

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 179

Introduced by Assembly Member Bonilla
(Principal coauthor: Senator Hill)

January 26, 2015

An act to amend Sections 726, 1601.1, 1616.5, 1632, 1638, 1638.1, 1638.3, 1646.6, 1647.8, 1724, 1725, 1742, *1752.1*, 2841, 4501, and 4503 of, to amend, repeal, and add Sections 205, ~~1752.1~~, 2894, and 4547 of, to add Section 1650.1 to, *and* to add and repeal Sections 2847.1, 2847.5 and 2858.5 of, ~~and to repeal and add Section 1752.3 of~~, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 179, as amended, Bonilla. Healing arts.

(1) Under existing law, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer is unprofessional conduct, except that it is not unprofessional conduct when sexual contact is between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship, as specified.

This bill would expand the exception by providing that it would not be unprofessional conduct when consensual sexual contact is between

a licensee and his or her spouse or person in an equivalent domestic relationship, as specified.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California and authorizes the board to appoint an executive officer to exercise powers and perform duties delegated by the board to him or her. These provisions are in effect only until January 1, 2016, and, upon repeal of those provisions, the board will be subject to review by the appropriate policy committees of the Legislature. The act prescribes various fees that are required to be paid by dentists and dental assistants for, among other things, an initial license and the renewal of that license.

This bill would extend the provisions relating to the Dental Board of California and the executive officer to January 1, 2020. The bill would also change various fees that would be required to be paid by a dentist, a dental assistant, or certain educational programs, as specified. The bill would, on and after January 1, 2016, require that an initial license for a dentist be no greater than \$650 and would require the fee for the renewal of that license to be no greater than \$650. The bill would, on and after January 1, 2018, require that an initial license be no greater than \$800 and would require the fee for a renewal of that license to be no greater than \$800. The bill would also require, by July 1, 2016, every applicant and licensee under the act to report to the board his or her electronic mail address, and would require the board to annually send an electronic notice to each applicant and licensee that requests confirmation of the applicant's or licensee's electronic mail address.

The act authorizes the board to license a person as a registered dental assistant if he or she meets certain requirements, including a written and practical examination.

~~This bill, until July 1, 2017, bill would remove that practical examination requirement. The bill would require the Dental Board of California, in consultation with the Office of Professional Examination Services, to *conduct a review to determine on or before July 1, 2017, whether a practical examination is necessary to demonstrate the competency of registered dental assistants and to submit that determination to the appropriate policy committees of the Legislature by that date, as specified. The bill would make related conforming changes. The bill would authorize the board to vote to suspend the practical examination if the review concludes that the practical examination is unnecessary or does not accurately measure the competency of registered dental assistants. The bill would provide that*~~

the suspension of the practical examination commences on the date the board votes to suspend the practical examination and would continue being suspended until July 1, 2017. The bill would require the board to post a notice on its Internet Web site if it suspends the practical examination.

Existing law creates the Dental Assisting Council of the Dental Board of California, which considers all matters relating to California dental assistants and is composed of members who serve terms, as specified. Existing law requires the board to make all the initial appointments of members by May 1, 2012.

This bill would prohibit a member from serving more than two full terms. The bill would remove the requirement for the board to make all initial appointments by May 1, 2012.

(3) Existing law provides for the licensure and regulation of vocational nurses under the Vocational Nursing Practice Act, and psychiatric technicians under the Psychiatric Technicians Law, by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, and requires the board to, among other things, appoint an executive officer, who is required to be a licensed vocational nurse, registered nurse, or psychiatric technician. Existing law repeals these provisions on January 1, 2016.

This bill would remove the requirement that the executive officer be a vocational nurse, registered nurse, or psychiatric technician, and would extend the repeal date of the provisions relating to the board to January 1, 2018.

(4) Existing law establishes the Vocational Nursing and Psychiatric Technicians Fund in the State Treasury, and establishes the Vocational Nurses Account and the Psychiatric Technician Examiners Account within the fund. Existing law authorizes the Board of Vocational Nursing and Psychiatric Technicians of the State of California to collect specified fees and fines related to the board's licensure and regulation of vocational nurses and psychiatric technicians, and prohibits the board from charging expenses for these respective activities against funds received from any other source.

This bill, beginning July 1, 2016, would remove that prohibition, abolish the Vocational Nurses Account and the Psychiatric Technician Examiners Account, and specify that all money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out the Vocational Nursing Practice Act and the Psychiatric Technicians Law.

(5) Existing law authorizes the Director of Consumer Affairs to investigate the work of the boards within the Department of Consumer Affairs, obtain a copy of the records of official matters in possession of the boards, and require reports from the boards as the director deems reasonably necessary. Existing law requires the director to provide certain reports to the Legislature, including, but not limited to, a copy of an independent review of the Bureau for Private Postsecondary Education’s staffing resources needs and requirements.

This bill would require the director to appoint an administrative and enforcement program monitor no later than March 1, 2016, and would require the monitor to monitor and evaluate the administrative process and disciplinary system and procedures of the Board of Vocational Nursing and Psychiatric Technicians of the State of California for a period of no more than 2 years, as specified. The bill would require the monitor to submit a report of his or her findings and conclusions to the Legislature, the department, and the board by July 1, 2016, subsequent reports by November 1, 2016, and February 1, 2017, and a final report before January 1, 2018. The bill would require the board and its staff to cooperate with the program monitor. The bill would also require the department’s internal audit unit to review the board’s financial needs, fee structure, budget, and expenditures, and require the director to provide the Legislature with a copy of the review no later than October 1, 2016. The bill would repeal these provisions on January 1, 2018.

(6) This bill would incorporate additional changes in Section 205 of the Business and Professions Code, proposed by AB 177 and AB 180 that would become operative only if this bill and either or both of those bills are chaptered and become effective January 1, 2016, and this bill is chaptered last.

(7) This bill would incorporate additional changes in Section 1724 of the Business and Professions Code, proposed by AB 483, that would become operative only if this bill and AB 483 are chaptered and become effective January 1, 2016, and this bill is chaptered last.

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 205 of the Business and Professions Code
2 is amended to read:

- 1 205. (a) There is in the State Treasury the Professions and
2 Vocations Fund. The fund shall consist of the following special
3 funds:
- 4 (1) Accountancy Fund.
 - 5 (2) California Architects Board Fund.
 - 6 (3) Athletic Commission Fund.
 - 7 (4) Barbering and Cosmetology Contingent Fund.
 - 8 (5) Cemetery Fund.
 - 9 (6) Contractors' License Fund.
 - 10 (7) State Dentistry Fund.
 - 11 (8) State Funeral Directors and Embalmers Fund.
 - 12 (9) Guide Dogs for the Blind Fund.
 - 13 (10) Home Furnishings and Thermal Insulation Fund.
 - 14 (11) California Architects Board-Landscape Architects Fund.
 - 15 (12) Contingent Fund of the Medical Board of California.
 - 16 (13) Optometry Fund.
 - 17 (14) Pharmacy Board Contingent Fund.
 - 18 (15) Physical Therapy Fund.
 - 19 (16) Private Investigator Fund.
 - 20 (17) Professional Engineer's and Land Surveyor's Fund.
 - 21 (18) Consumer Affairs Fund.
 - 22 (19) Behavioral Sciences Fund.
 - 23 (20) Licensed Midwifery Fund.
 - 24 (21) Court Reporters' Fund.
 - 25 (22) Veterinary Medical Board Contingent Fund.
 - 26 (23) Vocational Nurses Account of the Vocational Nursing and
27 Psychiatric Technicians Fund.
 - 28 (24) Electronic and Appliance Repair Fund.
 - 29 (25) Geology and Geophysics Account of the Professional
30 Engineer's and Land Surveyor's Fund.
 - 31 (26) Dispensing Opticians Fund.
 - 32 (27) Acupuncture Fund.
 - 33 (28) Physician Assistant Fund.
 - 34 (29) Board of Podiatric Medicine Fund.
 - 35 (30) Psychology Fund.
 - 36 (31) Respiratory Care Fund.
 - 37 (32) Speech-Language Pathology and Audiology and Hearing
38 Aid Dispensers Fund.
 - 39 (33) Board of Registered Nursing Fund.

1 (34) Psychiatric Technician Examiners Account of the
2 Vocational Nursing and Psychiatric Technicians Fund.

3 (35) Animal Health Technician Examining Committee Fund.

4 (36) State Dental Hygiene Fund.

5 (37) State Dental Assistant Fund.

6 (38) Structural Pest Control Fund.

7 (39) Structural Pest Control Eradication and Enforcement Fund.

8 (40) Structural Pest Control Research Fund.

9 (b) For accounting and recordkeeping purposes, the Professions
10 and Vocations Fund shall be deemed to be a single special fund,
11 and each of the several special funds therein shall constitute and
12 be deemed to be a separate account in the Professions and
13 Vocations Fund. Each account or fund shall be available for
14 expenditure only for the purposes as are now or may hereafter be
15 provided by law.

16 (c) This section shall remain in effect only until July 1, 2016,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before July 1, 2016, deletes or extends that date.

19 SEC. 2. Section 205 is added to the Business and Professions
20 Code, to read:

21 205. (a) There is in the State Treasury the Professions and
22 Vocations Fund. The fund shall consist of the following special
23 funds:

24 (1) Accountancy Fund.

25 (2) California Architects Board Fund.

26 (3) Athletic Commission Fund.

27 (4) Barbering and Cosmetology Contingent Fund.

28 (5) Cemetery Fund.

29 (6) Contractors' License Fund.

30 (7) State Dentistry Fund.

31 (8) State Funeral Directors and Embalmers Fund.

32 (9) Guide Dogs for the Blind Fund.

33 (10) Home Furnishings and Thermal Insulation Fund.

34 (11) California Architects Board-Landscape Architects Fund.

35 (12) Contingent Fund of the Medical Board of California.

36 (13) Optometry Fund.

37 (14) Pharmacy Board Contingent Fund.

38 (15) Physical Therapy Fund.

39 (16) Private Investigator Fund.

40 (17) Professional Engineer's and Land Surveyor's Fund.

- 1 (18) Consumer Affairs Fund.
- 2 (19) Behavioral Sciences Fund.
- 3 (20) Licensed Midwifery Fund.
- 4 (21) Court Reporters' Fund.
- 5 (22) Veterinary Medical Board Contingent Fund.
- 6 (23) Vocational Nursing and Psychiatric Technicians Fund.
- 7 (24) Electronic and Appliance Repair Fund.
- 8 (25) Geology and Geophysics Account of the Professional
- 9 Engineer's and Land Surveyor's Fund.
- 10 (26) Dispensing Opticians Fund.
- 11 (27) Acupuncture Fund.
- 12 (28) Physician Assistant Fund.
- 13 (29) Board of Podiatric Medicine Fund.
- 14 (30) Psychology Fund.
- 15 (31) Respiratory Care Fund.
- 16 (32) Speech-Language Pathology and Audiology and Hearing
- 17 Aid Dispensers Fund.
- 18 (33) Board of Registered Nursing Fund.
- 19 (34) Animal Health Technician Examining Committee Fund.
- 20 (35) State Dental Hygiene Fund.
- 21 (36) State Dental Assistant Fund.
- 22 (37) Structural Pest Control Fund.
- 23 (38) Structural Pest Control Eradication and Enforcement Fund.
- 24 (39) Structural Pest Control Research Fund.
- 25 (b) For accounting and recordkeeping purposes, the Professions
- 26 and Vocations Fund shall be deemed to be a single special fund,
- 27 and each of the several special funds therein shall constitute and
- 28 be deemed to be a separate account in the Professions and
- 29 Vocations Fund. Each account or fund shall be available for
- 30 expenditure only for the purposes as are now or may hereafter be
- 31 provided by law.
- 32 (c) This section shall become operative on July 1, 2016.
- 33 *SEC. 2.1. Section 205 is added to the Business and Professions*
- 34 *Code, to read:*
- 35 *205. (a) There is in the State Treasury the Professions and*
- 36 *Vocations Fund. The fund shall consist of the following special*
- 37 *funds:*
- 38 *(1) Accountancy Fund.*
- 39 *(2) California Architects Board Fund.*
- 40 *(3) Athletic Commission Fund.*

- 1 (4) *Barbering and Cosmetology Contingent Fund.*
- 2 (5) *Cemetery Fund.*
- 3 (6) *Contractors' License Fund.*
- 4 (7) *State Dentistry Fund.*
- 5 (8) *State Funeral Directors and Embalmers Fund.*
- 6 (9) *Guide Dogs for the Blind Fund.*
- 7 (10) *Home Furnishings and Thermal Insulation Fund.*
- 8 (11) *California Architects Board-Landscape Architects Fund.*
- 9 (12) *Contingent Fund of the Medical Board of California.*
- 10 (13) *Optometry Fund.*
- 11 (14) *Pharmacy Board Contingent Fund.*
- 12 (15) *Physical Therapy Fund.*
- 13 (16) *Private Investigator Fund.*
- 14 (17) *Professional Engineer's, Land Surveyor's, and Geologist's*
- 15 *Fund.*
- 16 (18) *Consumer Affairs Fund.*
- 17 (19) *Behavioral Sciences Fund.*
- 18 (20) *Licensed Midwifery Fund.*
- 19 (21) *Court Reporters' Fund.*
- 20 (22) *Veterinary Medical Board Contingent Fund.*
- 21 (23) *Vocational Nursing and Psychiatric Technicians Fund.*
- 22 (24) *Electronic and Appliance Repair Fund.*
- 23 (25) *Dispensing Opticians Fund.*
- 24 (26) *Acupuncture Fund.*
- 25 (27) *Physician Assistant Fund.*
- 26 (28) *Board of Podiatric Medicine Fund.*
- 27 (29) *Psychology Fund.*
- 28 (30) *Respiratory Care Fund.*
- 29 (31) *Speech-Language Pathology and Audiology and Hearing*
- 30 *Aid Dispensers Fund.*
- 31 (32) *Board of Registered Nursing Fund.*
- 32 (33) *Animal Health Technician Examining Committee Fund.*
- 33 (34) *State Dental Hygiene Fund.*
- 34 (35) *State Dental Assistant Fund.*
- 35 (36) *Structural Pest Control Fund.*
- 36 (37) *Structural Pest Control Eradication and Enforcement Fund.*
- 37 (38) *Structural Pest Control Research Fund.*
- 38 (b) *For accounting and recordkeeping purposes, the Professions*
- 39 *and Vocations Fund shall be deemed to be a single special fund,*
- 40 *and each of the several special funds therein shall constitute and*

1 *be deemed to be a separate account in the Professions and*
2 *Vocations Fund. Each account or fund shall be available for*
3 *expenditure only for the purposes as are now or may hereafter be*
4 *provided by law.*

5 *(c) This section shall become operative on July 1, 2016.*

6 *SEC. 2.2. Section 205 is added to the Business and Professions*
7 *Code, to read:*

8 *205. (a) There is in the State Treasury the Professions and*
9 *Vocations Fund. The fund shall consist of the following special*
10 *funds:*

- 11 *(1) Accountancy Fund.*
- 12 *(2) California Architects Board Fund.*
- 13 *(3) Athletic Commission Fund.*
- 14 *(4) Barbering and Cosmetology Contingent Fund.*
- 15 *(5) Cemetery and Funeral Fund.*
- 16 *(6) Contractors' License Fund.*
- 17 *(7) State Dentistry Fund.*
- 18 *(8) Guide Dogs for the Blind Fund.*
- 19 *(9) Home Furnishings and Thermal Insulation Fund.*
- 20 *(10) California Architects Board-Landscape Architects Fund.*
- 21 *(11) Contingent Fund of the Medical Board of California.*
- 22 *(12) Optometry Fund.*
- 23 *(13) Pharmacy Board Contingent Fund.*
- 24 *(14) Physical Therapy Fund.*
- 25 *(15) Private Investigator Fund.*
- 26 *(16) Professional Engineer's and Land Surveyor's Fund.*
- 27 *(17) Consumer Affairs Fund.*
- 28 *(18) Behavioral Sciences Fund.*
- 29 *(19) Licensed Midwifery Fund.*
- 30 *(20) Court Reporters' Fund.*
- 31 *(21) Veterinary Medical Board Contingent Fund.*
- 32 *(22) Vocational Nursing and Psychiatric Technicians Fund.*
- 33 *(23) Electronic and Appliance Repair Fund.*
- 34 *(24) Geology and Geophysics Account of the Professional*
35 *Engineer's and Land Surveyor's Fund.*
- 36 *(25) Dispensing Opticians Fund.*
- 37 *(26) Acupuncture Fund.*
- 38 *(27) Physician Assistant Fund.*
- 39 *(28) Board of Podiatric Medicine Fund.*
- 40 *(29) Psychology Fund.*

- 1 (30) *Respiratory Care Fund.*
- 2 (31) *Speech-Language Pathology and Audiology and Hearing*
- 3 *Aid Dispensers Fund.*
- 4 (32) *Board of Registered Nursing Fund.*
- 5 (33) *Animal Health Technician Examining Committee Fund.*
- 6 (34) *State Dental Hygiene Fund.*
- 7 (35) *State Dental Assistant Fund.*
- 8 (36) *Structural Pest Control Fund.*
- 9 (37) *Structural Pest Control Eradication and Enforcement Fund.*
- 10 (38) *Structural Pest Control Research Fund.*
- 11 (b) *For accounting and recordkeeping purposes, the Professions*
- 12 *and Vocations Fund shall be deemed to be a single special fund,*
- 13 *and each of the several special funds therein shall constitute and*
- 14 *be deemed to be a separate account in the Professions and*
- 15 *Vocations Fund. Each account or fund shall be available for*
- 16 *expenditure only for the purposes as are now or may hereafter be*
- 17 *provided by law.*
- 18 (c) *This section shall become operative on July 1, 2016.*
- 19 SEC. 2.3. *Section 205 is added to the Business and Professions*
- 20 *Code, to read:*
- 21 205. (a) *There is in the State Treasury the Professions and*
- 22 *Vocations Fund. The fund shall consist of the following special*
- 23 *funds:*
- 24 (1) *Accountancy Fund.*
- 25 (2) *California Architects Board Fund.*
- 26 (3) *Athletic Commission Fund.*
- 27 (4) *Barbering and Cosmetology Contingent Fund.*
- 28 (5) *Cemetery and Funeral Fund.*
- 29 (6) *Contractors' License Fund.*
- 30 (7) *State Dentistry Fund.*
- 31 (8) *Guide Dogs for the Blind Fund.*
- 32 (9) *Home Furnishings and Thermal Insulation Fund.*
- 33 (10) *California Architects Board-Landscape Architects Fund.*
- 34 (11) *Contingent Fund of the Medical Board of California.*
- 35 (12) *Optometry Fund.*
- 36 (13) *Pharmacy Board Contingent Fund.*
- 37 (14) *Physical Therapy Fund.*
- 38 (15) *Private Investigator Fund.*
- 39 (16) *Professional Engineer's, Land Surveyor's, and Geologist's*
- 40 *Fund.*

- 1 (17) *Consumer Affairs Fund.*
- 2 (18) *Behavioral Sciences Fund.*
- 3 (19) *Licensed Midwifery Fund.*
- 4 (20) *Court Reporters' Fund.*
- 5 (21) *Veterinary Medical Board Contingent Fund.*
- 6 (22) *Vocational Nursing and Psychiatric Technicians Fund.*
- 7 (23) *Electronic and Appliance Repair Fund.*
- 8 (24) *Dispensing Opticians Fund.*
- 9 (25) *Acupuncture Fund.*
- 10 (26) *Physician Assistant Fund.*
- 11 (27) *Board of Podiatric Medicine Fund.*
- 12 (28) *Psychology Fund.*
- 13 (29) *Respiratory Care Fund.*
- 14 (30) *Speech-Language Pathology and Audiology and Hearing*
- 15 *Aid Dispensers Fund.*
- 16 (31) *Board of Registered Nursing Fund.*
- 17 (32) *Animal Health Technician Examining Committee Fund.*
- 18 (33) *State Dental Hygiene Fund.*
- 19 (34) *State Dental Assistant Fund.*
- 20 (35) *Structural Pest Control Fund.*
- 21 (36) *Structural Pest Control Eradication and Enforcement Fund.*
- 22 (37) *Structural Pest Control Research Fund.*
- 23 (b) *For accounting and recordkeeping purposes, the Professions*
- 24 *and Vocations Fund shall be deemed to be a single special fund,*
- 25 *and each of the several special funds therein shall constitute and*
- 26 *be deemed to be a separate account in the Professions and*
- 27 *Vocations Fund. Each account or fund shall be available for*
- 28 *expenditure only for the purposes as are now or may hereafter be*
- 29 *provided by law.*
- 30 (c) *This section shall become operative on July 1, 2016.*
- 31 SEC. 3. Section 726 of the Business and Professions Code is
- 32 amended to read:
- 33 726. (a) The commission of any act of sexual abuse,
- 34 misconduct, or relations with a patient, client, or customer
- 35 constitutes unprofessional conduct and grounds for disciplinary
- 36 action for any person licensed under this division or under any
- 37 initiative act referred to in this division.
- 38 (b) This section shall not apply to consensual sexual contact
- 39 between a licensee and his or her spouse or person in an equivalent
- 40 domestic relationship when that licensee provides medical

1 treatment, other than psychotherapeutic treatment, to his or her
2 spouse or person in an equivalent domestic relationship.

3 SEC. 4. Section 1601.1 of the Business and Professions Code
4 is amended to read:

5 1601.1. (a) There shall be in the Department of Consumer
6 Affairs the Dental Board of California in which the administration
7 of this chapter is vested. The board shall consist of eight practicing
8 dentists, one registered dental hygienist, one registered dental
9 assistant, and five public members. Of the eight practicing dentists,
10 one shall be a member of a faculty of any California dental college,
11 and one shall be a dentist practicing in a nonprofit community
12 clinic. The appointing powers, described in Section 1603, may
13 appoint to the board a person who was a member of the prior board.
14 The board shall be organized into standing committees dealing
15 with examinations, enforcement, and other subjects as the board
16 deems appropriate.

17 (b) For purposes of this chapter, any reference in this chapter
18 to the Board of Dental Examiners shall be deemed to refer to the
19 Dental Board of California.

20 (c) The board shall have all authority previously vested in the
21 existing board under this chapter. The board may enforce all
22 disciplinary actions undertaken by the previous board.

23 (d) This section shall remain in effect only until January 1, 2020,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2020, deletes or extends that date.
26 Notwithstanding any other law, the repeal of this section renders
27 the board subject to review by the appropriate policy committees
28 of the Legislature.

29 SEC. 5. Section 1616.5 of the Business and Professions Code
30 is amended to read:

31 1616.5. (a) The board, by and with the approval of the director,
32 may appoint a person exempt from civil service who shall be
33 designated as an executive officer and who shall exercise the
34 powers and perform the duties delegated by the board and vested
35 in him or her by this chapter.

36 (b) This section shall remain in effect only until January 1, 2020,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2020, deletes or extends that date.

39 SEC. 6. Section 1632 of the Business and Professions Code is
40 amended to read:

1 1632. (a) The board shall require each applicant to successfully
2 complete the Part I and Part II written examinations of the National
3 Board Dental Examination of the Joint Commission on National
4 Dental Examinations.

5 (b) The board shall require each applicant to successfully
6 complete an examination in California law and ethics developed
7 and administered by the board. The board shall provide a separate
8 application for this examination. The board shall ensure that the
9 law and ethics examination reflects current law and regulations,
10 and ensure that the examinations are randomized. Applicants shall
11 submit this application and required fee to the board in order to
12 take this examination. In addition to the aforementioned
13 application, the only other requirement for taking this examination
14 shall be certification from the dean of the qualifying dental school
15 attended by the applicant that the applicant has graduated, or will
16 graduate, or is expected to graduate. Applicants who submit
17 completed applications and certification from the dean at least 15
18 days prior to a scheduled examination shall be scheduled to take
19 the examination. Successful results of the examination shall, as
20 established by board regulation, remain valid for two years from
21 the date that the applicant is notified of having passed the
22 examination.

23 (c) Except as otherwise provided in Section 1632.5, the board
24 shall require each applicant to have taken and received a passing
25 score on one of the following:

26 (1) A portfolio examination of the applicant's competence to
27 enter the practice of dentistry. This examination shall be conducted
28 while the applicant is enrolled in a dental school program at a
29 board-approved school located in California. This examination
30 shall utilize uniform standards of clinical experiences and
31 competencies, as approved by the board pursuant to Section 1632.1.
32 The applicant shall pass a final assessment of the submitted
33 portfolio at the end of his or her dental school program. Before
34 any portfolio assessment may be submitted to the board, the
35 applicant shall remit the required fee to the board to be deposited
36 into the State Dentistry Fund, and a letter of good standing signed
37 by the dean of his or her dental school or his or her delegate stating
38 that the applicant has graduated or will graduate with no pending
39 ethical issues.

1 (A) The portfolio examination shall not be conducted until the
2 board adopts regulations to carry out this paragraph. The board
3 shall post notice on its Internet Web site when these regulations
4 have been adopted.

5 (B) The board shall also provide written notice to the Legislature
6 and the Legislative Counsel when these regulations have been
7 adopted.

8 (2) A clinical and written examination administered by the
9 Western Regional Examining Board, which board shall determine
10 the passing score for that examination.

11 (d) Notwithstanding subdivision (b) of Section 1628, the board
12 is authorized to do either of the following:

13 (1) Approve an application for examination from, and to
14 examine an applicant who is enrolled in, but has not yet graduated
15 from, a reputable dental school approved by the board.

16 (2) Accept the results of an examination described in paragraph
17 (2) of subdivision (c) submitted by an applicant who was enrolled
18 in, but had not graduated from, a reputable dental school approved
19 by the board at the time the examination was administered.

20 In either case, the board shall require the dean of that school or
21 his or her delegate to furnish satisfactory proof that the applicant
22 will graduate within one year of the date the examination was
23 administered or as provided in paragraph (1) of subdivision (c).

24 SEC. 7. Section 1638 of the Business and Professions Code is
25 amended to read:

26 1638. (a) For purposes of this article, “oral and maxillofacial
27 surgery” means the diagnosis and surgical and adjunctive treatment
28 of diseases, injuries, and defects which involve both functional
29 and esthetic aspects of the hard and soft tissues of the oral and
30 maxillofacial region.

31 (b) Any person licensed under the Medical Practice Act (Chapter
32 5 (commencing with Section 2000)) as a physician and surgeon
33 who possesses, or possessed, a license to practice dentistry in
34 another state, but is not licensed to practice dentistry under this
35 chapter may apply to the board on a form prescribed by the board
36 for an oral and maxillofacial surgery permit.

37 (c) The board may issue an oral and maxillofacial surgery permit
38 to an applicant who has furnished evidence satisfactory to the
39 board that he or she is currently certified or eligible for certification
40 in oral and maxillofacial surgery by a specialty board recognized

1 by the Commission on Accreditation of the American Dental
2 Association and holds a current license in good standing to practice
3 medicine in the state.

4 (d) An application shall be accompanied by an application fee
5 required by the board and two classifiable sets of fingerprints on
6 forms provided by the board.

7 SEC. 8. Section 1638.1 of the Business and Professions Code
8 is amended to read:

9 1638.1. (a) (1) A person licensed pursuant to Section 1634
10 who wishes to perform elective facial cosmetic surgery shall first
11 apply for and receive a permit to perform elective facial cosmetic
12 surgery from the board.

13 (2) A permit issued pursuant to this section shall be valid for a
14 period of two years and must be renewed by the permitholder at
15 the time his or her license is renewed. Every six years, prior to
16 renewal of the permitholder's license and permit, the permitholder
17 shall submit evidence acceptable to the credentialing committee
18 that he or she has maintained continued competence to perform
19 the procedures authorized by the permit. The credentialing
20 committee may limit a permit consistent with paragraph (1) of
21 subdivision (e) if it is not satisfied that the permitholder has
22 established continued competence.

23 (b) The board may adopt regulations for the issuance of the
24 permit that it deems necessary to protect the health, safety, and
25 welfare of the public.

26 (c) A licensee may obtain a permit to perform elective facial
27 cosmetic surgery by furnishing all of the following information
28 on an application form approved by the board:

29 (1) Proof of successful completion of an oral and maxillofacial
30 surgery residency program accredited by the Commission on Dental
31 Accreditation of the American Dental Association.

32 (2) Proof that the applicant has satisfied the criteria specified
33 in either subparagraph (A) or (B):

34 (A) (i) Is certified, or is a candidate for certification, by the
35 American Board of Oral and Maxillofacial Surgery.

36 (ii) Submits to the board a letter from the program director of
37 the accredited residency program, or from the director of a
38 postresidency fellowship program accredited by the Commission
39 on Dental Accreditation of the American Dental Association,
40 stating that the licensee has the education, training, and competence

1 necessary to perform the surgical procedures that the licensee has
2 notified the board he or she intends to perform.

3 (iii) Submits documentation to the board of at least 10 operative
4 reports from residency training or proctored procedures that are
5 representative of procedures that the licensee intends to perform
6 from both of the following categories:

7 (I) Cosmetic contouring of the osteocartilaginous facial structure,
8 which may include, but is not limited to, rhinoplasty and otoplasty.

9 (II) Cosmetic soft tissue contouring or rejuvenation, which may
10 include, but is not limited to, facelift, blepharoplasty, facial skin
11 resurfacing, or lip augmentation.

12 (iv) Submits documentation to the board showing the surgical
13 privileges the applicant possesses at any licensed general acute
14 care hospital and any licensed outpatient surgical facility in this
15 state.

16 (B) (i) Has been granted privileges by the medical staff at a
17 licensed general acute care hospital to perform the surgical
18 procedures set forth in paragraph (A) at that hospital.

19 (ii) Submits to the board the documentation described in clause
20 (iii) of subparagraph (A).

21 (3) Proof that the applicant is on active status on the staff of a
22 general acute care hospital and maintains the necessary privileges
23 based on the bylaws of the hospital to maintain that status.

24 (d) The application shall be accompanied by an application fee
25 required by the board for an initial permit. The fee to renew a
26 permit shall not exceed the maximum amount prescribed in Section
27 1724.

28 (e) (1) The board shall appoint a credentialing committee to
29 review the qualifications of each applicant for a permit. Upon
30 completion of the review of an applicant, the committee shall make
31 a recommendation to the board on whether to issue or not issue a
32 permit to the applicant. The permit may be unqualified, entitling
33 the permitholder to perform any facial cosmetic surgical procedure
34 authorized by this section, or it may contain limitations if the
35 credentialing committee is not satisfied that the applicant has the
36 training or competence to perform certain classes of procedures,
37 or if the applicant has not requested to be permitted for all
38 procedures authorized by this section.

39 (2) The credentialing committee shall be comprised of five
40 members, as follows:

1 (A) A physician and surgeon with a specialty in plastic and
2 reconstructive surgery who maintains active status on the staff of
3 a licensed general acute care hospital in this state.

4 (B) A physician and surgeon with a specialty in otolaryngology
5 who maintains active status on the staff of a licensed general acute
6 care hospital in this state.

7 (C) Three oral and maxillofacial surgeons licensed by the board
8 who are board certified by the American Board of Oral and
9 Maxillofacial Surgeons, and who maintain active status on the
10 staff of a licensed general acute care hospital in this state, at least
11 one of whom shall be licensed as a physician and surgeon in this
12 state. Two years after the effective date of this section, any oral
13 and maxillofacial surgeon appointed to the committee who is not
14 licensed as a physician and surgeon shall hold a permit pursuant
15 to this section.

16 (3) The board shall solicit from the following organizations
17 input and recommendations regarding members to be appointed
18 to the credentialing committee:

19 (A) The Medical Board of California.

20 (B) The California Dental Association.

21 (C) The California Association of Oral and Maxillofacial
22 Surgeons.

23 (D) The California Medical Association.

24 (E) The California Society of Plastic Surgeons.

25 (F) Any other source that the board deems appropriate.

26 (4) The credentialing committee shall meet at a time and place
27 directed by the board to evaluate applicants for permits. A quorum
28 of three members shall be required for the committee to consider
29 applicants and make recommendations to the board.

30 (f) A licensee may not perform any elective, facial cosmetic
31 surgical procedure except at a general acute care hospital, a licensed
32 outpatient surgical facility, or an outpatient surgical facility
33 accredited by the Joint Commission on Accreditation of Healthcare
34 Organizations (JCAHO), the American Association for Ambulatory
35 Health Care (AAAHC), the Medicare program, or an accreditation
36 agency approved by the Medical Board of California pursuant to
37 subdivision (g) of Section 1248.1 of the Health and Safety Code.

38 (g) For purposes of this section, the following terms shall have
39 the following meanings:

1 (1) “Elective cosmetic surgery” means any procedure defined
2 as cosmetic surgery in subdivision (d) of Section 1367.63 of the
3 Health and Safety Code, and excludes any procedure that
4 constitutes reconstructive surgery, as defined in subdivision (c) of
5 Section 1367.63 of the Health and Safety Code.

6 (2) “Facial” means those regions of the human body described
7 in Section 1625 and in any regulations adopted pursuant to that
8 section by the board.

9 (h) A holder of a permit issued pursuant to this section shall not
10 perform elective facial cosmetic surgical procedures unless he or
11 she has malpractice insurance or other financial security protection
12 that would satisfy the requirements of Section 2216.2 and any
13 regulations adopted thereunder.

14 (i) A holder of a permit shall comply with the requirements of
15 subparagraph (D) of paragraph (2) of subdivision (a) of Section
16 1248.15 of the Health and Safety Code, and the reporting
17 requirements specified in Section 2240, with respect to any surgical
18 procedure authorized by this section, in the same manner as a
19 physician and surgeon.

20 (j) Any violation of this section constitutes unprofessional
21 conduct and is grounds for the revocation or suspension of the
22 person’s permit, license, or both, or the person may be reprimanded
23 or placed on probation. Proceedings initiated by the board under
24 this section shall be conducted in accordance with Chapter 5
25 (commencing with Section 11500) of Part 1 of Division 3 of Title
26 2 of the Government Code, and the board shall have all the powers
27 granted therein.

28 (k) On or before January 1, 2009, and every four years thereafter,
29 the board shall report to the Joint Committee on Boards,
30 Commissions and Consumer Protection on all of the following:

31 (1) The number of persons licensed pursuant to Section 1634
32 who apply to receive a permit to perform elective facial cosmetic
33 surgery from the board pursuant to subdivision (a).

34 (2) The recommendations of the credentialing committee to the
35 board.

36 (3) The board’s action on recommendations received by the
37 credentialing committee.

38 (4) The number of persons receiving a permit from the board
39 to perform elective facial cosmetic surgery.

1 (5) The number of complaints filed by or on behalf of patients
2 who have received elective facial cosmetic surgery by persons
3 who have received a permit from the board to perform elective
4 facial cosmetic surgery.

5 (6) Action taken by the board resulting from complaints filed
6 by or on behalf of patients who have received elective facial
7 cosmetic surgery by persons who have received a permit from the
8 board to perform elective facial cosmetic surgery.

9 SEC. 9. Section 1638.3 of the Business and Professions Code
10 is amended to read:

11 1638.3. (a) The fee to renew an oral and maxillofacial surgery
12 permit shall be the amount prescribed in Section 1724.

13 (b) Every provision of this chapter applicable to a person
14 licensed to practice dentistry shall apply to a person to whom a
15 special permit is issued under this article.

16 SEC. 10. Section 1646.6 of the Business and Professions Code
17 is amended to read:

18 1646.6. (a) The application fee for a permit or renewal under
19 this article shall not exceed the amount prescribed in Section 1724.

20 (b) The fee for an onsite inspection shall not exceed the amount
21 prescribed in Section 1724.

22 (c) It is the intent of the Legislature that fees established
23 pursuant to this section be equivalent to administration and
24 enforcement costs incurred by the board in carrying out this article.

25 (d) At the discretion of the board, the fee for onsite inspection
26 may be collected and retained by a contractor engaged pursuant
27 to subdivision (b) of Section 1646.4.

28 SEC. 11. Section 1647.8 of the Business and Professions Code
29 is amended to read:

30 1647.8. (a) The application fee for a permit or renewal under
31 this article shall not exceed the amount prescribed in Section 1724.

32 (b) The fee for an onsite inspection shall not exceed the amount
33 prescribed in Section 1724.

34 (c) It is the intent of the Legislature that the board hire sufficient
35 staff to administer the program and that the fees established
36 pursuant to this section be equivalent to administration and
37 enforcement costs incurred by the board in carrying out this article.

38 SEC. 12. Section 1650.1 is added to the Business and
39 Professions Code, to read:

1 1650.1. (a) Every applicant and licensee who has an electronic
2 mail address shall report to the board that electronic mail address
3 no later than July 1, 2016. The electronic mail address shall be
4 considered confidential and not subject to public disclosure.

5 (b) The board shall annually send an electronic notice to each
6 applicant and licensee that requests confirmation from the applicant
7 or licensee that his or her electronic mail address is current.

8 SEC. 13. Section 1724 of the Business and Professions Code
9 is amended to read:

10 1724. The amount of charges and fees for dentists licensed
11 pursuant to this chapter shall be established by the board as is
12 necessary for the purpose of carrying out the responsibilities
13 required by this chapter as it relates to dentists, subject to the
14 following limitations:

15 (a) The fee for an application for licensure qualifying pursuant
16 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed
17 one thousand five hundred dollars (\$1,500). The fee for an
18 application for licensure qualifying pursuant to paragraph (2) of
19 subdivision (c) of Section 1632 shall not exceed one thousand
20 dollars (\$1,000).

21 (b) The fee for an application for licensure qualifying pursuant
22 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

23 (c) The fee for an application for licensure qualifying pursuant
24 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

25 (d) The fee for an initial license and for the renewal of a license
26 is five hundred twenty-five dollars (\$525). On and after January
27 1, 2016, the fee for an initial license shall not exceed six hundred
28 fifty dollars (\$650), and the fee for the renewal of a license shall
29 not exceed six hundred fifty dollars (\$650). On and after January
30 1, 2018, the fee for an initial license shall not exceed eight hundred
31 dollars (\$800), and the fee for the renewal of a license shall not
32 exceed eight hundred dollars (\$800).

33 (e) The fee for an application for a special permit shall not
34 exceed one thousand dollars (\$1,000), and the renewal fee for a
35 special permit shall not exceed six hundred dollars (\$600).

36 (f) The delinquency fee shall be 50 percent of the renewal fee
37 for such a license or permit in effect on the date of the renewal of
38 the license or permit.

39 (g) The penalty for late registration of change of place of
40 practice shall not exceed seventy-five dollars (\$75).

1 (h) The fee for an application for an additional office permit
2 shall not exceed seven hundred fifty dollars (\$750), and the fee
3 for the renewal of an additional office permit shall not exceed three
4 hundred seventy-five dollars (\$375).

5 (i) The fee for issuance of a replacement pocket license,
6 replacement wall certificate, or replacement engraved certificate
7 shall not exceed one hundred twenty-five dollars (\$125).

8 (j) The fee for a provider of continuing education shall not
9 exceed five hundred dollars (\$500) per year.

10 (k) The fee for application for a referral service permit and for
11 renewal of that permit shall not exceed twenty-five dollars (\$25).

12 (l) The fee for application for an extramural facility permit and
13 for the renewal of a permit shall not exceed twenty-five dollars
14 (\$25).

15 (m) The fee for an application for an elective facial cosmetic
16 surgery permit shall not exceed four thousand dollars (\$4,000),
17 and the fee for the renewal of an elective facial cosmetic surgery
18 permit shall not exceed eight hundred dollars (\$800).

19 (n) The fee for an application for an oral and maxillofacial
20 surgery permit shall not exceed one thousand dollars (\$1,000), and
21 the fee for the renewal of an oral and maxillofacial surgery permit
22 shall not exceed one thousand two hundred dollars (\$1,200).

23 (o) The fee for an application for a general anesthesia permit
24 shall not exceed one thousand dollars (\$1,000), and the fee for the
25 renewal of a general anesthesia permit shall not exceed six hundred
26 dollars (\$600).

27 (p) The fee for an onsite inspection and evaluation related to a
28 general anesthesia or conscious sedation permit shall not exceed
29 four thousand five hundred dollars (\$4,500).

30 (q) The fee for an application for a conscious sedation permit
31 shall not exceed one thousand dollars (\$1,000), and the fee for the
32 renewal of a conscious sedation permit shall not exceed six hundred
33 dollars (\$600).

34 (r) The fee for an application for an oral conscious sedation
35 permit shall not exceed one thousand dollars (\$1,000), and the fee
36 for the renewal of an oral conscious sedation permit shall not
37 exceed six hundred dollars (\$600).

38 (s) The fee for a certification of licensure shall not exceed one
39 hundred twenty-five dollars (\$125).

1 (t) The fee for an application for the law and ethics examination
2 shall not exceed two hundred fifty dollars (\$250).

3 The board shall report to the appropriate fiscal committees of
4 each house of the Legislature whenever the board increases any
5 fee pursuant to this section and shall specify the rationale and
6 justification for that increase.

7 *SEC. 13.5. Section 1724 of the Business and Professions Code*
8 *is amended to read:*

9 1724. The amount of charges and fees for dentists licensed
10 pursuant to this chapter shall be established by the board as is
11 necessary for the purpose of carrying out the responsibilities
12 required by this chapter as it relates to dentists, subject to the
13 following limitations:

14 (a) The fee for ~~application for examination~~ *an application for*
15 *licensure qualifying pursuant to paragraph (1) of subdivision (c)*
16 *of Section 1632 shall not exceed one thousand five hundred dollars*
17 *(\$500); (\$1,500). The fee for an application for licensure qualifying*
18 *pursuant to paragraph (2) of subdivision (c) of Section 1632 shall*
19 *not exceed one thousand dollars (\$1,000).*

20 (b) The fee for *an application for* ~~reexamination licensure~~
21 *qualifying pursuant to Section 1634.1 shall not exceed one hundred*
22 *thousand dollars (\$100); (\$1,000).*

23 (c) The fee for ~~examination and for reexamination~~ *an application*
24 *for licensure qualifying pursuant to Section 1635.5 shall not exceed*
25 *eight hundred dollars (\$800). Applicants who are found to be*
26 *ineligible to take the examination shall be entitled to a refund in*
27 *an amount fixed by the board: one thousand dollars (\$1,000).*

28 (d) The fee for an initial license and for the renewal of a license
29 is five hundred twenty-five dollars (\$525). *On and after January*
30 *1, 2016, the fee for an initial license shall not exceed six hundred*
31 *fifty dollars (\$650), and the fee for the renewal of a license shall*
32 *not exceed six hundred fifty dollars (\$650). On and after January*
33 *1, 2018, the fee for an initial license shall not exceed eight hundred*
34 *dollars (\$800), and the fee for the renewal of a license shall not*
35 *exceed eight hundred dollars (\$800). Commencing July 1, 2017,*
36 *the fee for an initial license shall be prorated on a monthly basis.*

37 (e) The fee for *an application for* a special permit shall not
38 exceed ~~three hundred one thousand dollars (\$300); (\$1,000)~~, and
39 the renewal fee for a special permit shall not exceed ~~one six~~
40 ~~hundred dollars (\$100); (\$600).~~

- 1 (f) The delinquency fee shall be ~~the amount prescribed by~~
2 ~~Section 163-5: 50 percent of the renewal fee for such a license or~~
3 ~~permit in effect on the date of the renewal of the license or permit.~~
- 4 (g) The penalty for late registration of change of place of
5 practice shall not exceed seventy-five dollars (\$75).
- 6 (h) ~~The application fee for permission to conduct an additional~~
7 ~~place of practice~~ *an application for an additional office permit*
8 *shall not exceed seven hundred fifty dollars (\$750), and the fee*
9 *for the renewal of an additional office permit shall not exceed two*
10 *three hundred seventy-five dollars (\$200). (\$375).*
- 11 (i) ~~The renewal fee for an additional place of practice shall not~~
12 ~~exceed one hundred dollars (\$100).~~
- 13 (j)
- 14 (i) The fee for issuance of a ~~substitute~~ *replacement pocket*
15 *license, replacement wall certificate, or replacement engraved*
16 *certificate shall not exceed one hundred twenty-five dollars (\$125).*
- 17 (k)
- 18 (j) The fee for a provider of continuing education shall not
19 exceed ~~two~~ *five hundred fifty dollars (\$250) (\$500) per year.*
- 20 (t)
- 21 (k) The fee for application for a referral service permit and for
22 renewal of that permit shall not exceed twenty-five dollars (\$25).
- 23 (m)
- 24 (l) The fee for application for an extramural facility permit and
25 for the renewal of a permit shall not exceed twenty-five dollars
26 (\$25).
- 27 (m) *The fee for an application for an elective facial cosmetic*
28 *surgery permit shall not exceed four thousand dollars (\$4,000),*
29 *and the fee for the renewal of an elective facial cosmetic surgery*
30 *permit shall not exceed eight hundred dollars (\$800).*
- 31 (n) *The fee for an application for an oral and maxillofacial*
32 *surgery permit shall not exceed one thousand dollars (\$1,000),*
33 *and the fee for the renewal of an oral and maxillofacial surgery*
34 *permit shall not exceed one thousand two hundred dollars (\$1,200).*
- 35 (o) *The fee for an application for a general anesthesia permit*
36 *shall not exceed one thousand dollars (\$1,000), and the fee for the*
37 *renewal of a general anesthesia permit shall not exceed six hundred*
38 *dollars (\$600).*

1

(p) The fee for an onsite inspection and evaluation related to a
2 general anesthesia or conscious sedation permit shall not exceed
3 four thousand five hundred dollars (\$4,500).

4

(q) The fee for an application for a conscious sedation permit
5 shall not exceed one thousand dollars (\$1,000), and the fee for the
6 renewal of a conscious sedation permit shall not exceed six
7 hundred dollars (\$600).

8

(r) The fee for an application for an oral conscious sedation
9 permit shall not exceed one thousand dollars (\$1,000), and the fee
10 for the renewal of an oral conscious sedation permit shall not
11 exceed six hundred dollars (\$600).

12

(s) The fee for a certification of licensure shall not exceed one
13 hundred twenty-five dollars (\$125).

14

(t) The fee for an application for the law and ethics examination
15 shall not exceed two hundred fifty dollars (\$250).

16 The board shall report to the appropriate fiscal committees of
17 each house of the Legislature whenever the board increases any
18 fee pursuant to this section and shall specify the rationale and
19 justification for that increase.

20 SEC. 14. Section 1725 of the Business and Professions Code
21 is amended to read:

22 1725. The amount of the fees prescribed by this chapter that
23 relate to the licensing and permitting of dental assistants shall be
24 established by regulation and subject to the following limitations:

25 (a) The application fee for an original license shall not exceed
26 two hundred dollars (\$200).

27 (b) The fee for examination for licensure as a registered dental
28 assistant shall not exceed the actual cost of the practical
29 examination.

30 (c) The fee for application and for the issuance of an orthodontic
31 assistant permit or a dental sedation assistant permit shall not
32 exceed two hundred dollars (\$200).

33 (d) The fee for the written examination for an orthodontic
34 assistant permit or a dental sedation assistant permit shall not
35 exceed the actual cost of the examination.

36 (e) The fee for the written examination for a registered dental
37 assistant shall not exceed the actual cost of the examination.

38 (f) The fee for the written examination in law and ethics for a
39 registered dental assistant shall not exceed the actual cost of the
40 examination.

1 (g) The fee for examination for licensure as a registered dental
2 assistant in extended functions shall not exceed the actual cost of
3 the examination.

4 (h) The fee for examination for licensure as a registered dental
5 hygienist shall not exceed the actual cost of the examination.

6 (i) For third- and fourth-year dental students, the fee for
7 examination for licensure as a registered dental hygienist shall not
8 exceed the actual cost of the examination.

9 (j) The fee for examination for licensure as a registered dental
10 hygienist in extended functions shall not exceed the actual cost of
11 the examination.

12 (k) The board shall establish the fee at an amount not to exceed
13 the actual cost for licensure as a registered dental hygienist in
14 alternative practice.

15 (l) The biennial renewal fee for a registered dental assistant
16 license, registered dental assistant in extended functions license,
17 dental sedation assistant permit, or orthodontic assistant permit
18 shall not exceed two hundred dollars (\$200).

19 (m) The delinquency fee shall be 50 percent of the renewal fee
20 for the license or permit in effect on the date of the renewal of the
21 license or permit.

22 (n) The fee for issuance of a duplicate registration, license,
23 permit, or certificate to replace one that is lost or destroyed, or in
24 the event of a name change, shall not exceed one hundred dollars
25 (\$100).

26 (o) The fee for each curriculum review and site evaluation for
27 educational programs for registered dental assistants that are not
28 accredited by a board-approved agency, or the Chancellor's office
29 of the California Community Colleges shall not exceed seven
30 thousand five hundred dollars (\$7,500).

31 (p) The fee for review of each approval application or
32 reevaluation for a course that is not accredited by a board-approved
33 agency or the Chancellor's office of the California Community
34 Colleges shall not exceed two thousand dollars (\$2,000).

35 (q) Fees collected pursuant to this section shall be deposited in
36 the State Dental Assistant Fund.

37 SEC. 15. Section 1742 of the Business and Professions Code
38 is amended to read:

39 1742. (a) There is hereby created a Dental Assisting Council
40 of the Dental Board of California, which shall consider all matters

1 relating to dental assistants in this state, on its own initiative or
2 upon the request of the board, and make appropriate
3 recommendations to the board and the standing committees of the
4 board, including, but not limited to, the following areas:

5 (1) Requirements for dental assistant examination, licensure,
6 permitting, and renewal.

7 (2) Standards and criteria for approval of dental assisting
8 educational programs, courses, and continuing education.

9 (3) Allowable dental assistant duties, settings, and supervision
10 levels.

11 (4) Appropriate standards of conduct and enforcement for dental
12 assistants.

13 (5) Requirements regarding infection control.

14 (b) (1) The members of the council shall be appointed by the
15 board and shall include the registered dental assistant member of
16 the board, another member of the board, and five registered dental
17 assistants, representing as broad a range of dental assisting
18 experience and education as possible, who meet the requirements
19 of paragraph (2).

20 (2) The board shall consider, in its appointments of the five
21 registered dental assistant members, recommendations submitted
22 by any incorporated, nonprofit professional society, association,
23 or entity whose membership is comprised of registered dental
24 assistants within the state. Two of those members shall be
25 employed as faculty members of a registered dental assisting
26 educational program approved by the board, and shall have been
27 so employed for at least the prior five years. Three of those
28 members, which shall include one registered dental assistant in
29 extended functions, shall be employed clinically in private dental
30 practice or public safety net or dental health care clinics. All five
31 of those members shall have possessed a current and active
32 registered dental assistant or registered dental assistant in extended
33 functions license for at least the prior five years, and shall not be
34 employed by a current member of the board.

35 (c) No council appointee shall have served previously on the
36 dental assisting forum or have any financial interest in any
37 registered dental assistant school. All final candidate qualifications
38 and applications for board-appointed council members shall be
39 made available in the published board materials with final

1 candidate selection conducted during the normal business of the
2 board during public meetings.

3 (d) A vacancy occurring during a term shall be filled by
4 appointment by the board for the unexpired term, according to the
5 criteria applicable to the vacancy within 90 days after it occurs.

6 (e) Each member shall comply with conflict of interest
7 requirements that apply to board members.

8 (f) The council shall meet in conjunction with other board
9 committees, and at other times as deemed necessary.

10 (g) Each member shall serve for a term of four years, except
11 that, of the initial appointments of the nonboard members, one of
12 the members shall serve a term of one year, one member shall
13 serve a term of two years, two members shall serve a term of three
14 years, and one member shall serve a term of four years, as
15 determined by the board. No member shall serve more than two
16 full terms.

17 (h) Recommendations by the council pursuant to this section
18 shall be approved, modified, or rejected by the board within 120
19 days of submission of the recommendation to the board. If the
20 board rejects or significantly modifies the intent or scope of the
21 recommendation, the council may request that the board provide
22 its reasons in writing for rejecting or significantly modifying the
23 recommendation, which shall be provided by the board within 30
24 days of the request.

25 (i) The council shall select a chair who shall establish the
26 agendas of the council and shall serve as the council's liaison to
27 the board, including the reporting of the council's recommendations
28 to the board.

29 SEC. 16. Section 1752.1 of the Business and Professions Code
30 is amended to read:

31 1752.1. (a) The board may license as a registered dental
32 assistant a person who files an application and submits written
33 evidence, satisfactory to the board, of one of the following
34 eligibility requirements:

35 (1) Graduation from an educational program in registered dental
36 assisting approved by the board, and satisfactory performance on
37 a written *and practical* examination administered by the board.

38 (2) For individuals applying prior to January 1, 2010, evidence
39 of completion of satisfactory work experience of at least 12 months
40 as a dental assistant in California or another state and satisfactory

1 performance on a written *and practical* examination administered
2 by the board.

3 (3) For individuals applying on or after January 1, 2010,
4 evidence of completion of satisfactory work experience of at least
5 15 months as a dental assistant in California or another state and
6 satisfactory performance on a written *and practical* examination
7 administered by the board.

8 (b) For purposes of this section, “satisfactory work experience”
9 means performance of the duties specified in Section 1750.1 in a
10 competent manner as determined by the employing dentist, who
11 shall certify to such satisfactory work experience in the application.

12 (c) The board shall give credit toward the work experience
13 referred to in this section to persons who have graduated from a
14 dental assisting program in a postsecondary institution approved
15 by the Department of Education or in a secondary institution,
16 regional occupational center, or regional occupational program,
17 that are not, however, approved by the board pursuant to
18 subdivision (a). The credit shall equal the total weeks spent in
19 classroom training and internship on a week-for-week basis. The
20 board, in cooperation with the Superintendent of Public Instruction,
21 shall establish the minimum criteria for the curriculum of
22 nonboard-approved programs. Additionally, the board shall notify
23 those programs only if the program’s curriculum does not meet
24 established minimum criteria, as established for board-approved
25 registered dental assistant programs, except any requirement that
26 the program be given in a postsecondary institution. Graduates of
27 programs not meeting established minimum criteria shall not
28 qualify for satisfactory work experience as defined by this section.

29 (d) In addition to the requirements specified in subdivision (a),
30 each applicant for registered dental assistant licensure on or after
31 July 1, 2002, shall provide evidence of having successfully
32 completed board-approved courses in radiation safety and coronal
33 polishing as a condition of licensure. The length and content of
34 the courses shall be governed by applicable board regulations.

35 (e) In addition to the requirements specified in subdivisions (a)
36 and (d), individuals applying for registered dental assistant
37 licensure on or after January 1, 2010, shall demonstrate satisfactory
38 performance on a written examination in law and ethics
39 administered by the board and shall provide written evidence of

1 successful completion within five years prior to application of all
2 of the following:

- 3 (1) A board-approved course in the Dental Practice Act.
- 4 (2) A board-approved course in infection control.
- 5 (3) A course in basic life support offered by an instructor
6 approved by the American Red Cross or the American Heart
7 Association, or any other course approved by the board as
8 equivalent.

9 (f) A registered dental assistant may apply for an orthodontic
10 assistant permit or a dental sedation assistant permit, or both, by
11 submitting written evidence of the following:

- 12 (1) Successful completion of a board-approved orthodontic
13 assistant or dental sedation assistant course, as applicable.
- 14 (2) Passage of a written examination administered by the board
15 that shall encompass the knowledge, skills, and abilities necessary
16 to competently perform the duties of the particular permit.

17 (g) A registered dental assistant with permits in either
18 orthodontic assisting or dental sedation assisting shall be referred
19 to as an “RDA with orthodontic assistant permit,” or “RDA with
20 dental sedation assistant permit,” as applicable. These terms shall
21 be used for reference purposes only and do not create additional
22 categories of licensure.

23 (h) Completion of the continuing education requirements
24 established by the board pursuant to Section 1645 by a registered
25 dental assistant who also holds a permit as an orthodontic assistant
26 or dental sedation assistant shall fulfill the continuing education
27 requirements for the permit or permits.

28 (i) The board shall, in consultation with the Office of
29 Professional Examination Services, conduct a review to determine
30 whether a practical examination is necessary to demonstrate
31 competency of registered dental assistants, and if so, how this
32 examination should be developed and administered. The board
33 shall submit its review and determination to the appropriate policy
34 committees of the Legislature on or before July 1, 2017.

35 ~~(j) This section shall remain in effect only until July 1, 2017,~~
36 ~~and as of that date is repealed.~~

37 *(j) Notwithstanding any other law, if the review conducted by*
38 *the Office of Professional Examination Services pursuant to*
39 *subdivision (i) concludes that the practical examination is*
40 *unnecessary or does not accurately measure the competency of*

1 *registered dental assistants, the board may vote to suspend the*
2 *practical examination. The suspension of the practical examination*
3 *shall commence on the date the board votes to suspend the*
4 *practical examination and shall remain suspended until July 1,*
5 *2017, at which date the practical examination shall be reinstated.*
6 *If the board votes to suspend the practical examination, the board*
7 *shall post a notice on its Internet Web site stating that the practical*
8 *examination has been suspended, until July 1, 2017.*

9 ~~SEC. 17. Section 1752.1 is added to the Business and~~
10 ~~Professions Code, to read:~~

11 ~~1752.1. (a) The board may license as a registered dental~~
12 ~~assistant a person who files an application and submits written~~
13 ~~evidence, satisfactory to the board, of one of the following~~
14 ~~eligibility requirements:~~

15 ~~(1) Graduation from an educational program in registered dental~~
16 ~~assisting approved by the board, and satisfactory performance on~~
17 ~~a written and practical examination administered by the board.~~

18 ~~(2) For individuals applying prior to January 1, 2010, evidence~~
19 ~~of completion of satisfactory work experience of at least 12 months~~
20 ~~as a dental assistant in California or another state and satisfactory~~
21 ~~performance on a written and practical examination administered~~
22 ~~by the board.~~

23 ~~(3) For individuals applying on or after January 1, 2010,~~
24 ~~evidence of completion of satisfactory work experience of at least~~
25 ~~15 months as a dental assistant in California or another state and~~
26 ~~satisfactory performance on a written and practical examination~~
27 ~~administered by the board.~~

28 ~~(b) For purposes of this section, "satisfactory work experience"~~
29 ~~means performance of the duties specified in Section 1750.1 in a~~
30 ~~competent manner as determined by the employing dentist, who~~
31 ~~shall certify to such satisfactory work experience in the application.~~

32 ~~(c) The board shall give credit toward the work experience~~
33 ~~referred to in this section to persons who have graduated from a~~
34 ~~dental assisting program in a postsecondary institution approved~~
35 ~~by the State Department of Education or in a secondary institution,~~
36 ~~regional occupational center, or regional occupational program,~~
37 ~~that are not, however, approved by the board pursuant to~~
38 ~~subdivision (a). The credit shall equal the total weeks spent in~~
39 ~~classroom training and internship on a week-for-week basis. The~~
40 ~~board, in cooperation with the Superintendent of Public Instruction,~~

1 shall establish the minimum criteria for the curriculum of
2 nonboard-approved programs. Additionally, the board shall notify
3 those programs only if the program's curriculum does not meet
4 established minimum criteria, as established for board-approved
5 registered dental assistant programs, except any requirement that
6 the program be given in a postsecondary institution. Graduates of
7 programs not meeting established minimum criteria shall not
8 qualify for satisfactory work experience as defined by this section.

9 (d) In addition to the requirements specified in subdivision (a),
10 each applicant for registered dental assistant licensure on or after
11 July 1, 2002, shall provide evidence of having successfully
12 completed board-approved courses in radiation safety and coronal
13 polishing as a condition of licensure. The length and content of
14 the courses shall be governed by applicable board regulations.

15 (e) In addition to the requirements specified in subdivisions (a)
16 and (d), individuals applying for registered dental assistant
17 licensure on or after January 1, 2010, shall demonstrate satisfactory
18 performance on a written examination in law and ethics
19 administered by the board and shall provide written evidence of
20 successful completion within five years prior to application of all
21 of the following:

22 (1) A board-approved course in the Dental Practice Act.

23 (2) A board-approved course in infection control.

24 (3) A course in basic life support offered by an instructor
25 approved by the American Red Cross or the American Heart
26 Association, or any other course approved by the board as
27 equivalent.

28 (f) A registered dental assistant may apply for an orthodontic
29 assistant permit or a dental sedation assistant permit, or both, by
30 submitting written evidence of the following:

31 (1) Successful completion of a board-approved orthodontic
32 assistant or dental sedation assistant course, as applicable.

33 (2) Passage of a written examination administered by the board
34 that shall encompass the knowledge, skills, and abilities necessary
35 to competently perform the duties of the particular permit.

36 (g) A registered dental assistant with permits in either
37 orthodontic assisting or dental sedation assisting shall be referred
38 to as an "RDA with orthodontic assistant permit," or "RDA with
39 dental sedation assistant permit," as applicable. These terms shall

1 be used for reference purposes only and do not create additional
2 categories of licensure.

3 ~~(h) Completion of the continuing education requirements~~
4 ~~established by the board pursuant to Section 1645 by a registered~~
5 ~~dental assistant who also holds a permit as an orthodontic assistant~~
6 ~~or dental sedation assistant shall fulfill the continuing education~~
7 ~~requirements for the permit or permits.~~

8 ~~(i) This section shall become operative on July 1, 2017.~~

9 ~~SEC. 18. Section 1752.3 of the Business and Professions Code~~
10 ~~is repealed.~~

11 ~~SEC. 19. Section 1752.3 is added to the Business and~~
12 ~~Professions Code, to read:~~

13 ~~1752.3. (a) On and after January 1, 2010, the written~~
14 ~~examination for registered dental assistant licensure required by~~
15 ~~Section 1752.1 shall comply with Section 139.~~

16 ~~(b) On and after January 1, 2010, the practical examination for~~
17 ~~registered dental assistant licensure required by Section 1752.1~~
18 ~~shall consist of three of the procedures described in paragraphs~~
19 ~~(1) to (4), inclusive. The specific procedures shall be assigned by~~
20 ~~the board, after considering recommendations of its Dental~~
21 ~~Assisting Council, and shall be graded by examiners appointed by~~
22 ~~the board. The procedures shall be performed on a fully articulated~~
23 ~~maxillary and mandibular typodont secured with a bench clamp.~~
24 ~~Each applicant shall furnish the required materials necessary to~~
25 ~~complete the examination.~~

26 ~~(1) Place a base or liner.~~

27 ~~(2) Place, adjust, and finish a direct provisional restoration.~~

28 ~~(3) Fabricate and adjust an indirect provisional restoration.~~

29 ~~(4) Cement an indirect provisional restoration.~~

30 ~~(e) This section shall become operative on July 1, 2017.~~

31 ~~SEC. 20.~~

32 ~~SEC. 17. Section 2841 of the Business and Professions Code~~
33 ~~is amended to read:~~

34 ~~2841. (a) There is in the Department of Consumer Affairs a~~
35 ~~Board of Vocational Nursing and Psychiatric Technicians of the~~
36 ~~State of California, consisting of 11 members.~~

37 ~~(b) Within the meaning of this chapter, "board," or "the board,"~~
38 ~~refers to the Board of Vocational Nursing and Psychiatric~~
39 ~~Technicians of the State of California.~~

1 (c) This section shall remain in effect only until January 1, 2018,
2 and as of that date is repealed. Notwithstanding any other law, the
3 repeal of this section renders the board subject to review by the
4 appropriate policy committees of the Legislature.

5 ~~SEC. 21.~~

6 *SEC. 18.* Section 2847.1 is added to the Business and
7 Professions Code, to read:

8 2847.1. (a) The board shall select an executive officer who
9 shall perform duties as are delegated by the board and who shall
10 be responsible to it for the accomplishment of those duties. The
11 executive officer shall not be a member of the board.

12 (b) With the approval of the Director of Finance, the board shall
13 fix the salary of the executive officer.

14 (c) The executive officer shall be entitled to traveling and other
15 necessary expenses in the performance of his or her duties. He or
16 she shall make a statement, certified before a duly authorized
17 person, that the expenses have been actually incurred.

18 (d) This section shall remain in effect only until January 1, 2018,
19 and as of that date is repealed.

20 ~~SEC. 22.~~

21 *SEC. 19.* Section 2847.5 is added to the Business and
22 Professions Code, to read:

23 2847.5. (a) (1) The director shall appoint an administrative
24 and enforcement program monitor no later than March 1, 2016.
25 The director may retain a person for this position by a personal
26 services contract. In this connection, the Legislature finds, pursuant
27 to Section 19130 of the Government Code, that this is a new state
28 function.

29 (2) The director shall supervise the administrative and
30 enforcement program monitor and may terminate or dismiss him
31 or her from this position. If the monitor is terminated or dismissed,
32 the director shall appoint a replacement monitor within two months.

33 (3) The monitoring duty shall be on a continuing basis for a
34 period of no more than two years from the date of the initial
35 administrative and enforcement program monitor's appointment.

36 (b) (1) The administrative and enforcement program monitor
37 shall monitor and evaluate the following:

38 (A) The board's administrative process, with specific
39 concentration on the management of staff, assistance of board

- 1 members, and working relationship with the Legislature, including
2 the following:
- 3 (i) Staff hiring and training procedures.
 - 4 (ii) Oversight of staff work.
 - 5 (iii) Evaluation of staff performance.
 - 6 (iv) Training of board members.
 - 7 (v) Dissemination of information to board members.
 - 8 (vi) Assistance of board members in performing their duties.
 - 9 (vii) Communication with legislators and legislative staff.
 - 10 (viii) Representation of the board at legislative meetings and
11 hearings.
- 12 (B) The board’s disciplinary system and procedures, with
13 specific concentration on improving the overall efficiency and
14 consistency of the enforcement program, including the following:
- 15 (i) The quality and consistency of complaint processing and
16 investigation.
 - 17 (ii) Consistency in the application of sanctions or discipline
18 imposed on ~~licensees~~, *the licensees*.
 - 19 (iii) *The accurate and consistent implementation of the laws and*
20 *rules affecting discipline, including adherence to the “Complaint*
21 *Prioritization Guidelines for Health Care Agencies” established*
22 *by the Consumer Protection Enforcement Initiative of 2010.*
 - 23 ~~(iii)~~
 - 24 (iv) Staff concerns regarding disciplinary matters or procedures.
 - 25 ~~(iv)~~
 - 26 (v) The appropriate use of licensed professionals to investigate
27 complaints.
 - 28 ~~(v)~~
 - 29 (vi) The board’s cooperation with other governmental entities
30 charged with enforcing related laws and regulations regarding
31 vocational nurses and psychiatric technicians.
 - 32 ~~(4)~~
- 33 (2) The administrative and enforcement program monitor shall
34 exercise no authority over the board’s management or staff;
35 however, the board and its staff shall cooperate with the monitor,
36 and shall provide data, information, and files as requested by the
37 monitor to perform all of his or her duties.
- 38 ~~(5)~~

1 (3) The director shall assist the administrative and enforcement
2 program monitor in the performance of his or her duties, and the
3 monitor shall have the same investigative authority as the director.

4 ~~(6)~~

5 (4) The director shall specify further duties of the administrative
6 and program enforcement monitor.

7 (c) (1) The administrative and enforcement program monitor
8 shall submit to the department, the board, and the Legislature an
9 initial written report of his or her findings and conclusions no later than
10 than July 1, 2016, and subsequent written reports no later than
11 November 1, 2016, and February 1, 2017, and shall be available
12 to make oral reports to each entity if requested to do so. The
13 monitor may also provide additional information to either the
14 department or the Legislature at his or her discretion or at the
15 request of either the department or the Legislature. The monitor
16 shall make his or her reports available to the public or the media.
17 The monitor shall make every effort to provide the board with an
18 opportunity to reply to any facts, findings, issues, or conclusions
19 in his or her reports with which the board may disagree.

20 (2) The administrative and enforcement program monitor shall
21 issue a final report before January 1, 2018. The final report shall
22 include final findings and conclusions on the topics addressed in
23 the initial report submitted by the monitor pursuant to paragraph
24 (1).

25 (d) The board shall pay for all of the costs associated with the
26 employment of the administrative and enforcement program
27 monitor.

28 (e) This section shall remain in effect only until March 1, 2018,
29 and as of that date is repealed.

30 ~~SEC. 23.~~

31 *SEC. 20.* Section 2858.5 is added to the Business and
32 Professions Code, to read:

33 2858.5. (a) The department's internal audit unit shall review
34 the board's financial needs, fee structure, budget, and ~~expenditures.~~
35 *expenditures, including the estimated costs of meeting staffing and*
36 *other requirements to implement this chapter and Chapter 10*
37 *(commencing with Section 4500) of Division 2. The director shall*
38 *provide to the Legislature a copy of the review, no later than*
39 *October 1, 2016. ~~The director shall include with this report an~~*
40 *overview of the estimated costs of meeting staffing and other*

1 ~~requirements to implement this chapter and Chapter 10~~
2 ~~(commencing with Section 4500) of Division 2 based on findings~~
3 ~~of the review.~~

4 (b) This section shall remain in effect only until January 1, 2018,
5 and as of that date is repealed.

6 ~~SEC. 24.~~

7 *SEC. 21.* Section 2894 of the Business and Professions Code
8 is amended to read:

9 2894. (a) All money in the Vocational Nursing and Psychiatric
10 Technicians Fund shall be used to carry out the provisions of this
11 chapter, including the promotion of nursing education in this state,
12 and for the refund, in accordance with law, of license fees or other
13 moneys paid into the Vocational Nursing and Psychiatric
14 Technicians Fund under the provisions of this chapter.

15 (b) Claims against the Vocational Nursing and Psychiatric
16 Technicians Fund shall be audited by the Controller, and shall be
17 paid by the Treasurer upon warrants drawn by the Controller.

18 (c) This section shall remain in effect only until July 1, 2016,
19 and as of that date is repealed.

20 ~~SEC. 25.~~

21 *SEC. 22.* Section 2894 is added to the Business and Professions
22 Code, to read:

23 2894. (a) All money in the Vocational Nursing and Psychiatric
24 Technicians Fund shall be used to carry out this chapter, including
25 the promotion of nursing education in this state, and Chapter 10
26 (commencing with Section 4500), and for the refund, in accordance
27 with law, of license fees or other moneys paid into the Vocational
28 Nursing and Psychiatric Technicians Fund under the provisions
29 of this chapter and Chapter 10 (commencing with Section 4500).

30 (b) Claims against the Vocational Nursing and Psychiatric
31 Technicians Fund shall be audited by the Controller, and shall be
32 paid by the Treasurer upon warrants drawn by the Controller.

33 (c) This section shall become operative on July 1, 2016.

34 ~~SEC. 26.~~

35 *SEC. 23.* Section 4501 of the Business and Professions Code
36 is amended to read:

37 4501. (a) “Board,” as used in this chapter, means the Board
38 of Vocational Nursing and Psychiatric Technicians of the State of
39 California.

1 (b) This section shall remain in effect only until January 1, 2018,
2 and as of that date is repealed.

3 ~~SEC. 27.~~

4 *SEC. 24.* Section 4503 of the Business and Professions Code
5 is amended to read:

6 4503. (a) The board shall administer and enforce this chapter.

7 (b) This section shall remain in effect only until January 1, 2018,
8 and as of that date is repealed.

9 ~~SEC. 28.~~

10 *SEC. 25.* Section 4547 of the Business and Professions Code
11 is amended to read:

12 4547. (a) All expenses incurred in the operation of this chapter
13 shall be paid out of the Vocational Nursing and Psychiatric
14 Technicians Fund from the revenue received by the board under
15 this chapter and deposited in the Vocational Nursing and
16 Psychiatric Technicians Fund. No part of the expenses shall be
17 charged against any funds which are derived from any functions
18 of the board provided for in other chapters of this code.

19 (b) This section shall remain in effect only until July 1, 2016,
20 and as of that date is repealed.

21 ~~SEC. 29.~~

22 *SEC. 26.* Section 4547 is added to the Business and Professions
23 Code, to read:

24 4547. (a) All expenses incurred in the operation of this chapter
25 or Chapter 6.5 (commencing with Section 2840) shall be paid out
26 of the Vocational Nursing and Psychiatric Technicians Fund from
27 the revenue received by the board under this chapter or Chapter
28 6.5 (commencing with Section 2840) and deposited in the
29 Vocational Nursing and Psychiatric Technicians Fund.

30 (b) This section shall become operative on July 1, 2016.

31 *SEC. 27. (a) Section 2.1 of this bill incorporates changes to*
32 *Section 205 of the Business and Professions Code proposed by*
33 *both this bill and Assembly Bill 177. It shall only become operative*
34 *if (1) both bills are enacted and become effective on or before*
35 *January 1, 2016, (2) each bill amends Section 205 of the Business*
36 *and Professions Code, and (3) Assembly Bill 180 is not enacted*
37 *or as enacted does not amend that section, and (4) this bill is*
38 *enacted after Assembly Bill 177, in which case Sections 2, 2.2, and*
39 *2.3 of this bill shall not become operative.*

1 **(b)** Section 2.2 of this bill incorporates changes to Section 205
2 of the Business and Professions Code proposed by both this bill
3 and Assembly Bill 180. It shall only become operative if (1) both
4 bills are enacted and become effective on or before January 1,
5 2016, (2) each bill amends Section 205 of the Business and
6 Professions Code, (3) Assembly Bill 177 is not enacted or as
7 enacted does not amend that section, and (4) this bill is enacted
8 after Assembly Bill 180 in which case Sections 2, 2.1, and 2.3 of
9 this bill shall not become operative.

10 **(c)** Section 2.3 of this bill incorporates changes to Section 205
11 of the Business and Professions Code proposed by this bill,
12 Assembly Bill 177, and Assembly Bill 180. It shall only become
13 operative if (1) all three bills are enacted and become effective on
14 or before January 1, 2016, (2) all three bills amend Section 205
15 of the Business and Professions Code, and (3) this bill is enacted
16 after Assembly Bill 177 and Assembly 180, in which case Sections
17 2, 2.1, and 2.2 of this bill shall not become operative.

18 **SEC. 28.** Section 13.5 of this bill incorporates amendments to
19 Section 1724 of the Business and Professions Code proposed by
20 both this bill and Assembly Bill 483. It shall only become operative
21 if (1) both bills are enacted and become effective on or before
22 January 1, 2016, (2) each bill amends Section 1724 of the Business
23 and Professions Code, and (3) this bill is enacted after Assembly
24 Bill 483, in which case Section 13 of this bill shall not become
25 operative.