration is issued without an examination  
11 pursuant to ~~the provisions of~~ this section.

12 ~~SEC. 11.~~

13 *SEC. 13.* Section 11506 of the Business and Professions Code  
14 is amended to read:

15 11506. This part shall be subject to review by the appropriate  
16 policy committees of the Legislature. This part shall remain in  
17 effect only until January 1, 2019, and as of that date is repealed,  
18 unless a later enacted statute, that is enacted before January 1,  
19 2019, deletes or extends that date.

20 ~~SEC. 12.~~

21 *SEC. 14.* Section 22259 of the Business and Professions Code  
22 is amended to read:

23 22259. (a) This chapter shall be subject to review by the  
24 appropriate policy committees of the Legislature.

25 (b) This chapter shall remain in effect only until January 1,  
26 2019, and as of that date is repealed, unless a later enacted statute,  
27 that is enacted before January 1, 2019, deletes or extends that date.