

AMENDED IN ASSEMBLY JUNE 8, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 800

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 18, 2015

An act to amend Sections 28, 146, 500, 650.2, 800, 1603a, 1618.5, 1640.1, 1648.10, 1650, 1695, 1695.1, 1905.1, 1944, 2054, ~~2221~~, 2401, 2428, ~~2519~~, ~~2520~~, ~~2529~~, ~~2546.7~~, ~~2546.9~~, ~~2559.3~~, ~~2563~~, ~~2565~~, ~~2566~~, ~~2566.1~~, 2650, 2770, 2770.1, 2770.2, 2770.7, 2770.8, 2770.10, 2770.11, 2770.12, 2770.13, 2835.5, 2914, 3057, 3509.5, ~~3576~~, ~~3577~~, 4836.2, 4887, 4938, 4939, 4980.399, 4980.43, 4980.54, 4984.01, 4989.34, 4992.09, 4996.2, 4996.22, 4996.28, 4999.1, 4999.2, 4999.3, 4999.4, 4999.5, 4999.7, 4999.45, 4999.46, 4999.55, 4999.76, and 4999.100 of, to amend the heading of Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2 of, ~~to add Sections 2519.5, 2546.11, 2555.5, 2559.7, 2563.5, and 3576.5 to~~, and to repeal Section 1917.2 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 800, as amended, Committee on Business, Professions and Economic Development. Healing arts.

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, including those relating to the healing arts:

(1) Existing law requires persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker,

professional clinical counselor, or marriage and family therapist to have completed prescribed coursework or training in child abuse assessment and reporting. Existing law requires the training to have been obtained from an accredited or approved educational institution, a continuing education provider approved by the responsible board, or a course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved by the responsible board.

This bill would require the responsible board to specify a continuing education provider for child abuse assessment and reporting coursework by regulation, and would permit the responsible board to approve or accept a sponsored or offered course.

(2) Existing law relating to unlicensed activity enforcement lists specified provisions that require registration, licensure, certification, or other authorization in order to engage in certain businesses or professions regulated by the department and, notwithstanding any other law, makes a violation of a listed provision punishable as an infraction under specified circumstances.

This bill would include in those listed provisions an existing requirement for the registration of individuals as certified polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees.

The bill would also include in those listed provisions a provision of the Educational Psychologist Practice Act that makes it unlawful for any person to practice educational psychology or use any title or letters that imply that he or she is a licensed educational psychologist unless, at the time of so doing, he or she holds a valid, unexpired, and unrevoked license under that act, the violation of which is a misdemeanor. The bill would further include in those listed provisions existing requirements of the Licensed Professional Clinical Counselor Act that a person not practice or advertise the performance of professional clinical counseling services without a license issued by the board, and pay the license fee, as required by that act, the violation of which is a misdemeanor.

By creating new infractions, this bill would impose a state-mandated local program.

(3) The Dental Practice Act provides for the licensure and regulation of dentists by the Dental Board of California. For purposes of the act, any reference to the Board of Dental Examiners is deemed a reference to the Dental Board of California.

This bill would delete certain existing references to the Board of Dental Examiners and, instead, refer to the Dental Board of California.

(4) Existing law provides for the regulation of dental hygienists by the Dental Hygiene Committee of California, within the jurisdiction of the Dental Board of California. Existing law authorizes the committee, until January 1, 2010, to contract with the dental board to carry out any of specified provisions relating to the regulation of dental hygienists, and, on and after January 1, 2010, to contract with the dental board to perform investigations of applicants and licensees under those provisions. Existing law requires the committee to establish fees that relate to the licensing of a registered dental hygienist, subject to specified limitations, including fees for curriculum review and site evaluation for accreditation of educational programs.

This bill would require the Dental Hygiene Committee of California to create and maintain a central file of the names of licensees, to provide an individual historical record with information on acts of licensee misconduct and discipline. The bill would remove the limiting dates from the contracting provisions, thereby authorizing the committee to contract with the dental board to carry out any of specified provisions relating to the regulation of dental hygienists, including performing investigations of applicants and licensees. This bill, with regard to fees for accreditation of educational programs, would add a maximum fee for feasibility study review.

(5) The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under existing law, the board issues a physician and surgeon's certificate to a licensed physician and surgeon, and authorizes the board to deny a certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license. *surgeon*. The act prohibits a person who fails to renew his or her license within 5 years after its expiration from renewing it, and prohibits the license from being reissued, reinstated, or restored thereafter, although the act authorizes a person to apply for and obtain a new license under specified circumstances.

This bill would additionally authorize the board to deny a postgraduate training authorization letter to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license. The bill would recast that renewal provision to prohibit renewal by a person who voluntarily cancels his or her license or who fails to renew it as described, and would authorize

that person to apply for and obtain a license under those specified circumstances, without regard to reissuance, reinstatement, or restoration.

(6) Existing law relating to research psychoanalysts authorizes certain students and graduates in psychoanalysis to engage in psychoanalysis under prescribed circumstances if they register with the Medical Board of California and present evidence of their student or graduate status. Existing law authorizes that board to suspend or revoke the exemption of those persons from licensure for unprofessional conduct for, among other things, repeated acts of clearly excessive prescribing, furnishing, dispensing, or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities.

This bill would substitute, for those described bases for suspension or revocation of the exemption, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer.

(7) The Physical Therapy Practice Act provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. The act establishes education requirements for a physical therapist assistant, including subject matter instruction through a combination of didactic and clinical experiences, and requires the clinical experience to include at least 18 weeks of full-time experience with a variety of patients.

This bill would delete that 18-week full-time experience requirement for physical therapist assistant education.

(8) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing. The act, on and after January 1, 2008, requires an applicant for initial qualification or certification as a nurse practitioner under the act who has not been qualified or certified as a nurse practitioner to meet specified requirements. Certain provisions allow the board to find other persons in practice qualified to use the title of “nurse practitioner.”

This bill would delete those title provisions.

(9) The Nursing Practice Act provides for a diversion program to identify and rehabilitate registered nurses whose competency may be impaired due to abuse of alcohol and other drugs, or due to mental illness.

This bill would instead refer to the program as an intervention program.

(10) The Optometry Practice Act provides for the licensure and regulation of optometrists by the State Board of Optometry. The act

prescribes license eligibility requirements, including, but not limited to, submitting proof that the person is licensed in good standing as of the date of application in every state where he or she holds a license, including compliance with continuing education requirements, submitting proof that the person has been in active practice in a state in which he or she is licensed for a total of at least 5,000 hours in 5 of the 7 consecutive years immediately preceding the date of his or her application, and has never had his or her license to practice optometry revoked or suspended. For purposes of those provisions, “in good standing” includes the requirement that the person have not been found mentally incompetent by a physician so that the person is unable to undertake the practice of optometry in a manner consistent with the safety of a patient or the public.

This bill would delete that active practice requirement and would require that the license never have been revoked or suspended in any state where the person holds a license. The bill, with regard to making such a finding of mental incompetence, would replace a finding by a physician with a finding by a licensed psychologist or licensed psychiatrist.

(11) The Physician Assistant Practice Act requires the Physician Assistant Board to annually elect a chairperson and vice chairperson from among its members.

This bill would require the annual election of a president and vice president.

(12) Existing law relating to veterinary medicine requires a veterinary assistant to obtain a controlled substance permit from the Veterinary Medical Board in order to administer a controlled substance, and authorizes the board to deny, revoke, or suspend the permit, after notice and hearing, for any of specified causes. Existing law authorizes the board to revoke or suspend a permit for the same.

This bill would, instead, authorize the board to suspend or revoke the controlled substance permit of a veterinary assistant, after notice and hearing, for any of specified causes, and to deny, revoke, or suspend a permit for the same.

(13) The Acupuncture Licensure Act provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. The act requires the board to issue a license to practice acupuncture to a person who meets prescribed requirements. The act requires, in the case of an applicant who has completed education and training outside the United States and Canada, documented educational training and

clinical experience that meets certain standards established by the board. Existing law, commencing January 1, 2017, specifically requires the board to establish standards for the approval of educational training and clinical experience received outside the United States and Canada.

This bill would remove Canada from those provisions, thereby applying the same standards to all training and clinical experience completed outside the United States.

(14) The Licensed Marriage and Family Therapist Act provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. The act sets forth the educational and training requirements for licensure as a marriage and family therapist, including certain supervised-experience requirements whereby a prospective licensee is required to work a specified number of hours in a clinical setting under the supervision of experienced professionals. The act requires all persons to register with the board as an intern in order to be credited for postdegree hours of supervised experience gained toward licensure. The act, with regard to interns, requires all postdegree hours of experience to be credited toward licensure, except when employed in a private practice setting, if certain conditions are met.

This bill would require postdegree hours of experience to be credited toward licensure if certain conditions are met. The bill would prohibit an applicant for licensure as a marriage and family therapist from being employed or volunteering in a private practice until registered as an intern by the board. This bill would similarly prohibit an applicant for professional clinical counselor under the Licensed Professional Clinical Counselor Act from being employed or volunteering in a private practice until registered as an intern by the board.

(15) The Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act require the Board of Behavioral Sciences to approve continuing education providers for specified educational courses relating to licensure for marriage and family therapists, educational psychologists, clinical social workers, and professional clinical counselors.

The bill would modify those acts to require the Board of Behavioral Sciences to identify, by regulation, acceptable continuing education providers.

(16) The Licensed Marriage and Family Therapist Act and the Licensed Professional Clinical Counselor Act provide for the registration

of interns and allow a maximum of possible renewals after initial registration, after which a new registration number is required to be obtained. The Clinical Social Worker Practice Act provides similarly for the registration and renewal of registration of associate clinical social workers. An applicant who is issued a subsequent number is barred from employment or volunteering in a private practice.

This bill would revise those provisions to refer throughout to subsequent registration numbers.

~~(17) Existing law authorizes the Medical Board of California to take specific actions with regard to the licensees of licensed midwives, and the registration of nonresident contact lens sellers, spectacle lens dispensers, contact lens dispensers, dispensing opticians, and polysomnographic technologists.~~

~~This bill would authorize the board to place on probation for specified grounds a midwife license or the registration certificate of a nonresident contact lens seller, spectacle lens dispenser, contact lens dispenser, or polysomnographic technologist. The bill would require such a licensee or registrant to pay probation monitoring fees upon order of the board. The bill would authorize a person whose license or certificate has been surrendered while under investigation or while charges are pending, or whose license or certificate has been revoked or suspended or placed on probation, to petition the board for reinstatement or modification of penalty, as prescribed.~~

~~(18)~~

~~(17) Existing law provides for the registration of telephone medical advice services. Existing law imposes requirements for obtaining and maintaining registration, including a requirement that the provision of medical advice services be provided by specified licensed, registered, or certified health care professionals.~~

~~This bill would expand the specified health care professionals to include naturopathic doctors and licensed professional clinical counselors. The bill would require a service to notify the department of certain business changes, and to submit quarterly reports.~~

~~(19)~~

~~(18) This bill would additionally delete or update obsolete provisions and make conforming or nonsubstantive changes.~~

~~(20)~~

~~(19) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 28 of the Business and Professions Code
2 is amended to read:

3 28. (a) The Legislature finds that there is a need to ensure that
4 professionals of the healing arts who have demonstrable contact
5 with victims and potential victims of child, elder, and dependent
6 adult abuse, and abusers and potential abusers of children, elders,
7 and dependent adults are provided with adequate and appropriate
8 training regarding the assessment and reporting of child, elder,
9 and dependent adult abuse that will ameliorate, reduce, and
10 eliminate the trauma of abuse and neglect and ensure the reporting
11 of abuse in a timely manner to prevent additional occurrences.

12 (b) The Board of Psychology and the Board of Behavioral
13 Sciences shall establish required training in the area of child abuse
14 assessment and reporting for all persons applying for initial
15 licensure and renewal of a license as a psychologist, clinical social
16 worker, professional clinical counselor, or marriage and family
17 therapist. This training shall be required one time only for all
18 persons applying for initial licensure or for licensure renewal.

19 (c) All persons applying for initial licensure or renewal of a
20 license as a psychologist, clinical social worker, professional
21 clinical counselor, or marriage and family therapist shall, in
22 addition to all other requirements for licensure or renewal, have
23 completed coursework or training in child abuse assessment and
24 reporting that meets the requirements of this section, including
25 detailed knowledge of the Child Abuse and Neglect Reporting Act
26 (Article 2.5 (commencing with Section 11164) of Chapter 2 of
27 Title 1 of Part 4 of the Penal Code). The training shall meet all of
28 the following requirements:

- 29 (1) Be obtained from one of the following sources:
- 30 (A) An accredited or approved educational institution, as defined
- 31 in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12,
- 32 including extension courses offered by those institutions.

1 (B) A continuing education provider as specified by the
2 responsible board by regulation.

3 (C) A course sponsored or offered by a professional association
4 or a local, county, or state department of health or mental health
5 for continuing education and approved or accepted by the
6 responsible board.

7 (2) Have a minimum of seven contact hours.

8 (3) Include the study of the assessment and method of reporting
9 of sexual assault, neglect, severe neglect, general neglect, willful
10 cruelty or unjustifiable punishment, corporal punishment or injury,
11 and abuse in out-of-home care. The training shall also include
12 physical and behavioral indicators of abuse, crisis counseling
13 techniques, community resources, rights and responsibilities of
14 reporting, consequences of failure to report, caring for a child's
15 needs after a report is made, sensitivity to previously abused
16 children and adults, and implications and methods of treatment
17 for children and adults.

18 (4) An applicant shall provide the appropriate board with
19 documentation of completion of the required child abuse training.

20 (d) The Board of Psychology and the Board of Behavioral
21 Sciences shall exempt an applicant who applies for an exemption
22 from this section and who shows to the satisfaction of the board
23 that there would be no need for the training in his or her practice
24 because of the nature of that practice.

25 (e) It is the intent of the Legislature that a person licensed as a
26 psychologist, clinical social worker, professional clinical counselor,
27 or marriage and family therapist have minimal but appropriate
28 training in the areas of child, elder, and dependent adult abuse
29 assessment and reporting. It is not intended that, by solely
30 complying with this section, a practitioner is fully trained in the
31 subject of treatment of child, elder, and dependent adult abuse
32 victims and abusers.

33 (f) The Board of Psychology and the Board of Behavioral
34 Sciences are encouraged to include coursework regarding the
35 assessment and reporting of elder and dependent adult abuse in
36 the required training on aging and long-term care issues prior to
37 licensure or license renewal.

38 SEC. 2. Section 146 of the Business and Professions Code is
39 amended to read:

1 146. (a) Notwithstanding any other provision of law, a
2 violation of any code section listed in subdivision (c) is an
3 infraction subject to the procedures described in Sections 19.6 and
4 19.7 of the Penal Code when either of the following applies:

5 (1) A complaint or a written notice to appear in court pursuant
6 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
7 2 of the Penal Code is filed in court charging the offense as an
8 infraction unless the defendant, at the time he or she is arraigned,
9 after being advised of his or her rights, elects to have the case
10 proceed as a misdemeanor.

11 (2) The court, with the consent of the defendant and the
12 prosecution, determines that the offense is an infraction in which
13 event the case shall proceed as if the defendant has been arraigned
14 on an infraction complaint.

15 (b) Subdivision (a) does not apply to a violation of the code
16 sections listed in subdivision (c) if the defendant has had his or
17 her license, registration, or certificate previously revoked or
18 suspended.

19 (c) The following sections require registration, licensure,
20 certification, or other authorization in order to engage in certain
21 businesses or professions regulated by this code:

- 22 (1) Sections 2052 and 2054.
- 23 (2) Section 2630.
- 24 (3) Section 2903.
- 25 (4) Section 3575.
- 26 (5) Section 3660.
- 27 (6) Sections 3760 and 3761.
- 28 (7) Section 4080.
- 29 (8) Section 4825.
- 30 (9) Section 4935.
- 31 (10) Section 4980.
- 32 (11) Section 4989.50.
- 33 (12) Section 4996.
- 34 (13) Section 4999.30.
- 35 (14) Section 5536.
- 36 (15) Section 6704.
- 37 (16) Section 6980.10.
- 38 (17) Section 7317.
- 39 (18) Section 7502 or 7592.
- 40 (19) Section 7520.

- 1 (20) Section 7617 or 7641.
- 2 (21) Subdivision (a) of Section 7872.
- 3 (22) Section 8016.
- 4 (23) Section 8505.
- 5 (24) Section 8725.
- 6 (25) Section 9681.
- 7 (26) Section 9840.
- 8 (27) Subdivision (c) of Section 9891.24.
- 9 (28) Section 19049.

10 (d) Notwithstanding any other law, a violation of any of the
11 sections listed in subdivision (c), which is an infraction, is
12 punishable by a fine of not less than two hundred fifty dollars
13 (\$250) and not more than one thousand dollars (\$1,000). No portion
14 of the minimum fine may be suspended by the court unless as a
15 condition of that suspension the defendant is required to submit
16 proof of a current valid license, registration, or certificate for the
17 profession or vocation that was the basis for his or her conviction.

18 SEC. 3. Section 500 of the Business and Professions Code is
19 amended to read:

20 500. If the register or book of registration of the Medical Board
21 of California, the Dental Board of California, or the *California*
22 *State* Board of Pharmacy is destroyed by fire or other public
23 calamity, the board, whose duty it is to keep the register or book,
24 may reproduce it so that there may be shown as nearly as possible
25 the record existing in the original at the time of destruction.

26 SEC. 4. Section 650.2 of the Business and Professions Code
27 is amended to read:

28 650.2. Notwithstanding Section 650 or any other provision of
29 law, it shall not be unlawful for a person licensed pursuant to
30 Chapter 4 (commencing with Section 1600) of Division 2 or any
31 other person, to participate in or operate a group advertising and
32 referral service for dentists if all of the following conditions are
33 met:

34 (a) The patient referrals by the service result from
35 patient-initiated responses to service advertising.

36 (b) The service advertises, if at all, in conformity with Section
37 651 and subdivisions (i) and (l) of Section 1680.

38 (c) The service does not employ a solicitor within the meaning
39 of subdivision (j) of Section 1680.

1 (d) The service does not impose a fee on the member dentists
2 dependent upon the number of referrals or amount of professional
3 fees paid by the patient to the dentist.

4 (e) Participating dentists charge no more than their usual and
5 customary fees to any patient referred.

6 (f) The service registers with the Dental Board of California,
7 providing its name and address.

8 (g) The service files with the Dental Board of California a copy
9 of the standard form contract that regulates its relationship with
10 member dentists, which contract shall be confidential and not open
11 to public inspection.

12 (h) If more than 50 percent of its referrals are made to one
13 individual, association, partnership, corporation, or group of three
14 or more dentists, the service discloses that fact in all public
15 communications, including, but not limited to, communication by
16 means of television, radio, motion picture, newspaper, book, or
17 list or directory of healing arts practitioners.

18 (i) When member dentists pay any fee to the service, any
19 advertisement by the service shall clearly and conspicuously
20 disclose that fact by including a statement as follows: "Paid for
21 by participating dentists." In print advertisements, the required
22 statement shall be in at least 9-point type. In radio advertisements,
23 the required statement shall be articulated so as to be clearly
24 audible and understandable by the radio audience. In television
25 advertisements, the required statement shall be either clearly
26 audible and understandable to the television audience, or displayed
27 in a written form that remains clearly visible for at least five
28 seconds to the television audience. This subdivision shall be
29 operative on and after July 1, 1994.

30 The Dental Board of California may adopt regulations necessary
31 to enforce and administer this section.

32 The Dental Board of California may suspend or revoke the
33 registration of any service that fails to comply with subdivision
34 (i). No service may reregister with the board if it has a registration
35 that is currently under suspension for a violation of subdivision
36 (i), nor may a service reregister with the board if it had a
37 registration revoked by the board for a violation of subdivision (i)
38 less than one year after that revocation.

1 The Dental Board of California may petition the superior court
2 of any county for the issuance of an injunction restraining any
3 conduct that constitutes a violation of this section.

4 It is unlawful and shall constitute a misdemeanor for a person
5 to operate a group advertising and referral service for dentists
6 without providing its name and address to the Dental Board of
7 California.

8 It is the intent of the Legislature in enacting this section not to
9 otherwise affect the prohibitions provided in Section 650. The
10 Legislature intends to allow the pooling of resources by dentists
11 for the purposes of advertising.

12 This section shall not be construed to authorize a referral service
13 to engage in the practice of dentistry.

14 SEC. 5. Section 800 of the Business and Professions Code is
15 amended to read:

16 800. (a) The Medical Board of California, the Board of
17 Psychology, the Dental Board of California, the Dental Hygiene
18 Committee of California, the Osteopathic Medical Board of
19 California, the State Board of Chiropractic Examiners, the Board
20 of Registered Nursing, the Board of Vocational Nursing and
21 Psychiatric ~~Technicians~~, *Technicians of the State of California*,
22 the State Board of Optometry, the Veterinary Medical Board, the
23 Board of Behavioral Sciences, the Physical Therapy Board of
24 California, the California State Board of Pharmacy, the
25 Speech-Language Pathology and Audiology and Hearing Aid
26 Dispensers Board, the California Board of Occupational Therapy,
27 the Acupuncture Board, and the Physician Assistant Board shall
28 each separately create and maintain a central file of the names of
29 all persons who hold a license, certificate, or similar authority from
30 that board. Each central file shall be created and maintained to
31 provide an individual historical record for each licensee with
32 respect to the following information:

33 (1) Any conviction of a crime in this or any other state that
34 constitutes unprofessional conduct pursuant to the reporting
35 requirements of Section 803.

36 (2) Any judgment or settlement requiring the licensee or his or
37 her insurer to pay any amount of damages in excess of three
38 thousand dollars (\$3,000) for any claim that injury or death was
39 proximately caused by the licensee's negligence, error or omission

1 in practice, or by rendering unauthorized professional services,
2 pursuant to the reporting requirements of Section 801 or 802.

3 (3) Any public complaints for which provision is made pursuant
4 to subdivision (b).

5 (4) Disciplinary information reported pursuant to Section 805,
6 including any additional exculpatory or explanatory statements
7 submitted by the licentiate pursuant to subdivision (f) of Section
8 805. If a court finds, in a final judgment, that the peer review
9 resulting in the 805 report was conducted in bad faith and the
10 licensee who is the subject of the report notifies the board of that
11 finding, the board shall include that finding in the central file. For
12 purposes of this paragraph, “peer review” has the same meaning
13 as defined in Section 805.

14 (5) Information reported pursuant to Section 805.01, including
15 any explanatory or exculpatory information submitted by the
16 licensee pursuant to subdivision (b) of that section.

17 (b) (1) Each board shall prescribe and promulgate forms on
18 which members of the public and other licensees or certificate
19 holders may file written complaints to the board alleging any act
20 of misconduct in, or connected with, the performance of
21 professional services by the licensee.

22 (2) If a board, or division thereof, a committee, or a panel has
23 failed to act upon a complaint or report within five years, or has
24 found that the complaint or report is without merit, the central file
25 shall be purged of information relating to the complaint or report.

26 (3) Notwithstanding this subdivision, the Board of Psychology,
27 the Board of Behavioral Sciences, and the Respiratory Care Board
28 of California shall maintain complaints or reports as long as each
29 board deems necessary.

30 (c) (1) The contents of any central file that are not public
31 records under any other provision of law shall be confidential
32 except that the licensee involved, or his or her counsel or
33 representative, shall have the right to inspect and have copies made
34 of his or her complete file except for the provision that may
35 disclose the identity of an information source. For the purposes of
36 this section, a board may protect an information source by
37 providing a copy of the material with only those deletions necessary
38 to protect the identity of the source or by providing a
39 comprehensive summary of the substance of the material.
40 Whichever method is used, the board shall ensure that full

1 disclosure is made to the subject of any personal information that
2 could reasonably in any way reflect or convey anything detrimental,
3 disparaging, or threatening to a licensee's reputation, rights,
4 benefits, privileges, or qualifications, or be used by a board to
5 make a determination that would affect a licensee's rights, benefits,
6 privileges, or qualifications. The information required to be
7 disclosed pursuant to Section 803.1 shall not be considered among
8 the contents of a central file for the purposes of this subdivision.

9 (2) The licensee may, but is not required to, submit any
10 additional exculpatory or explanatory statement or other
11 information that the board shall include in the central file.

12 (3) Each board may permit any law enforcement or regulatory
13 agency when required for an investigation of unlawful activity or
14 for licensing, certification, or regulatory purposes to inspect and
15 have copies made of that licensee's file, unless the disclosure is
16 otherwise prohibited by law.

17 (4) These disclosures shall effect no change in the confidential
18 status of these records.

19 SEC. 6. Section 1603a of the Business and Professions Code
20 is amended to read:

21 1603a. A member of the Dental Board of California who has
22 served two terms shall not be eligible for reappointment to the
23 board. In computing two terms hereunder, that portion of an
24 unexpired term that a member fills as a result of a vacancy shall
25 be excluded.

26 SEC. 7. Section 1618.5 of the Business and Professions Code
27 is amended to read:

28 1618.5. (a) The board shall provide to the Director of the
29 Department of Managed Health Care a copy of any accusation
30 filed with the Office of Administrative Hearings pursuant to
31 Chapter 5 (commencing with Section 11500) of Part 1 of Division
32 3 of Title 2 of the Government Code, when the accusation is filed,
33 for a violation of this chapter relating to the quality of care of any
34 dental provider of a health care service plan, as defined in Section
35 1345 of the Health and Safety Code. There shall be no liability on
36 the part of, and no cause of action shall arise against, the State of
37 California, the Dental Board of California, the Department of
38 Managed Health Care, the director of that department, or any
39 officer, agent, employee, consultant, or contractor of the state or
40 the board or the department for the release of any false or

1 unauthorized information pursuant to this section, unless the release
2 is made with knowledge and malice.

3 (b) The board and its executive officer and staff shall maintain
4 the confidentiality of any nonpublic reports provided by the
5 Director of the Department of Managed Health Care pursuant to
6 subdivision (i) of Section 1380 of the Health and Safety Code.

7 SEC. 8. Section 1640.1 of the Business and Professions Code
8 is amended to read:

9 1640.1. As used in this article, the following definitions shall
10 apply:

11 (a) “Specialty” means an area of dental practice approved by
12 the American Dental Association and recognized by the board.

13 (b) “Discipline” means an advanced dental educational program
14 in an area of dental practice not approved as a specialty by the
15 American Dental Association; but offered from a dental college
16 approved by the board.

17 (c) “Dental college approved by the board” means a dental
18 school or college that is approved by the Commission on Dental
19 Accreditation of the American Dental Association, that is
20 accredited by a body that has a reciprocal accreditation agreement
21 with that commission, or that has been approved by the Dental
22 Board of California through its own approval process.

23 SEC. 9. Section 1648.10 of the Business and Professions Code
24 is amended to read:

25 1648.10. (a) The Dental Board of California shall develop and
26 distribute a fact sheet describing and comparing the risks and
27 efficacy of the various types of dental restorative materials that
28 may be used to repair a dental patient’s oral condition or defect.
29 The fact sheet shall include:

30 (1) A description of the groups of materials that are available
31 to the profession for restoration of an oral condition or defect.

32 (2) A comparison of the relative benefits and detriments of each
33 group of materials.

34 (3) A comparison of the cost considerations associated with
35 each group of materials.

36 (4) A reference to encourage discussion between patient and
37 dentist regarding materials and to inform the patient of his or her
38 options.

39 (b) The fact sheet shall be made available by the Dental Board
40 of California to all licensed dentists.

1 (c) The Dental Board of California shall update the fact sheet
2 described in subdivision (a) as determined necessary by the board.

3 SEC. 10. Section 1650 of the Business and Professions Code
4 is amended to read:

5 1650. Every person who is now or hereafter licensed to practice
6 dentistry in this state shall register on forms prescribed by the
7 board, his or her place of practice with the executive officer of the
8 Dental Board, *Board of California*, or, if he or she has more than
9 one place of practice, all of the places of practice, or, if he or she
10 has no place of practice, to so notify the executive officer of the
11 board. A person licensed by the board shall register with the
12 executive officer within 30 days after the date of his or her license.

13 SEC. 11. Section 1695 of the Business and Professions Code
14 is amended to read:

15 1695. It is the intent of the Legislature that the Dental Board
16 of California seek ways and means to identify and rehabilitate
17 licentiates whose competency may be impaired due to abuse of
18 dangerous drugs or alcohol, so that licentiates so afflicted may be
19 treated and returned to the practice of dentistry in a manner that
20 will not endanger the public health and safety. It is also the intent
21 of the Legislature that the Dental Board of California shall
22 implement this legislation in part by establishing a diversion
23 program as a voluntary alternative approach to traditional
24 disciplinary actions.

25 SEC. 12. Section 1695.1 of the Business and Professions Code
26 is amended to read:

27 1695.1. As used in this article:

28 (a) "Board" means the Dental Board of California.

29 (b) "Committee" means a diversion evaluation committee
30 created by this article.

31 (c) "Program manager" means the staff manager of the diversion
32 program, as designated by the executive officer of the board. The
33 program manager shall have background experience in dealing
34 with substance abuse issues.

35 SEC. 13. Section 1905.1 of the Business and Professions Code
36 is amended to read:

37 1905.1. The committee may contract with the dental board to
38 carry out this article. The committee may contract with the dental
39 board to perform investigations of applicants and licensees under
40 this article.

1 SEC. 14. Section 1917.2 of the Business and Professions Code
2 is repealed.

3 SEC. 15. Section 1944 of the Business and Professions Code
4 is amended to read:

5 1944. (a) The committee shall establish by resolution the
6 amount of the fees that relate to the licensing of a registered dental
7 hygienist, a registered dental hygienist in alternative practice, and
8 a registered dental hygienist in extended functions. The fees
9 established by board resolution in effect on June 30, 2009, as they
10 relate to the licensure of registered dental hygienists, registered
11 dental hygienists in alternative practice, and registered dental
12 hygienists in extended functions, shall remain in effect until
13 modified by the committee. The fees are subject to the following
14 limitations:

15 (1) The application fee for an original license and the fee for
16 issuance of an original license shall not exceed two hundred fifty
17 dollars (\$250).

18 (2) The fee for examination for licensure as a registered dental
19 hygienist shall not exceed the actual cost of the examination.

20 (3) The fee for examination for licensure as a registered dental
21 hygienist in extended functions shall not exceed the actual cost of
22 the examination.

23 (4) The fee for examination for licensure as a registered dental
24 hygienist in alternative practice shall not exceed the actual cost of
25 administering the examination.

26 (5) The biennial renewal fee shall not exceed one hundred sixty
27 dollars (\$160).

28 (6) The delinquency fee shall not exceed one-half of the renewal
29 fee. Any delinquent license may be restored only upon payment
30 of all fees, including the delinquency fee, and compliance with all
31 other applicable requirements of this article.

32 (7) The fee for issuance of a duplicate license to replace one
33 that is lost or destroyed, or in the event of a name change, shall
34 not exceed twenty-five dollars (\$25) or one-half of the renewal
35 fee, whichever is greater.

36 (8) The fee for certification of licensure shall not exceed one-half
37 of the renewal fee.

38 (9) The fee for each curriculum review, feasibility study review,
39 and site evaluation for educational programs for dental hygienists

1 who are not accredited by a committee-approved agency shall not
2 exceed two thousand one hundred dollars (\$2,100).

3 (10) The fee for each review or approval of course requirements
4 for licensure or procedures that require additional training shall
5 not exceed seven hundred fifty dollars (\$750).

6 (11) The initial application and biennial fee for a provider of
7 continuing education shall not exceed five hundred dollars (\$500).

8 (12) The amount of fees payable in connection with permits
9 issued under Section 1962 is as follows:

10 (A) The initial permit fee is an amount equal to the renewal fee
11 for the applicant's license to practice dental hygiene in effect on
12 the last regular renewal date before the date on which the permit
13 is issued.

14 (B) If the permit will expire less than one year after its issuance,
15 then the initial permit fee is an amount equal to 50 percent of the
16 renewal fee in effect on the last regular renewal date before the
17 date on which the permit is issued.

18 (b) The renewal and delinquency fees shall be fixed by the
19 committee by resolution at not more than the current amount of
20 the renewal fee for a license to practice under this article nor less
21 than five dollars (\$5).

22 (c) Fees fixed by the committee by resolution pursuant to this
23 section shall not be subject to the approval of the Office of
24 Administrative Law.

25 (d) Fees collected pursuant to this section shall be collected by
26 the committee and deposited into the State Dental Hygiene Fund,
27 which is hereby created. All money in this fund shall, upon
28 appropriation by the Legislature in the annual Budget Act, be used
29 to implement this article.

30 (e) No fees or charges other than those listed in this section shall
31 be levied by the committee in connection with the licensure of
32 registered dental hygienists, registered dental hygienists in
33 alternative practice, or registered dental hygienists in extended
34 functions.

35 (f) The fee for registration of an extramural dental facility shall
36 not exceed two hundred fifty dollars (\$250).

37 (g) The fee for registration of a mobile dental hygiene unit shall
38 not exceed one hundred fifty dollars (\$150).

39 (h) The biennial renewal fee for a mobile dental hygiene unit
40 shall not exceed two hundred fifty dollars (\$250).

1 (i) The fee for an additional office permit shall not exceed two
2 hundred fifty dollars (\$250).

3 (j) The biennial renewal fee for an additional office as described
4 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

5 (k) The initial application and biennial special permit fee is an
6 amount equal to the biennial renewal fee specified in paragraph
7 (6) of subdivision (a).

8 (l) The fees in this section shall not exceed an amount sufficient
9 to cover the reasonable regulatory cost of carrying out this article.

10 SEC. 16. Section 2054 of the Business and Professions Code
11 is amended to read:

12 2054. (a) Any person who uses in any sign, business card, or
13 letterhead, or, in an advertisement, the words “doctor” or
14 “physician,” the letters or prefix “Dr.,” the initials “M.D.,” or any
15 other terms or letters indicating or implying that he or she is a
16 physician and surgeon, physician, surgeon, or practitioner under
17 the terms of this or any other law, or that he or she is entitled to
18 practice hereunder, or who represents or holds himself or herself
19 out as a physician and surgeon, physician, surgeon, or practitioner
20 under the terms of this or any other law, without having at the time
21 of so doing a valid, unrevoked, and unsuspended certificate as a
22 physician and surgeon under this chapter, is guilty of a
23 misdemeanor.

24 (b) A holder of a valid, unrevoked, and unsuspended certificate
25 to practice podiatric medicine may use the phrases “doctor of
26 podiatric medicine,” “doctor of podiatry,” and “podiatric doctor,”
27 or the initials “D.P.M.,” and shall not be in violation of subdivision
28 (a).

29 (c) Notwithstanding subdivision (a), any of the following
30 persons may use the words “doctor” or “physician,” the letters or
31 prefix “Dr.,” or the initials “M.D.”:

32 (1) A graduate of a medical school approved or recognized by
33 the board while enrolled in a postgraduate training program
34 approved by the board.

35 (2) A graduate of a medical school who does not have a
36 certificate as a physician and surgeon under this chapter if he or
37 she meets all of the following requirements:

38 (A) If issued a license to practice medicine in any jurisdiction,
39 has not had that license revoked or suspended by that jurisdiction.

1 (B) Does not otherwise hold himself or herself out as a physician
2 and surgeon entitled to practice medicine in this state except to
3 the extent authorized by this chapter.

4 (C) Does not engage in any of the acts prohibited by Section
5 2060.

6 (3) A person authorized to practice medicine under Section 2111
7 or 2113 subject to the limitations set forth in those sections.

8 ~~SEC. 17.—Section 2221 of the Business and Professions Code~~
9 ~~is amended to read:~~

10 ~~2221. (a) The board may deny a physician's and surgeon's~~
11 ~~certificate or postgraduate training authorization letter to an~~
12 ~~applicant guilty of unprofessional conduct or of any cause that~~
13 ~~would subject a licensee to revocation or suspension of his or her~~
14 ~~license. The board, in its sole discretion, may issue a probationary~~
15 ~~physician's and surgeon's certificate to an applicant subject to~~
16 ~~terms and conditions, including, but not limited to, any of the~~
17 ~~following conditions of probation:~~

18 ~~(1) Practice limited to a supervised, structured environment~~
19 ~~where the licensee's activities shall be supervised by another~~
20 ~~physician and surgeon.~~

21 ~~(2) Total or partial restrictions on drug prescribing privileges~~
22 ~~for controlled substances.~~

23 ~~(3) Continuing medical or psychiatric treatment.~~

24 ~~(4) Ongoing participation in a specified rehabilitation program.~~

25 ~~(5) Enrollment and successful completion of a clinical training~~
26 ~~program.~~

27 ~~(6) Abstention from the use of alcohol or drugs.~~

28 ~~(7) Restrictions against engaging in certain types of medical~~
29 ~~practice.~~

30 ~~(8) Compliance with all provisions of this chapter.~~

31 ~~(9) Payment of the cost of probation monitoring.~~

32 ~~(b) The board may modify or terminate the terms and conditions~~
33 ~~imposed on the probationary certificate upon receipt of a petition~~
34 ~~from the licensee. The board may assign the petition to an~~
35 ~~administrative law judge designated in Section 11371 of the~~
36 ~~Government Code. After a hearing on the petition, the~~
37 ~~administrative law judge shall provide a proposed decision to the~~
38 ~~board.~~

39 ~~(c) The board shall deny a physician's and surgeon's certificate~~
40 ~~to an applicant who is required to register pursuant to Section 290~~

1 of the Penal Code. This subdivision does not apply to an applicant
2 who is required to register as a sex offender pursuant to Section
3 290 of the Penal Code solely because of a misdemeanor conviction
4 under Section 314 of the Penal Code.

5 (d) ~~An applicant shall not be eligible to reapply for a physician's
6 and surgeon's certificate for a minimum of three years from the
7 effective date of the denial of his or her application, except that
8 the board, in its discretion and for good cause demonstrated, may
9 permit reapplication after not less than one year has elapsed from
10 the effective date of the denial.~~

11 ~~SEC. 18:~~

12 *SEC. 17.* Section 2401 of the Business and Professions Code
13 is amended to read:

14 2401. (a) Notwithstanding Section 2400, a clinic operated
15 primarily for the purpose of medical education by a public or
16 private nonprofit university medical school, which is approved by
17 the board or the Osteopathic Medical Board of California, may
18 charge for professional services rendered to teaching patients by
19 licensees who hold academic appointments on the faculty of the
20 university, if the charges are approved by the physician and surgeon
21 in whose name the charges are made.

22 (b) Notwithstanding Section 2400, a clinic operated under
23 subdivision (p) of Section 1206 of the Health and Safety Code
24 may employ licensees and charge for professional services rendered
25 by those licensees. However, the clinic shall not interfere with,
26 control, or otherwise direct the professional judgment of a
27 physician and surgeon in a manner prohibited by Section 2400 or
28 any other provision of law.

29 (c) Notwithstanding Section 2400, a narcotic treatment program
30 operated under Section 11876 of the Health and Safety Code and
31 regulated by the State Department of Health Care Services, may
32 employ licensees and charge for professional services rendered by
33 those licensees. However, the narcotic treatment program shall
34 not interfere with, control, or otherwise direct the professional
35 judgment of a physician and surgeon in a manner prohibited by
36 Section 2400 or any other provision of law.

37 (d) Notwithstanding Section 2400, a hospital that is owned and
38 operated by a licensed charitable organization, that offers only
39 pediatric subspecialty care, that, prior to January 1, 2013, employed
40 licensees on a salary basis, and that has not charged for professional

1 services rendered to patients may, commencing January 1, 2013,
2 charge for professional services rendered to patients, provided the
3 following conditions are met:

4 (1) The hospital does not increase the number of salaried
5 licensees by more than five licensees each year.

6 (2) The hospital does not expand its scope of services beyond
7 pediatric subspecialty care.

8 (3) The hospital accepts each patient needing its scope of
9 services regardless of his or her ability to pay, including whether
10 the patient has any form of health care coverage.

11 (4) The medical staff concur by an affirmative vote that the
12 licensee's employment is in the best interest of the communities
13 served by the hospital.

14 (5) The hospital does not interfere with, control, or otherwise
15 direct a physician and surgeon's professional judgment in a manner
16 prohibited by Section 2400 or any other provision of law.

17 ~~SEC. 19.~~

18 *SEC. 18.* Section 2428 of the Business and Professions Code
19 is amended to read:

20 2428. (a) A person who voluntarily cancels his or her license
21 or who fails to renew his or her license within five years after its
22 expiration shall not renew it, but that person may apply for and
23 obtain a new license if he or she:

24 (1) Has not committed any acts or crimes constituting grounds
25 for denial of licensure under Division 1.5 (commencing with
26 Section 475).

27 (2) Takes and passes the examination, if any, which would be
28 required of him or her if application for licensure was being made
29 for the first time, or otherwise establishes to the satisfaction of the
30 licensing authority that passes on the qualifications of applicants
31 for the license that, with due regard for the public interest, he or
32 she is qualified to practice the profession or activity for which the
33 applicant was originally licensed.

34 (3) Pays all of the fees that would be required if application for
35 licensure was being made for the first time.

36 The licensing authority may provide for the waiver or refund of
37 all or any part of an examination fee in those cases in which a
38 license is issued without an examination pursuant to this section.

1 Nothing in this section shall be construed to authorize the
2 issuance of a license for a professional activity or system or mode
3 of healing for which licenses are no longer required.

4 (b) In addition to the requirements set forth in subdivision (a),
5 an applicant shall establish that he or she meets one of the
6 following requirements: (1) satisfactory completion of at least two
7 years of approved postgraduate training; (2) certification by a
8 specialty board approved by the American Board of Medical
9 Specialties or approved by the board pursuant to subdivision (h)
10 of Section 651; or (3) passing of the clinical competency written
11 examination.

12 (c) Subdivision (a) shall apply to persons who held licenses to
13 practice podiatric medicine except that those persons who failed
14 to renew their licenses within three years after its expiration may
15 not renew it, and it may not be reissued, reinstated, or restored,
16 except in accordance with subdivision (a).

17 ~~SEC. 20. Section 2519 of the Business and Professions Code~~
18 ~~is amended to read:~~

19 ~~2519. The board may suspend, revoke, or place on probation~~
20 ~~the license of a midwife for any of the following:~~

21 ~~(a) Unprofessional conduct, which includes, but is not limited~~
22 ~~to, all of the following:~~

23 ~~(1) Incompetence or gross negligence in carrying out the usual~~
24 ~~functions of a licensed midwife.~~

25 ~~(2) Conviction of a violation of Section 2052, in which event,~~
26 ~~the record of the conviction shall be conclusive evidence thereof.~~

27 ~~(3) The use of advertising that is fraudulent or misleading.~~

28 ~~(4) Obtaining or possessing in violation of law, or prescribing,~~
29 ~~or except as directed by a licensed physician and surgeon, dentist,~~
30 ~~or podiatrist administering to himself or herself, or furnishing or~~
31 ~~administering to another, any controlled substance as defined in~~
32 ~~Division 10 (commencing with Section 11000) of the Health and~~
33 ~~Safety Code or any dangerous drug as defined in Article 8~~
34 ~~(commencing with Section 4210) of Chapter 9 of Division 2 of~~
35 ~~the Business and Professions Code.~~

36 ~~(5) The use of any controlled substance as defined in Division~~
37 ~~10 (commencing with Section 11000) of the Health and Safety~~
38 ~~Code, or any dangerous drug as defined in Article 8 (commencing~~
39 ~~with Section 4210) of Chapter 9 of Division 2 of the Business and~~
40 ~~Professions Code, or alcoholic beverages, to an extent or in a~~

1 manner dangerous or injurious to himself or herself, any other
2 person, or the public or to the extent that such use impairs his or
3 her ability to conduct with safety to the public the practice
4 authorized by his or her license.

5 (6) Conviction of a criminal offense involving the prescription,
6 consumption, or self-administration of any of the substances
7 described in paragraphs (4) and (5), or the possession of, or
8 falsification of, a record pertaining to, the substances described in
9 paragraph (4), in which event the record of the conviction is
10 conclusive evidence thereof.

11 (7) Commitment or confinement by a court of competent
12 jurisdiction for intemperate use of or addiction to the use of any
13 of the substances described in paragraphs (4) and (5), in which
14 event the court order of commitment or confinement is prima facie
15 evidence of such commitment or confinement.

16 (8) Falsifying, or making grossly incorrect, grossly inconsistent,
17 or unintelligible entries in any hospital, patient, or other record
18 pertaining to the substances described in subdivision (a).

19 (b) Procuring a license by fraud or misrepresentation.

20 (e) Conviction of a crime substantially related to the
21 qualifications, functions, and duties of a midwife, as determined
22 by the board.

23 (d) Procuring, aiding, abetting, attempting, agreeing to procure,
24 offering to procure, or assisting at, a criminal abortion.

25 (e) Violating or attempting to violate, directly or indirectly, or
26 assisting in or abetting the violation of, or conspiring to violate
27 any provision or term of this chapter.

28 (f) Making or giving any false statement or information in
29 connection with the application for issuance of a license.

30 (g) Impersonating any applicant or acting as proxy for an
31 applicant in any examination required under this chapter for the
32 issuance of a license or a certificate.

33 (h) Impersonating another licensed practitioner, or permitting
34 or allowing another person to use his or her license or certificate
35 for the purpose of providing midwifery services.

36 (i) Aiding or assisting, or agreeing to aid or assist any person
37 or persons, whether a licensed physician or not, in the performance
38 of or arranging for a violation of Article 12 (commencing with
39 Section 2221) of Chapter 5.

1 (j) ~~Failing to do any of the following when required pursuant~~
2 ~~to Section 2507:~~

3 (1) ~~Consult with a physician and surgeon.~~

4 (2) ~~Refer a client to a physician and surgeon.~~

5 (3) ~~Transfer a client to a hospital.~~

6 ~~SEC. 21. Section 2519.5 is added to the Business and~~
7 ~~Professions Code, to read:~~

8 2519.5. (a) ~~A person whose license has been surrendered while~~
9 ~~under investigation or while charges are pending or whose license~~
10 ~~has been revoked or suspended or placed on probation, may petition~~
11 ~~the board for reinstatement or modification of penalty, including~~
12 ~~modification or termination of probation.~~

13 (b) ~~The person may file the petition after a period of not less~~
14 ~~than the following minimum periods have elapsed from the~~
15 ~~effective date of the surrender of the license or the decision~~
16 ~~ordering that disciplinary action:~~

17 (1) ~~At least three years for reinstatement of a license or~~
18 ~~registration surrendered or revoked for unprofessional conduct,~~
19 ~~except that the board, for good cause shown, may specify in a~~
20 ~~revocation order that a petition for reinstatement may be filed after~~
21 ~~two years.~~

22 (2) ~~At least two years for early termination of probation of three~~
23 ~~years or more.~~

24 (3) ~~At least one year for modification of a condition, or~~
25 ~~reinstatement of a license surrendered or revoked for mental or~~
26 ~~physical illness, or termination of probation of less than three years.~~

27 (e) ~~The petition shall state any facts as may be required by the~~
28 ~~board. The petition shall be accompanied by at least two verified~~
29 ~~recommendations from licensees licensed in any state who have~~
30 ~~personal knowledge of the activities of the petitioner since the~~
31 ~~disciplinary penalty was imposed.~~

32 (d) ~~The petition may be heard by a panel of the board. The board~~
33 ~~may assign the petition to an administrative law judge designated~~
34 ~~in Section 11371 of the Government Code. After a hearing on the~~
35 ~~petition, the administrative law judge shall provide a proposed~~
36 ~~decision to the board, which shall be acted upon in accordance~~
37 ~~with Section 2335.~~

38 (e) ~~The panel of the board or the administrative law judge~~
39 ~~hearing the petition may consider all activities of the petitioner~~
40 ~~since the disciplinary action was taken, the offense for which the~~

1 petitioner was disciplined, the petitioner's activities during the
2 time the license was in good standing, and the petitioner's
3 rehabilitative efforts, general reputation for truth, and professional
4 ability. The hearing may be continued from time to time as the
5 administrative law judge designated in Section 11371 of the
6 Government Code finds necessary.

7 (f) The administrative law judge designated in Section 11371
8 of the Government Code reinstating a license or modifying a
9 penalty may recommend the imposition of any terms and conditions
10 deemed necessary.

11 (g) No petition shall be considered while the petitioner is under
12 sentence for any criminal offense, including any period during
13 which the petitioner is on court-imposed probation or parole. No
14 petition shall be considered while there is an accusation or petition
15 to revoke probation pending against the person. The board may
16 deny without a hearing or argument any petition filed pursuant to
17 this section within a period of two years from the effective date
18 of the prior decision following a hearing under this section.

19 SEC. 22. Section 2520 of the Business and Professions Code
20 is amended to read:

21 2520. (a) (1) The fee to be paid upon the filing of a license
22 application shall be fixed by the board at not less than seventy-five
23 dollars (\$75) nor more than three hundred dollars (\$300):

24 (2) The fee for renewal of the midwife license shall be fixed by
25 the board at not less than fifty dollars (\$50) nor more than two
26 hundred dollars (\$200):

27 (3) The delinquency fee for renewal of the midwife license shall
28 be 50 percent of the renewal fee in effect on the date of the renewal
29 of the license, but not less than twenty-five dollars (\$25) nor more
30 than fifty dollars (\$50):

31 (4) The fee for the examination shall be the cost of administering
32 the examination to the applicant, as determined by the organization
33 that has entered into a contract with the board for the purposes set
34 forth in subdivision (a) of Section 2512.5. Notwithstanding
35 subdivision (b), that fee may be collected and retained by that
36 organization.

37 (b) A licensee placed on probation shall be required to pay
38 probation monitoring fees upon order of the board.

39 (e) The fees prescribed by this article shall be deposited in the
40 Licensed Midwifery Fund, which is hereby established, and shall

1 ~~be available, upon appropriation, to the board for the purposes of~~
2 ~~this article.~~

3 ~~SEC. 23.~~

4 ~~SEC. 19.~~ Section 2529 of the Business and Professions Code
5 is amended to read:

6 2529. (a) Graduates of the Southern California Psychoanalytic
7 Institute, the Los Angeles Psychoanalytic Society and Institute,
8 the San Francisco Psychoanalytic Institute, the San Diego
9 Psychoanalytic ~~Institute, Center,~~ or institutes deemed equivalent
10 by the Medical Board of California who have completed clinical
11 training in psychoanalysis may engage in psychoanalysis as an
12 adjunct to teaching, training, or research and hold themselves out
13 to the public as psychoanalysts, and students in those institutes
14 may engage in psychoanalysis under supervision, if the students
15 and graduates do not hold themselves out to the public by any title
16 or description of services incorporating the words “psychological,”
17 “psychologist,” “psychology,” “psychometrists,” “psychometrics,”
18 or “psychometry,” or that they do not state or imply that they are
19 licensed to practice psychology.

20 (b) Those students and graduates seeking to engage in
21 psychoanalysis under this chapter shall register with the Medical
22 Board of California, presenting evidence of their student or
23 graduate status. The board may suspend or revoke the exemption
24 of those persons for unprofessional conduct as defined in Sections
25 726, 2234, and 2235.

26 ~~SEC. 24.~~ Section 2546.7 of the Business and Professions Code
27 is amended to read:

28 2546.7. (a) ~~A certificate may be denied, suspended, revoked,~~
29 ~~placed on probation, or otherwise subjected to discipline for any~~
30 ~~of the following:~~

31 (1) ~~Incompetence, gross negligence, or repeated similar~~
32 ~~negligent acts performed by the registrant or any employee of the~~
33 ~~registrant.~~

34 (2) ~~An act of dishonesty or fraud.~~

35 (3) ~~Committing any act or being convicted of a crime~~
36 ~~constituting grounds for denial of licensure or registration under~~
37 ~~Section 480.~~

38 (4) ~~Any violation of Section 2546.5 or 2546.6.~~

39 (b) ~~The proceedings shall be conducted in accordance with~~
40 ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division~~

1 ~~3 of Title 2 of the Government Code, and the division shall have~~
2 ~~all powers granted therein.~~

3 ~~SEC. 25. Section 2546.9 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~2546.9. The amount of fees prescribed in connection with the~~
6 ~~registration of nonresident contact lens sellers is that established~~
7 ~~by the following schedule:~~

8 ~~(a) The initial registration fee shall be one hundred dollars~~
9 ~~(\$100).~~

10 ~~(b) The renewal fee shall be one hundred dollars (\$100).~~

11 ~~(c) The delinquency fee shall be twenty-five dollars (\$25).~~

12 ~~(d) The fee for replacement of a lost, stolen, or destroyed~~
13 ~~registration shall be twenty-five dollars (\$25).~~

14 ~~(e) A registrant placed on probation shall be required to pay~~
15 ~~probation monitoring fees upon order of the board.~~

16 ~~(f) The fees collected pursuant to this chapter shall be deposited~~
17 ~~in the Dispensing Opticians Fund, and shall be available, upon~~
18 ~~appropriation, to the Medical Board of California for the purposes~~
19 ~~of this chapter.~~

20 ~~SEC. 26. Section 2546.11 is added to the Business and~~
21 ~~Professions Code, to read:~~

22 ~~2546.11. (a) A person whose certificate has been surrendered~~
23 ~~while under investigation or while charges are pending or whose~~
24 ~~certificate has been revoked or suspended or placed on probation,~~
25 ~~may petition the board for reinstatement or modification of penalty,~~
26 ~~including modification or termination of probation.~~

27 ~~(b) The person may file the petition after a period of not less~~
28 ~~than the following minimum periods have elapsed from the~~
29 ~~effective date of the surrender of the certificate or the decision~~
30 ~~ordering that disciplinary action:~~

31 ~~(1) At least three years for reinstatement of a license or~~
32 ~~registration surrendered or revoked for unprofessional conduct,~~
33 ~~except that the board may, for good cause shown, specify in a~~
34 ~~revocation order that a petition for reinstatement may be filed after~~
35 ~~two years.~~

36 ~~(2) At least two years for early termination of probation of three~~
37 ~~years or more.~~

38 ~~(3) At least one year for modification of a condition, or~~
39 ~~reinstatement of a license or registration surrendered or revoked~~

1 for mental or physical illness, or termination of probation of less
2 than three years.

3 (e) ~~The petition shall state any facts as may be required by the~~
4 ~~board. The petition shall be accompanied by at least two verified~~
5 ~~recommendations from licensees or registrants licensed or~~
6 ~~registered in any state who have personal knowledge of the~~
7 ~~activities of the petitioner since the disciplinary penalty was~~
8 ~~imposed.~~

9 (d) ~~The petition may be heard by a panel of the board. The board~~
10 ~~may assign the petition to an administrative law judge designated~~
11 ~~in Section 11371 of the Government Code. After a hearing on the~~
12 ~~petition, the administrative law judge shall provide a proposed~~
13 ~~decision to the board, which shall be acted upon in accordance~~
14 ~~with Section 2335.~~

15 (e) ~~The panel of the board or the administrative law judge~~
16 ~~hearing the petition may consider all activities of the petitioner~~
17 ~~since the disciplinary action was taken, the offense for which the~~
18 ~~petitioner was disciplined, the petitioner's activities during the~~
19 ~~time the certificate was in good standing, and the petitioner's~~
20 ~~rehabilitative efforts, general reputation for truth, and professional~~
21 ~~ability. The hearing may be continued from time to time as the~~
22 ~~administrative law judge designated in Section 11371 of the~~
23 ~~Government Code finds necessary.~~

24 (f) ~~The administrative law judge, designated in Section 11371~~
25 ~~of the Government Code, reinstating a certificate or modifying a~~
26 ~~penalty may recommend the imposition of any terms and conditions~~
27 ~~deemed necessary.~~

28 (g) ~~No petition shall be considered while the petitioner is under~~
29 ~~sentence for any criminal offense, including any period during~~
30 ~~which the petitioner is on court-imposed probation or parole. No~~
31 ~~petition shall be considered while there is an accusation or petition~~
32 ~~to revoke probation pending against the person. The board may~~
33 ~~deny without a hearing or argument any petition filed pursuant to~~
34 ~~this section within a period of two years from the effective date~~
35 ~~of the prior decision following a hearing under this section.~~

36 ~~SEC. 27. Section 2555.5 is added to the Business and~~
37 ~~Professions Code, to read:~~

38 ~~2555.5. (a) A person whose certificate has been surrendered~~
39 ~~while under investigation or while charges are pending or whose~~
40 ~~certificate has been revoked or suspended or placed on probation,~~

1 may petition the board for reinstatement or modification of penalty;
2 including modification or termination of probation.

3 (b) ~~The person may file the petition after a period of not less
4 than the following minimum periods have elapsed from the
5 effective date of the surrender of the certificate or the decision
6 ordering that disciplinary action:~~

7 (1) ~~At least three years for reinstatement of a license or
8 registration surrendered or revoked for unprofessional conduct,
9 except that the board may, for good cause shown, specify in a
10 revocation order that a petition for reinstatement may be filed after
11 two years.~~

12 (2) ~~At least two years for early termination of probation of three
13 years or more.~~

14 (3) ~~At least one year for modification of a condition, or
15 reinstatement of a license or registration surrendered or revoked
16 for mental or physical illness, or termination of probation of less
17 than three years.~~

18 (e) ~~The petition shall state any facts as may be required by the
19 board. The petition shall be accompanied by at least two verified
20 recommendations from licensees or registrants licensed or
21 registered in any state who have personal knowledge of the
22 activities of the petitioner since the disciplinary penalty was
23 imposed.~~

24 (d) ~~The petition may be heard by a panel of the board. The board
25 may assign the petition to an administrative law judge designated
26 in Section 11371 of the Government Code. After a hearing on the
27 petition, the administrative law judge shall provide a proposed
28 decision to the board, which shall be acted upon in accordance
29 with Section 2335.~~

30 (e) ~~The panel of the board or the administrative law judge
31 hearing the petition may consider all activities of the petitioner
32 since the disciplinary action was taken, the offense for which the
33 petitioner was disciplined, the petitioner's activities during the
34 time the certificate was in good standing, and the petitioner's
35 rehabilitative efforts, general reputation for truth, and professional
36 ability. The hearing may be continued from time to time as the
37 administrative law judge designated in Section 11371 of the
38 Government Code finds necessary.~~

39 (f) ~~The administrative law judge, designated in Section 11371
40 of the Government Code, reinstating a certificate or modifying a~~

1 penalty may recommend the imposition of any terms and conditions
2 deemed necessary.

3 ~~(g) No petition shall be considered while the petitioner is under
4 sentence for any criminal offense, including any period during
5 which the petitioner is on court-imposed probation or parole. No
6 petition shall be considered while there is an accusation or petition
7 to revoke probation pending against the person. The board may
8 deny without a hearing or argument any petition filed pursuant to
9 this section within a period of two years from the effective date
10 of the prior decision following a hearing under this section.~~

11 ~~SEC. 28. Section 2559.3 of the Business and Professions Code
12 is amended to read:~~

13 ~~2559.3. (a) A certificate issued to a registered spectacle lens
14 dispenser may, in the discretion of the board, be suspended,
15 revoked, or placed on probation for violating or attempting to
16 violate any provision of this chapter or any regulation adopted
17 under this chapter, or for incompetence, gross negligence, or
18 repeated similar negligent acts performed by the certificate holder.
19 A certificate may also be suspended, revoked, or placed on
20 probation if the individual certificate holder has been convicted
21 of a felony as provided in Section 2555.1.~~

22 ~~(b) Any proceedings under this section shall be conducted in
23 accordance with Chapter 5 (commencing with Section 11500) of
24 Part 1 of Division 3 of Title 2 of the Government Code, and the
25 division shall have all the powers granted therein.~~

26 ~~SEC. 29. Section 2559.7 is added to the Business and
27 Professions Code, to read:~~

28 ~~2559.7. (a) A person whose certificate has been surrendered
29 while under investigation or while charges are pending or whose
30 certificate has been revoked or suspended or placed on probation,
31 may petition the board for reinstatement or modification of penalty,
32 including modification or termination of probation.~~

33 ~~(b) The person may file the petition after a period of not less
34 than the following minimum periods have elapsed from the
35 effective date of the surrender of the certificate or the decision
36 ordering that disciplinary action:~~

37 ~~(1) At least three years for reinstatement of certificate
38 surrendered or revoked for unprofessional conduct, except that the
39 board may, for good cause shown, specify in a revocation order
40 that a petition for reinstatement may be filed after two years.~~

1 ~~(2) At least two years for early termination of probation of three~~
2 ~~years or more.~~

3 ~~(3) At least one year for modification of a condition, or~~
4 ~~reinstatement of a certificate surrendered or revoked for mental or~~
5 ~~physical illness, or termination of probation of less than three years.~~

6 ~~(e) The petition shall state any facts as may be required by the~~
7 ~~board. The petition shall be accompanied by at least two verified~~
8 ~~recommendations from certificants licensed or registered in any~~
9 ~~state who have personal knowledge of the activities of the petitioner~~
10 ~~since the disciplinary penalty was imposed.~~

11 ~~(d) The petition may be heard by a panel of the board. The board~~
12 ~~may assign the petition to an administrative law judge designated~~
13 ~~in Section 11371 of the Government Code. After a hearing on the~~
14 ~~petition, the administrative law judge shall provide a proposed~~
15 ~~decision to the board, which shall be acted upon in accordance~~
16 ~~with Section 2335.~~

17 ~~(e) The panel of the board or the administrative law judge~~
18 ~~hearing the petition may consider all activities of the petitioner~~
19 ~~since the disciplinary action was taken, the offense for which the~~
20 ~~petitioner was disciplined, the petitioner's activities during the~~
21 ~~time the certificate was in good standing, and the petitioner's~~
22 ~~rehabilitative efforts, general reputation for truth, and professional~~
23 ~~ability. The hearing may be continued from time to time as the~~
24 ~~administrative law judge designated in Section 11371 of the~~
25 ~~Government Code finds necessary.~~

26 ~~(f) The administrative law judge, designated in Section 11371~~
27 ~~of the Government Code, reinstating a certificate or modifying a~~
28 ~~penalty may recommend the imposition of any terms and conditions~~
29 ~~deemed necessary.~~

30 ~~(g) No petition shall be considered while the petitioner is under~~
31 ~~sentence for any criminal offense, including any period during~~
32 ~~which the petitioner is on court-imposed probation or parole. No~~
33 ~~petition shall be considered while there is an accusation or petition~~
34 ~~to revoke probation pending against the person. The board may~~
35 ~~deny without a hearing or argument any petition filed pursuant to~~
36 ~~this section within a period of two years from the effective date~~
37 ~~of the prior decision following a hearing under this section.~~

38 ~~SEC. 30. Section 2563 of the Business and Professions Code~~
39 ~~is amended to read:~~

1 ~~2563. A certificate issued to a registered contact lens dispenser~~
2 ~~may in the discretion of the board be suspended, revoked, or placed~~
3 ~~on probation for violating or attempting to violate any provision~~
4 ~~of this chapter or any regulation adopted under this chapter, or for~~
5 ~~incompetence, gross negligence, or repeated similar negligent acts~~
6 ~~performed by the certificate holder. A certificate may also be~~
7 ~~suspended, revoked, or placed on probation if the individual~~
8 ~~certificate holder has been convicted of a felony as provided in~~
9 ~~Section 2555.1.~~

10 ~~Any proceedings under this section shall be conducted in~~
11 ~~accordance with Chapter 5 (commencing with Section 11500) of~~
12 ~~Part 1 of Division 3 of Title 2 of the Government Code, and the~~
13 ~~division shall have all the powers granted therein.~~

14 ~~SEC. 31. Section 2563.5 is added to the Business and~~
15 ~~Professions Code, to read:~~

16 ~~2563.5. (a) A person whose certificate has been surrendered~~
17 ~~while under investigation or while charges are pending or whose~~
18 ~~certificate has been revoked or suspended or placed on probation,~~
19 ~~may petition the board for reinstatement or modification of penalty,~~
20 ~~including modification or termination of probation.~~

21 ~~(b) The person may file the petition after a period of not less~~
22 ~~than the following minimum periods have elapsed from the~~
23 ~~effective date of the surrender of the certificate or the decision~~
24 ~~ordering that disciplinary action:~~

25 ~~(1) At least three years for reinstatement of certificate~~
26 ~~surrendered or revoked for unprofessional conduct, except that the~~
27 ~~board may, for good cause shown, specify in a revocation order~~
28 ~~that a petition for reinstatement may be filed after two years.~~

29 ~~(2) At least two years for early termination of probation of three~~
30 ~~years or more.~~

31 ~~(3) At least one year for modification of a condition, or~~
32 ~~reinstatement of a certificate surrendered or revoked for mental or~~
33 ~~physical illness, or termination of probation of less than three years.~~

34 ~~(e) The petition shall state any facts as may be required by the~~
35 ~~board. The petition shall be accompanied by at least two verified~~
36 ~~recommendations from certificants licensed or registered in any~~
37 ~~state who have personal knowledge of the activities of the petitioner~~
38 ~~since the disciplinary penalty was imposed.~~

39 ~~(d) The petition may be heard by a panel of the board. The board~~
40 ~~may assign the petition to an administrative law judge designated~~

1 in Section 11371 of the Government Code. After a hearing on the
2 petition, the administrative law judge shall provide a proposed
3 decision to the board, which shall be acted upon in accordance
4 with Section 2335.

5 (e) ~~The panel of the board or the administrative law judge~~
6 ~~hearing the petition may consider all activities of the petitioner~~
7 ~~since the disciplinary action was taken, the offense for which the~~
8 ~~petitioner was disciplined, the petitioner's activities during the~~
9 ~~time the certificate was in good standing, and the petitioner's~~
10 ~~rehabilitative efforts, general reputation for truth, and professional~~
11 ~~ability. The hearing may be continued from time to time as the~~
12 ~~administrative law judge designated in Section 11371 of the~~
13 ~~Government Code finds necessary.~~

14 (f) ~~The administrative law judge, designated in Section 11371~~
15 ~~of the Government Code, reinstating a certificate or modifying a~~
16 ~~penalty may recommend the imposition of any terms and conditions~~
17 ~~deemed necessary.~~

18 (g) ~~No petition shall be considered while the petitioner is under~~
19 ~~sentence for any criminal offense, including any period during~~
20 ~~which the petitioner is on court-imposed probation or parole. No~~
21 ~~petition shall be considered while there is an accusation or petition~~
22 ~~to revoke probation pending against the person. The board may~~
23 ~~deny without a hearing or argument any petition filed pursuant to~~
24 ~~this section within a period of two years from the effective date~~
25 ~~of the prior decision following a hearing under this section.~~

26 ~~SEC. 32.—Section 2565 of the Business and Professions Code~~
27 ~~is amended to read:~~

28 ~~2565.—The amount of fees prescribed in connection with the~~
29 ~~registration of dispensing opticians shall be as set forth in this~~
30 ~~section unless a lower fee is fixed by the board:~~

31 ~~(a) The initial registration fee is one hundred dollars (\$100).~~

32 ~~(b) The renewal fee is one hundred dollars (\$100).~~

33 ~~(c) The delinquency fee is twenty-five dollars (\$25).~~

34 ~~(d) The fee for replacement of a lost, stolen, or destroyed~~
35 ~~certificate is twenty-five dollars (\$25).~~

36 ~~(e) A registrant placed on probation shall be required to pay~~
37 ~~probation monitoring fees upon order of the board.~~

38 ~~SEC. 33.—Section 2566 of the Business and Professions Code~~
39 ~~is amended to read:~~

1 ~~2566.— The amount of fees prescribed in connection with~~
2 ~~certificates for contact lens dispensers, unless a lower fee is fixed~~
3 ~~by the board, is as follows:~~

4 ~~(a) The application fee for a registered contact lens dispenser~~
5 ~~shall be one hundred dollars (\$100).~~

6 ~~(b) The biennial fee for the renewal of certificates shall be fixed~~
7 ~~by the board in an amount not to exceed one hundred dollars~~
8 ~~(\$100).~~

9 ~~(c) The delinquency fee is twenty-five dollars (\$25).~~

10 ~~(d) The board may by regulation provide for a refund of a~~
11 ~~portion of the application fee to applicants who do not meet the~~
12 ~~requirements for registration.~~

13 ~~(e) The fee for replacement of a lost, stolen, or destroyed~~
14 ~~certificate is twenty-five dollars (\$25).~~

15 ~~(f) A registrant placed on probation shall be required to pay~~
16 ~~probation monitoring fees upon order of the board.~~

17 ~~SEC. 34.— Section 2566.1 of the Business and Professions Code~~
18 ~~is amended to read:~~

19 ~~2566.1.— The amount of fees prescribed in connection with~~
20 ~~certificates for spectacle lens dispensers shall be as set forth in this~~
21 ~~section unless a lower fee is fixed by the board:~~

22 ~~(a) The initial registration fee is one hundred dollars (\$100).~~

23 ~~(b) The renewal fee shall be one hundred dollars (\$100).~~

24 ~~(c) The delinquency fee is twenty-five dollars (\$25).~~

25 ~~(d) The fee for replacement of a lost, stolen or destroyed~~
26 ~~certificate is twenty-five dollars (\$25).~~

27 ~~(e) A registrant placed on probation shall be required to pay~~
28 ~~probation monitoring fees upon order of the board.~~

29 ~~SEC. 35.~~

30 ~~SEC. 20. Section 2650 of the Business and Professions Code~~
31 ~~is amended to read:~~

32 ~~2650. (a) The physical therapist education requirements are~~
33 ~~as follows:~~

34 ~~(1) Except as otherwise provided in this chapter, each applicant~~
35 ~~for a license as a physical therapist shall be a graduate of a~~
36 ~~professional degree program of an accredited postsecondary~~
37 ~~institution or institutions approved by the board and shall have~~
38 ~~completed a professional education program including academic~~
39 ~~course work and clinical internship in physical therapy.~~

1 (2) Unless otherwise specified by the board by regulation, the
2 educational requirements shall include instruction in the subjects
3 prescribed by the Commission on Accreditation in Physical
4 Therapy Education (CAPTE) of the American Physical Therapy
5 Association or Physiotherapy Education Accreditation Canada and
6 shall include a combination of didactic and clinical experiences.
7 The clinical experience shall include at least 18 weeks of full-time
8 experience with a variety of patients.

9 (b) The physical therapist assistant educational requirements
10 are as follows:

11 (1) Except as otherwise provided in this chapter, each applicant
12 for a license as a physical therapist assistant shall be a graduate of
13 a physical therapist assistant program of an accredited
14 postsecondary institution or institutions approved by the board,
15 and shall have completed both the academic and clinical experience
16 required by the physical therapist assistant program, and have been
17 awarded an associate degree.

18 (2) Unless otherwise specified by the board by regulation, the
19 educational requirements shall include instruction in the subjects
20 prescribed by the CAPTE of the American Physical Therapy
21 Association or Physiotherapy Education Accreditation Canada or
22 another body as may be approved by the board by regulation and
23 shall include a combination of didactic and clinical experiences.

24 ~~SEC. 36.~~

25 *SEC. 21.* The heading of Article 3.1 (commencing with Section
26 2770) of Chapter 6 of Division 2 of the Business and Professions
27 Code is amended to read:

28
29 Article 3.1. Intervention Program

30
31 ~~SEC. 37.~~

32 *SEC. 22.* Section 2770 of the Business and Professions Code
33 is amended to read:

34 2770. It is the intent of the Legislature that the Board of
35 Registered Nursing seek ways and means to identify and
36 rehabilitate registered nurses whose competency may be impaired
37 due to abuse of alcohol and other drugs, or due to mental illness
38 so that registered nurses so afflicted may be rehabilitated and
39 returned to the practice of nursing in a manner that will not
40 endanger the public health and safety. It is also the intent of the

1 Legislature that the Board of Registered Nursing shall implement
2 this legislation by establishing an intervention program as a
3 voluntary alternative to traditional disciplinary actions.

4 ~~SEC. 38.~~

5 *SEC. 23.* Section 2770.1 of the Business and Professions Code
6 is amended to read:

7 2770.1. As used in this article:

8 (a) “Board” means the Board of Registered Nursing.

9 (b) “Committee” means ~~a~~ an intervention evaluation committee
10 created by this article.

11 (c) “Program manager” means the staff manager of the
12 intervention program, as designated by the executive officer of the
13 board. The program manager shall have background experience
14 in dealing with substance abuse issues.

15 ~~SEC. 39.~~

16 *SEC. 24.* Section 2770.2 of the Business and Professions Code
17 is amended to read:

18 2770.2. One or more intervention evaluation committees is
19 hereby created in the state to be established by the board. Each
20 committee shall be composed of five persons appointed by the
21 board. No board member shall serve on any committee.

22 Each committee shall have the following composition:

23 (a) Three registered nurses, holding active California licenses,
24 who have demonstrated expertise in the field of chemical
25 dependency or psychiatric nursing.

26 (b) One physician, holding an active California license, who
27 specializes in the diagnosis and treatment of addictive diseases or
28 mental illness.

29 (c) One public member who is knowledgeable in the field of
30 chemical dependency or mental illness.

31 It shall require a majority vote of the board to appoint a person
32 to a committee. Each appointment shall be at the pleasure of the
33 board for a term not to exceed four years. In its discretion the board
34 may stagger the terms of the initial members appointed.

35 ~~SEC. 40.~~

36 *SEC. 25.* Section 2770.7 of the Business and Professions Code
37 is amended to read:

38 2770.7. (a) The board shall establish criteria for the acceptance,
39 denial, or termination of registered nurses in the intervention
40 program. Only those registered nurses who have voluntarily

1 requested to participate in the intervention program shall participate
2 in the program.

3 (b) A registered nurse under current investigation by the board
4 may request entry into the intervention program by contacting the
5 board. Prior to authorizing a registered nurse to enter into the
6 intervention program, the board may require the registered nurse
7 under current investigation for any violations of this chapter or
8 any other provision of this code to execute a statement of
9 understanding that states that the registered nurse understands that
10 his or her violations that would otherwise be the basis for discipline
11 may still be investigated and may be the subject of disciplinary
12 action.

13 (c) If the reasons for a current investigation of a registered nurse
14 are based primarily on the self-administration of any controlled
15 substance or dangerous drug or alcohol under Section 2762, or the
16 illegal possession, prescription, or nonviolent procurement of any
17 controlled substance or dangerous drug for self-administration that
18 does not involve actual, direct harm to the public, the board shall
19 close the investigation without further action if the registered nurse
20 is accepted into the board's intervention program and successfully
21 completes the program. If the registered nurse withdraws or is
22 terminated from the program by ~~a~~ *an* intervention evaluation
23 committee, and the termination is approved by the program
24 manager, the investigation shall be reopened and disciplinary action
25 imposed, if warranted, as determined by the board.

26 (d) Neither acceptance nor participation in the intervention
27 program shall preclude the board from investigating or continuing
28 to investigate, or taking disciplinary action or continuing to take
29 disciplinary action against, any registered nurse for any
30 unprofessional conduct committed before, during, or after
31 participation in the intervention program.

32 (e) All registered nurses shall sign an agreement of
33 understanding that the withdrawal or termination from the
34 intervention program at a time when the program manager or
35 intervention evaluation committee determines the licentiate presents
36 a threat to the public's health and safety shall result in the
37 utilization by the board of intervention program treatment records
38 in disciplinary or criminal proceedings.

39 (f) Any registered nurse terminated from the intervention
40 program for failure to comply with program requirements is subject

1 to disciplinary action by the board for acts committed before,
2 during, and after participation in the intervention program. A
3 registered nurse who has been under investigation by the board
4 and has been terminated from the intervention program by ~~a~~ *an*
5 intervention evaluation committee shall be reported by the
6 intervention evaluation committee to the board.

7 ~~SEC. 41.~~

8 *SEC. 26.* Section 2770.8 of the Business and Professions Code
9 is amended to read:

10 2770.8. A committee created under this article operates under
11 the direction of the intervention program manager. The program
12 manager has the primary responsibility to review and evaluate
13 recommendations of the committee. Each committee shall have
14 the following duties and responsibilities:

15 (a) To evaluate those registered nurses who request participation
16 in the program according to the guidelines prescribed by the board,
17 and to make recommendations.

18 (b) To review and designate those treatment services to which
19 registered nurses in an intervention program may be referred.

20 (c) To receive and review information concerning a registered
21 nurse participating in the program.

22 (d) To consider in the case of each registered nurse participating
23 in a program whether he or she may with safety continue or resume
24 the practice of nursing.

25 (e) To call meetings as necessary to consider the requests of
26 registered nurses to participate in an intervention program, and to
27 consider reports regarding registered nurses participating in a
28 program.

29 (f) To make recommendations to the program manager regarding
30 the terms and conditions of the intervention agreement for each
31 registered nurse participating in the program, including treatment,
32 supervision, and monitoring requirements.

33 ~~SEC. 42.~~

34 *SEC. 27.* Section 2770.10 of the Business and Professions Code
35 is amended to read:

36 2770.10. Notwithstanding Article 9 (commencing with Section
37 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
38 Government Code, relating to public meetings, a committee may
39 convene in closed session to consider reports pertaining to any
40 registered nurse requesting or participating in an intervention

1 program. A committee shall only convene in closed session to the
2 extent that it is necessary to protect the privacy of such a licentiate.

3 ~~SEC. 43.~~

4 *SEC. 28.* Section 2770.11 of the Business and Professions Code
5 is amended to read:

6 2770.11. (a) Each registered nurse who requests participation
7 in an intervention program shall agree to cooperate with the
8 rehabilitation program designed by the committee and approved
9 by the program manager. Any failure to comply with a
10 rehabilitation program may result in termination of the registered
11 nurse's participation in a program. The name and license number
12 of a registered nurse who is terminated for any reason, other than
13 successful completion, shall be reported to the board's enforcement
14 program.

15 (b) If the program manager determines that a registered nurse,
16 who is denied admission into the program or terminated from the
17 program, presents a threat to the public or his or her own health
18 and safety, the program manager shall report the name and license
19 number, along with a copy of all intervention program records for
20 that registered nurse, to the board's enforcement program. The
21 board may use any of the records it receives under this subdivision
22 in any disciplinary proceeding.

23 ~~SEC. 44.~~

24 *SEC. 29.* Section 2770.12 of the Business and Professions Code
25 is amended to read:

26 2770.12. (a) After the committee and the program manager
27 in their discretion have determined that a registered nurse has
28 successfully completed the intervention program, all records
29 pertaining to the registered nurse's participation in the intervention
30 program shall be purged.

31 (b) All board and committee records and records of a proceeding
32 pertaining to the participation of a registered nurse in the
33 intervention program shall be kept confidential and are not subject
34 to discovery or subpoena, except as specified in subdivision (b)
35 of Section 2770.11 and subdivision (c).

36 (c) A registered nurse shall be deemed to have waived any rights
37 granted by any laws and regulations relating to confidentiality of
38 the intervention program, if he or she does any of the following:

39 (1) Presents information relating to any aspect of the intervention
40 program during any stage of the disciplinary process subsequent

1 to the filing of an accusation, statement of issues, or petition to
2 compel an examination pursuant to Article 12.5 (commencing with
3 Section 820) of Chapter 1. The waiver shall be limited to
4 information necessary to verify or refute any information disclosed
5 by the registered nurse.

6 (2) Files a lawsuit against the board relating to any aspect of
7 the intervention program.

8 (3) Claims in defense to a disciplinary action, based on a
9 complaint that led to the registered nurse's participation in the
10 intervention program, that he or she was prejudiced by the length
11 of time that passed between the alleged violation and the filing of
12 the accusation. The waiver shall be limited to information necessary
13 to document the length of time the registered nurse participated in
14 the intervention program.

15 ~~SEC. 45.~~

16 *SEC. 30.* Section 2770.13 of the Business and Professions Code
17 is amended to read:

18 2770.13. The board shall provide for the legal representation
19 of any person making reports under this article to a committee or
20 the board in any action for defamation directly resulting from those
21 reports regarding a registered nurse's participation in—*a an*
22 intervention program.

23 ~~SEC. 46.~~

24 *SEC. 31.* Section 2835.5 of the Business and Professions Code
25 is amended to read:

26 2835.5. On and after January 1, 2008, an applicant for initial
27 qualification or certification as a nurse practitioner under this article
28 who has not been qualified or certified as a nurse practitioner in
29 California or any other state shall meet the following requirements:

30 (a) Hold a valid and active registered nursing license issued
31 under this chapter.

32 (b) Possess a master's degree in nursing, a master's degree in
33 a clinical field related to nursing, or a graduate degree in nursing.

34 (c) Satisfactorily complete a nurse practitioner program
35 approved by the board.

36 ~~SEC. 47.~~

37 *SEC. 32.* Section 2914 of the Business and Professions Code
38 is amended to read:

39 2914. Each applicant for licensure shall comply with all of the
40 following requirements:

1 (a) Is not subject to denial of licensure under Division 1.5
2 (commencing with Section 475).

3 (b) Possess an earned doctorate degree (1) in psychology, (2)
4 in educational psychology, or (3) in education with the field of
5 specialization in counseling psychology or educational psychology.
6 Except as provided in subdivision (g), this degree or training shall
7 be obtained from an accredited university, college, or professional
8 school. The board shall make the final determination as to whether
9 a degree meets the requirements of this section.

10 No educational institution shall be denied recognition as an
11 accredited academic institution solely because its program is not
12 accredited by any professional organization of psychologists, and
13 nothing in this chapter or in the administration of this chapter shall
14 require the registration with the board by educational institutions
15 of their departments of psychology or their doctoral programs in
16 psychology.

17 An applicant for licensure trained in an educational institution
18 outside the United States or Canada shall demonstrate to the
19 satisfaction of the board that he or she possesses a doctorate degree
20 in psychology that is equivalent to a degree earned from a
21 regionally accredited university in the United States or Canada.
22 These applicants shall provide the board with a comprehensive
23 evaluation of the degree performed by a foreign credential
24 evaluation service that is a member of the National Association
25 of Credential Evaluation Services (NACES), and any other
26 documentation the board deems necessary.

27 (c) Have engaged for at least two years in supervised
28 professional experience under the direction of a licensed
29 psychologist, the specific requirements of which shall be defined
30 by the board in its regulations, or under suitable alternative
31 supervision as determined by the board in regulations duly adopted
32 under this chapter, at least one year of which shall be after being
33 awarded the doctorate in psychology. If the supervising licensed
34 psychologist fails to provide verification to the board of the
35 experience required by this subdivision within 30 days after being
36 so requested by the applicant, the applicant may provide written
37 verification directly to the board.

38 If the applicant sends verification directly to the board, the
39 applicant shall file with the board a declaration of proof of service,
40 under penalty of perjury, of the request for verification. A copy of

1 the completed verification forms shall be provided to the
2 supervising psychologist and the applicant shall prove to the board
3 that a copy has been sent to the supervising psychologist by filing
4 a declaration of proof of service under penalty of perjury, and shall
5 file this declaration with the board when the verification forms are
6 submitted.

7 Upon receipt by the board of the applicant's verification and
8 declarations, a rebuttable presumption affecting the burden of
9 producing evidence is created that the supervised, professional
10 experience requirements of this subdivision have been satisfied.
11 The supervising psychologist shall have 20 days from the day the
12 board receives the verification and declaration to file a rebuttal
13 with the board.

14 The authority provided by this subdivision for an applicant to
15 file written verification directly shall apply only to an applicant
16 who has acquired the experience required by this subdivision in
17 the United States.

18 The board shall establish qualifications by regulation for
19 supervising psychologists and shall review and approve applicants
20 for this position on a case-by-case basis.

21 (d) Take and pass the examination required by Section 2941
22 unless otherwise exempted by the board under this chapter.

23 (e) Show by evidence satisfactory to the board that he or she
24 has completed training in the detection and treatment of alcohol
25 and other chemical substance dependency. This requirement applies
26 only to applicants who matriculate on or after September 1, 1985.

27 (f) (1) Show by evidence satisfactory to the board that he or
28 she has completed coursework in spousal or partner abuse
29 assessment, detection, and intervention. This requirement applies
30 to applicants who began graduate training during the period
31 commencing on January 1, 1995, and ending on December 31,
32 2003.

33 (2) An applicant who began graduate training on or after January
34 1, 2004, shall show by evidence satisfactory to the board that he
35 or she has completed a minimum of 15 contact hours of coursework
36 in spousal or partner abuse assessment, detection, and intervention
37 strategies, including knowledge of community resources, cultural
38 factors, and same gender abuse dynamics. An applicant may request
39 an exemption from this requirement if he or she intends to practice

1 in an area that does not include the direct provision of mental health
2 services.

3 (3) Coursework required under this subdivision may be
4 satisfactory if taken either in fulfillment of other educational
5 requirements for licensure or in a separate course. This requirement
6 for coursework shall be satisfied by, and the board shall accept in
7 satisfaction of the requirement, a certification from the chief
8 academic officer of the educational institution from which the
9 applicant graduated that the required coursework is included within
10 the institution's required curriculum for graduation.

11 (g) An applicant holding a doctoral degree in psychology from
12 an approved institution is deemed to meet the requirements of this
13 section if both of the following are true:

14 (1) The approved institution offered a doctoral degree in
15 psychology designed to prepare students for a license to practice
16 psychology and was approved by the *former* Bureau for Private
17 Postsecondary and Vocational Education on or before July 1, 1999.

18 (2) The approved institution has not, since July 1, 1999, had a
19 new location, as described in Section 94823.5 of the Education
20 Code.

21 ~~SEC. 48.~~

22 *SEC. 33.* Section 3057 of the Business and Professions Code
23 is amended to read:

24 3057. (a) The board may issue a license to practice optometry
25 to a person who meets all of the following requirements:

26 (1) Has a degree as a doctor of optometry issued by an accredited
27 school or college of optometry.

28 (2) Has successfully passed the licensing examination for an
29 optometric license in another state.

30 (3) Submits proof that he or she is licensed in good standing as
31 of the date of application in every state where he or she holds a
32 license, including compliance with continuing education
33 requirements.

34 (4) Is not subject to disciplinary action as set forth in subdivision
35 (h) of Section 3110. If the person has been subject to disciplinary
36 action, the board shall review that action to determine if it presents
37 sufficient evidence of a violation of this chapter to warrant the
38 submission of additional information from the person or the denial
39 of the application for licensure.

1 (5) Has furnished a signed release allowing the disclosure of
2 information from the ~~Healthcare Integrity and Protection Data~~
3 ~~Bank National Practitioner Database~~ and, if applicable, the
4 verification of registration status with the federal Drug Enforcement
5 Administration. The board shall review this information to
6 determine if it presents sufficient evidence of a violation of this
7 chapter to warrant the submission of additional information from
8 the person or the denial of the application for licensure.

9 (6) Has never had his or her license to practice optometry
10 revoked or suspended in any state where the person holds a license.

11 (7) (A) Is not subject to denial of an application for licensure
12 based on any of the grounds listed in Section 480.

13 (B) Is not currently required to register as a sex offender
14 pursuant to Section 290 of the Penal Code.

15 (8) Has met the minimum continuing education requirements
16 set forth in Section 3059 for the current and preceding year.

17 (9) Has met the certification requirements of Section 3041.3 to
18 use therapeutic pharmaceutical agents under subdivision (e) of
19 Section 3041.

20 (10) Submits any other information as specified by the board
21 to the extent it is required for licensure by examination under this
22 chapter.

23 (11) Files an application on a form prescribed by the board,
24 with an acknowledgment by the person executed under penalty of
25 perjury and automatic forfeiture of license, of the following:

26 (A) That the information provided by the person to the board
27 is true and correct, to the best of his or her knowledge and belief.

28 (B) That the person has not been convicted of an offense
29 involving conduct that would violate Section 810.

30 (12) Pays an application fee in an amount equal to the
31 application fee prescribed pursuant to subdivision (a) of Section
32 3152.

33 (13) Has successfully passed the board's jurisprudence
34 examination.

35 (b) If the board finds that the competency of a candidate for
36 licensure pursuant to this section is in question, the board may
37 require the passage of a written, practical, or clinical ~~exam~~
38 *examination* or completion of additional continuing education or
39 coursework.

1 (c) In cases where the person establishes, to the board's
2 satisfaction, that he or she has been displaced by a federally
3 declared emergency and cannot relocate to his or her state of
4 practice within a reasonable time without economic hardship, the
5 board may reduce or waive the fees required by paragraph (12) of
6 subdivision (a).

7 (d) Any license issued pursuant to this section shall expire as
8 provided in Section 3146, and may be renewed as provided in this
9 chapter, subject to the same conditions as other licenses issued
10 under this chapter.

11 (e) The term "in good standing," as used in this section, means
12 that a person under this section:

13 (1) Is not currently under investigation nor has been charged
14 with an offense for any act substantially related to the practice of
15 optometry by any public agency, nor entered into any consent
16 agreement or subject to an administrative decision that contains
17 conditions placed by an agency upon a person's professional
18 conduct or practice, including any voluntary surrender of license,
19 nor been the subject of an adverse judgment resulting from the
20 practice of optometry that the board determines constitutes
21 evidence of a pattern of incompetence or negligence.

22 (2) Has no physical or mental impairment related to drugs or
23 alcohol, and has not been found mentally incompetent by a licensed
24 psychologist or licensed psychiatrist so that the person is unable
25 to undertake the practice of optometry in a manner consistent with
26 the safety of a patient or the public.

27 ~~SEC. 49.~~

28 ~~SEC. 34.~~ Section 3509.5 of the Business and Professions Code
29 is amended to read:

30 3509.5. The board shall elect annually a president and a vice
31 president from among its members.

32 ~~SEC. 50.~~ ~~Section 3576 of the Business and Professions Code~~
33 ~~is amended to read:~~

34 ~~3576.~~ (a) A registration under this chapter may be denied,
35 suspended, revoked, placed on probation, or otherwise subjected
36 to discipline for any of the following by the holder:

37 (1) ~~Incompetence, gross negligence, or repeated similar~~
38 ~~negligent acts performed by the registrant.~~

39 (2) ~~An act of dishonesty or fraud.~~

1 ~~(3) Committing any act or being convicted of a crime~~
2 ~~constituting grounds for denial of licensure or registration under~~
3 ~~Section 480.~~

4 ~~(4) Violating or attempting to violate any provision of this~~
5 ~~chapter or any regulation adopted under this chapter.~~

6 ~~(b) Proceedings under this section shall be conducted in~~
7 ~~accordance with Chapter 5 (commencing with Section 11500) of~~
8 ~~Part 1 of Division 3 of Title 2 of the Government Code, and the~~
9 ~~board shall have all powers granted therein.~~

10 ~~SEC. 51. Section 3576.5 is added to the Business and~~
11 ~~Professions Code, to read:~~

12 ~~3576.5.—(a) A person whose registration has been surrendered~~
13 ~~while under investigation or while charges are pending or whose~~
14 ~~registration has been revoked or suspended or placed on probation,~~
15 ~~may petition the board for reinstatement or modification of penalty,~~
16 ~~including modification or termination of probation.~~

17 ~~(b) The person may file the petition after a period of not less~~
18 ~~than the following minimum periods have elapsed from the~~
19 ~~effective date of the surrender of the registration or the decision~~
20 ~~ordering that disciplinary action:~~

21 ~~(1) At least three years for reinstatement of a registration~~
22 ~~surrendered or revoked for unprofessional conduct, except that the~~
23 ~~board may, for good cause shown, specify in a revocation order~~
24 ~~that a petition for reinstatement may be filed after two years.~~

25 ~~(2) At least two years for early termination of probation of three~~
26 ~~years or more.~~

27 ~~(3) At least one year for modification of a condition, or~~
28 ~~reinstatement of a registration surrendered or revoked for mental~~
29 ~~or physical illness, or termination of probation of less than three~~
30 ~~years.~~

31 ~~(c) The petition shall state any facts as may be required by the~~
32 ~~board. The petition shall be accompanied by at least two verified~~
33 ~~recommendations from registrants registered in any state who have~~
34 ~~personal knowledge of the activities of the petitioner since the~~
35 ~~disciplinary penalty was imposed.~~

36 ~~(d) The petition may be heard by a panel of the board. The board~~
37 ~~may assign the petition to an administrative law judge designated~~
38 ~~in Section 11371 of the Government Code. After a hearing on the~~
39 ~~petition, the administrative law judge shall provide a proposed~~

1 decision to the board, which shall be acted upon in accordance
2 with Section 2335.

3 (e) ~~The panel of the board or the administrative law judge~~
4 ~~hearing the petition may consider all activities of the petitioner~~
5 ~~since the disciplinary action was taken, the offense for which the~~
6 ~~petitioner was disciplined, the petitioner's activities during the~~
7 ~~time the certificate was in good standing, and the petitioner's~~
8 ~~rehabilitative efforts, general reputation for truth, and professional~~
9 ~~ability. The hearing may be continued from time to time as the~~
10 ~~administrative law judge designated in Section 11371 of the~~
11 ~~Government Code finds necessary.~~

12 (f) ~~The administrative law judge, designated in Section 11371~~
13 ~~of the Government Code, reinstating a certificate or modifying a~~
14 ~~penalty may recommend the imposition of any terms and conditions~~
15 ~~deemed necessary.~~

16 (g) ~~No petition shall be considered while the petitioner is under~~
17 ~~sentence for any criminal offense, including any period during~~
18 ~~which the petitioner is on court-imposed probation or parole. No~~
19 ~~petition shall be considered while there is an accusation or petition~~
20 ~~to revoke probation pending against the person. The board may~~
21 ~~deny without a hearing or argument any petition filed pursuant to~~
22 ~~this section within a period of two years from the effective date~~
23 ~~of the prior decision following a hearing under this section.~~

24 ~~SEC. 52. Section 3577 of the Business and Professions Code~~
25 ~~is amended to read:~~

26 ~~3577. (a) Each person who applies for registration under this~~
27 ~~chapter shall pay into the Contingent Fund of the Medical Board~~
28 ~~of California a fee to be fixed by the board at a sum not in excess~~
29 ~~of one hundred dollars (\$100).~~

30 (b) ~~Each person to whom registration is granted under this~~
31 ~~chapter shall pay into the Contingent Fund of the Medical Board~~
32 ~~of California a fee to be fixed by the board at a sum not in excess~~
33 ~~of one hundred dollars (\$100).~~

34 (c) ~~The registration shall expire after two years. The registration~~
35 ~~may be renewed biennially at a fee which shall be paid into the~~
36 ~~Contingent Fund of the Medical Board of California to be fixed~~
37 ~~by the board at a sum not in excess of one hundred fifty dollars~~
38 ~~(\$150).~~

39 (d) ~~A registrant placed on probation shall be required to pay~~
40 ~~probation monitoring fees upon order of the board.~~

1 ~~(e) The money in the Contingent Fund of the Medical Board of~~
2 ~~California that is collected pursuant to this section shall be used~~
3 ~~for the administration of this chapter.~~

4 ~~SEC. 53.~~

5 *SEC. 35.* Section 4836.2 of the Business and Professions Code
6 is amended to read:

7 4836.2. (a) Applications for a veterinary assistant controlled
8 substance permit shall be upon a form furnished by the board.

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

14 (c) The board may suspend or revoke the controlled substance
15 permit of a veterinary assistant after notice and hearing for any
16 cause provided in this subdivision. The proceedings under this
17 section shall be conducted in accordance with the provisions for
18 administrative adjudication in Chapter 5 (commencing with Section
19 11500) of Part 1 of Division 3 of Title 2 of the Government Code,
20 and the board shall have all the powers granted therein. The board
21 may deny, revoke, or suspend a veterinary assistant controlled
22 substance permit for any of the following reasons:

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

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

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

29 (4) Violating or attempts to violate, directly or indirectly, or
30 assisting in or abetting the violation of, or conspiring to violate,
31 any provision of this chapter, or of the regulations adopted under
32 this chapter.

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

36 (e) (1) As part of the application for a veterinary assistant
37 controlled substance permit, the applicant shall submit to the
38 Department of Justice fingerprint images and related information,
39 as required by the Department of Justice for all veterinary assistant
40 applicants, for the purposes of obtaining information as to the

1 existence and content of a record of state or federal convictions
2 and state or federal arrests and information as to the existence and
3 content of a record of state or federal arrests for which the
4 Department of Justice establishes that the person is free on bail or
5 on his or her own recognizance pending trial or appeal.

6 (2) When received, the Department of Justice shall forward to
7 the Federal Bureau of Investigation requests for federal summary
8 criminal history information that it receives pursuant to this section.
9 The Department of Justice shall review any information returned
10 to it from the Federal Bureau of Investigation and compile and
11 disseminate a response to the board summarizing that information.

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

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

18 (f) The board shall request from the Department of Justice
19 subsequent notification service, as provided pursuant to Section
20 11105.2 of the Penal Code, for persons described in paragraph (1)
21 of subdivision (e).

22 (g) This section shall become operative on July 1, 2015.

23 ~~SEC. 54.~~

24 *SEC. 36.* Section 4887 of the Business and Professions Code
25 is amended to read:

26 4887. (a) A person whose license or registration has been
27 revoked or who has been placed on probation may petition the
28 board for reinstatement or modification of penalty including
29 modification or termination of probation after a period of not less
30 than one year has elapsed from the effective date of the decision
31 ordering the disciplinary action. The petition shall state such facts
32 as may be required by the board.

33 (b) The petition shall be accompanied by at least two verified
34 recommendations from veterinarians licensed by the board who
35 have personal knowledge of the activities of the petitioner since
36 the disciplinary penalty was imposed. The petition shall be heard
37 by the board. The board may consider all activities of the petitioner
38 since the disciplinary action was taken, the offense for which the
39 petitioner was disciplined, the petitioner's activities since the
40 license or registration was in good standing, and the petitioner's

1 rehabilitation efforts, general reputation for truth, and professional
2 ability. The hearing may be continued from time to time as the
3 board finds necessary.

4 (c) The board reinstating the license or registration or modifying
5 a penalty may impose terms and conditions as it determines
6 necessary. To reinstate a revoked license or registration or to
7 otherwise reduce a penalty or modify probation shall require a
8 vote of five of the members of the board.

9 (d) The petition shall not be considered while the petitioner is
10 under sentence for any criminal offense, including any period
11 during which the petitioner is on court-imposed probation or parole.
12 The board may deny without a hearing or argument any petition
13 filed pursuant to this section within a period of two years from the
14 effective date of the prior decision following a hearing under this
15 section.

16 ~~SEC. 55.~~

17 *SEC. 37.* Section 4938 of the Business and Professions Code
18 is amended to read:

19 4938. The board shall issue a license to practice acupuncture
20 to any person who makes an application and meets the following
21 requirements:

22 (a) Is at least 18 years of age.

23 (b) Furnishes satisfactory evidence of completion of one of the
24 following:

25 (1) (A) An approved educational and training program.

26 (B) If an applicant began his or her educational and training
27 program at a school or college that submitted a letter of intent to
28 pursue accreditation to, or attained candidacy status from, the
29 Accreditation Commission for Acupuncture and Oriental Medicine,
30 but the commission subsequently denied the school or college
31 candidacy status or accreditation, respectively, the board may
32 review and evaluate the educational training and clinical experience
33 to determine whether to waive the requirements set forth in this
34 subdivision with respect to that applicant.

35 (2) Satisfactory completion of a tutorial program in the practice
36 of an acupuncturist that is approved by the board.

37 (3) In the case of an applicant who has completed education
38 and training outside the United States, documented educational
39 training and clinical experience that meets the standards established
40 pursuant to Sections 4939 and 4941.

1 (c) Passes a written examination administered by the board that
2 tests the applicant’s ability, competency, and knowledge in the
3 practice of an acupuncturist. The written examination shall be
4 developed by the Office of Professional Examination Services of
5 the Department of Consumer Affairs.

6 (d) Is not subject to denial pursuant to Division 1.5 (commencing
7 with Section 475).

8 (e) Completes a clinical internship training program approved
9 by the board. The clinical internship training program shall not
10 exceed nine months in duration and shall be located in a clinic in
11 this state that is an approved educational and training program.
12 The length of the clinical internship shall depend upon the grades
13 received in the examination and the clinical training already
14 satisfactorily completed by the individual prior to taking the
15 examination. On and after January 1, 1987, individuals with 800
16 or more hours of documented clinical training shall be deemed to
17 have met this requirement. The purpose of the clinical internship
18 training program shall be to ensure a minimum level of clinical
19 competence.

20 Each applicant who qualifies for a license shall pay, as a
21 condition precedent to its issuance and in addition to other fees
22 required, the initial licensure fee.

23 ~~SEC. 56.~~

24 *SEC. 38.* Section 4939 of the Business and Professions Code,
25 as added by Section 9 of Chapter 397 of the Statutes of 2014, is
26 amended to read:

27 4939. (a) The board shall establish standards for the approval
28 of educational training and clinical experience received outside
29 the United States.

30 (b) This section shall become operative on January 1, 2017.

31 ~~SEC. 57.~~

32 *SEC. 39.* Section 4980.399 of the Business and Professions
33 Code is amended to read:

34 4980.399. (a) Except as provided in subdivision (a) of Section
35 4980.398, each applicant and registrant shall obtain a passing score
36 on a board-administered California law and ethics examination in
37 order to qualify for licensure.

38 (b) A registrant shall participate in a board-administered
39 California law and ethics examination prior to his or her registration
40 renewal.

1 (c) Notwithstanding subdivision (b), an applicant who holds a
2 registration eligible for renewal, with an expiration date no later
3 than June 30, 2016, and who applies for renewal of that registration
4 between January 1, 2016, and June 30, 2016, shall, if eligible, be
5 allowed to renew the registration without first participating in the
6 California law and ethics examination. These applicants shall
7 participate in the California law and ethics examination in the next
8 renewal cycle, and shall pass the examination prior to licensure or
9 issuance of a subsequent registration number, as specified in this
10 section.

11 (d) If an applicant fails the California law and ethics
12 examination, he or she may retake the examination, upon payment
13 of the required fees, without further application except as provided
14 in subdivision (e).

15 (e) If a registrant fails to obtain a passing score on the California
16 law and ethics examination described in subdivision (a) within his
17 or her renewal period on or after the operative date of this section,
18 he or she shall complete, at a minimum, a 12-hour course in
19 California law and ethics in order to be eligible to participate in
20 the California law and ethics examination. Registrants shall only
21 take the 12-hour California law and ethics course once during a
22 renewal period. The 12-hour law and ethics course required by
23 this section shall be taken through a continuing education provider
24 as specified by the board by regulation, a county, state or
25 governmental entity, or a college or university.

26 (f) The board shall not issue a subsequent registration number
27 unless the registrant has passed the California law and ethics
28 examination.

29 (g) Notwithstanding subdivision (f), an applicant who holds or
30 has held a registration, with an expiration date no later than January
31 1, 2017, and who applies for a subsequent registration number
32 between January 1, 2016, and January 1, 2017, shall, if eligible,
33 be allowed to obtain the subsequent registration number without
34 first passing the California law and ethics examination. These
35 applicants shall pass the California law and ethics examination
36 during the next renewal period or prior to licensure, whichever
37 occurs first.

38 (h) This section shall become operative on January 1, 2016.

1 ~~SEC. 58.~~

2 *SEC. 40.* Section 4980.43 of the Business and Professions Code
3 is amended to read:

4 4980.43. (a) Prior to applying for licensure examinations, each
5 applicant shall complete experience that shall comply with the
6 following:

7 (1) A minimum of 3,000 hours completed during a period of at
8 least 104 weeks.

9 (2) Not more than 40 hours in any seven consecutive days.

10 (3) Not less than 1,700 hours of supervised experience
11 completed subsequent to the granting of the qualifying master's
12 or doctoral degree.

13 (4) Not more than 1,300 hours of supervised experience obtained
14 prior to completing a master's or doctoral degree.

15 The applicant shall not be credited with more than 750 hours of
16 counseling and direct supervisor contact prior to completing the
17 master's or doctoral degree.

18 (5) No hours of experience may be gained prior to completing
19 either 12 semester units or 18 quarter units of graduate instruction
20 and becoming a trainee except for personal psychotherapy.

21 (6) No hours of experience may be gained more than six years
22 prior to the date the application for examination eligibility was
23 filed, except that up to 500 hours of clinical experience gained in
24 the supervised practicum required by subdivision (c) of Section
25 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
26 of Section 4980.36 shall be exempt from this six-year requirement.

27 (7) Not more than a combined total of 1,000 hours of experience
28 in the following:

29 (A) Direct supervisor contact.

30 (B) Professional enrichment activities. For purposes of this
31 chapter, "professional enrichment activities" include the following:

32 (i) Workshops, seminars, training sessions, or conferences
33 directly related to marriage and family therapy attended by the
34 applicant that are approved by the applicant's supervisor. An
35 applicant shall have no more than 250 hours of verified attendance
36 at these workshops, seminars, training sessions, or conferences.

37 (ii) Participation by the applicant in personal psychotherapy,
38 which includes group, marital or conjoint, family, or individual
39 psychotherapy by an appropriately licensed professional. An
40 applicant shall have no more than 100 hours of participation in

1 personal psychotherapy. The applicant shall be credited with three
2 hours of experience for each hour of personal psychotherapy.

3 (8) Not more than 500 hours of experience providing group
4 therapy or group counseling.

5 (9) For all hours gained on or after January 1, 2012, not more
6 than 500 hours of experience in the following:

7 (A) Experience administering and evaluating psychological
8 tests, writing clinical reports, writing progress notes, or writing
9 process notes.

10 (B) Client centered advocacy.

11 (10) Not less than 500 total hours of experience in diagnosing
12 and treating couples, families, and children. For up to 150 hours
13 of treating couples and families in conjoint therapy, the applicant
14 shall be credited with two hours of experience for each hour of
15 therapy provided.

16 (11) Not more than 375 hours of experience providing personal
17 psychotherapy, crisis counseling, or other counseling services via
18 telehealth in accordance with Section 2290.5.

19 (12) It is anticipated and encouraged that hours of experience
20 will include working with elders and dependent adults who have
21 physical or mental limitations that restrict their ability to carry out
22 normal activities or protect their rights.

23 This subdivision shall only apply to hours gained on and after
24 January 1, 2010.

25 (b) All applicants, trainees, and registrants shall be at all times
26 under the supervision of a supervisor who shall be responsible for
27 ensuring that the extent, kind, and quality of counseling performed
28 is consistent with the training and experience of the person being
29 supervised, and who shall be responsible to the board for
30 compliance with all laws, rules, and regulations governing the
31 practice of marriage and family therapy. Supervised experience
32 shall be gained by interns and trainees only as an employee or as
33 a volunteer. The requirements of this chapter regarding gaining
34 hours of experience and supervision are applicable equally to
35 employees and volunteers. Experience shall not be gained by
36 interns or trainees as an independent contractor.

37 (1) If employed, an intern shall provide the board with copies
38 of the corresponding W-2 tax forms for each year of experience
39 claimed upon application for licensure.

1 (2) If volunteering, an intern shall provide the board with a letter
2 from his or her employer verifying the intern’s employment as a
3 volunteer upon application for licensure.

4 (c) Except for experience gained pursuant to subparagraph (B)
5 of paragraph (7) of subdivision (a), supervision shall include at
6 least one hour of direct supervisor contact in each week for which
7 experience is credited in each work setting, as specified:

8 (1) A trainee shall receive an average of at least one hour of
9 direct supervisor contact for every five hours of client contact in
10 each setting. No more than six hours of supervision, whether
11 individual or group, shall be credited during any single week.

12 (2) An individual supervised after being granted a qualifying
13 degree shall receive at least one additional hour of direct supervisor
14 contact for every week in which more than 10 hours of client
15 contact is gained in each setting. No more than six hours of
16 supervision, whether individual or group, shall be credited during
17 any single week.

18 (3) For purposes of this section, “one hour of direct supervisor
19 contact” means one hour per week of face-to-face contact on an
20 individual basis or two hours per week of face-to-face contact in
21 a group.

22 (4) Direct supervisor contact shall occur within the same week
23 as the hours claimed.

24 (5) Direct supervisor contact provided in a group shall be
25 provided in a group of not more than eight supervisees and in
26 segments lasting no less than one continuous hour.

27 (6) Notwithstanding paragraph (3), an intern working in a
28 governmental entity, a school, a college, or a university, or an
29 institution that is both nonprofit and charitable may obtain the
30 required weekly direct supervisor contact via two-way, real-time
31 videoconferencing. The supervisor shall be responsible for ensuring
32 that client confidentiality is upheld.

33 (7) All experience gained by a trainee shall be monitored by the
34 supervisor as specified by regulation.

35 (8) The six hours of supervision that may be credited during
36 any single week pursuant to paragraphs (1) and (2) shall apply to
37 supervision hours gained on or after January 1, 2009.

38 (d) (1) A trainee may be credited with supervised experience
39 completed in any setting that meets all of the following:

1 (A) Lawfully and regularly provides mental health counseling
2 or psychotherapy.

3 (B) Provides oversight to ensure that the trainee's work at the
4 setting meets the experience and supervision requirements set forth
5 in this chapter and is within the scope of practice for the profession
6 as defined in Section 4980.02.

7 (C) Is not a private practice owned by a licensed marriage and
8 family therapist, a licensed professional clinical counselor, a
9 licensed psychologist, a licensed clinical social worker, a licensed
10 physician and surgeon, or a professional corporation of any of
11 those licensed professions.

12 (2) Experience may be gained by the trainee solely as part of
13 the position for which the trainee volunteers or is employed.

14 (e) (1) An intern may be credited with supervised experience
15 completed in any setting that meets both of the following:

16 (A) Lawfully and regularly provides mental health counseling
17 or psychotherapy.

18 (B) Provides oversight to ensure that the intern's work at the
19 setting meets the experience and supervision requirements set forth
20 in this chapter and is within the scope of practice for the profession
21 as defined in Section 4980.02.

22 (2) An applicant shall not be employed or volunteer in a private
23 practice, as defined in subparagraph (C) of paragraph (1) of
24 subdivision (d), until registered as an intern.

25 (3) While an intern may be either a paid employee or a
26 volunteer, employers are encouraged to provide fair remuneration
27 to interns.

28 (4) Except for periods of time during a supervisor's vacation or
29 sick leave, an intern who is employed or volunteering in private
30 practice shall be under the direct supervision of a licensee that has
31 satisfied subdivision (g) of Section 4980.03. The supervising
32 licensee shall either be employed by and practice at the same site
33 as the intern's employer, or shall be an owner or shareholder of
34 the private practice. Alternative supervision may be arranged during
35 a supervisor's vacation or sick leave if the supervision meets the
36 requirements of this section.

37 (5) Experience may be gained by the intern solely as part of the
38 position for which the intern volunteers or is employed.

1 (f) Except as provided in subdivision (g), all persons shall
2 register with the board as an intern to be credited for postdegree
3 hours of supervised experience gained toward licensure.

4 (g) Postdegree hours of experience shall be credited toward
5 licensure so long as the applicant applies for the intern registration
6 within 90 days of the granting of the qualifying master's or doctoral
7 degree and is thereafter granted the intern registration by the board.
8 An applicant shall not be employed or volunteer in a private
9 practice until registered as an intern by the board.

10 (h) Trainees, interns, and applicants shall not receive any
11 remuneration from patients or clients, and shall only be paid by
12 their employers.

13 (i) Trainees, interns, and applicants shall only perform services
14 at the place where their employers regularly conduct business,
15 which may include performing services at other locations, so long
16 as the services are performed under the direction and control of
17 their employer and supervisor, and in compliance with the laws
18 and regulations pertaining to supervision. Trainees and interns
19 shall have no proprietary interest in their employers' businesses
20 and shall not lease or rent space, pay for furnishings, equipment,
21 or supplies, or in any other way pay for the obligations of their
22 employers.

23 (j) Trainees, interns, or applicants who provide volunteered
24 services or other services, and who receive no more than a total,
25 from all work settings, of five hundred dollars (\$500) per month
26 as reimbursement for expenses actually incurred by those trainees,
27 interns, or applicants for services rendered in any lawful work
28 setting other than a private practice shall be considered an
29 employee and not an independent contractor. The board may audit
30 applicants who receive reimbursement for expenses, and the
31 applicants shall have the burden of demonstrating that the payments
32 received were for reimbursement of expenses actually incurred.

33 (k) Each educational institution preparing applicants for
34 licensure pursuant to this chapter shall consider requiring, and
35 shall encourage, its students to undergo individual, marital or
36 conjoint, family, or group counseling or psychotherapy, as
37 appropriate. Each supervisor shall consider, advise, and encourage
38 his or her interns and trainees regarding the advisability of
39 undertaking individual, marital or conjoint, family, or group
40 counseling or psychotherapy, as appropriate. Insofar as it is deemed

1 appropriate and is desired by the applicant, the educational
2 institution and supervisors are encouraged to assist the applicant
3 in locating that counseling or psychotherapy at a reasonable cost.

4 ~~SEC. 59.~~

5 *SEC. 41.* Section 4980.54 of the Business and Professions Code
6 is amended to read:

7 4980.54. (a) The Legislature recognizes that the education and
8 experience requirements in this chapter constitute only minimal
9 requirements to ensure that an applicant is prepared and qualified
10 to take the licensure examinations as specified in subdivision (d)
11 of Section 4980.40 and, if he or she passes those examinations, to
12 begin practice.

13 (b) In order to continuously improve the competence of licensed
14 marriage and family therapists and as a model for all
15 psychotherapeutic professions, the Legislature encourages all
16 licensees to regularly engage in continuing education related to
17 the profession or scope of practice as defined in this chapter.

18 (c) Except as provided in subdivision (e), the board shall not
19 renew any license pursuant to this chapter unless the applicant
20 certifies to the board, on a form prescribed by the board, that he
21 or she has completed not less than 36 hours of approved continuing
22 education in or relevant to the field of marriage and family therapy
23 in the preceding two years, as determined by the board.

24 (d) The board shall have the right to audit the records of any
25 applicant to verify the completion of the continuing education
26 requirement. Applicants shall maintain records of completion of
27 required continuing education coursework for a minimum of two
28 years and shall make these records available to the board for
29 auditing purposes upon request.

30 (e) The board may establish exceptions from the continuing
31 education requirements of this section for good cause, as defined
32 by the board.

33 (f) The continuing education shall be obtained from one of the
34 following sources:

35 (1) An accredited school or state-approved school that meets
36 the requirements set forth in Section 4980.36 or 4980.37. Nothing
37 in this paragraph shall be construed as requiring coursework to be
38 offered as part of a regular degree program.

39 (2) Other continuing education providers, as specified by the
40 board by regulation.

1 (g) The board shall establish, by regulation, a procedure for
2 identifying acceptable providers of continuing education courses,
3 and all providers of continuing education, as described in
4 paragraphs (1) and (2) of subdivision (f), shall adhere to procedures
5 established by the board. The board may revoke or deny the right
6 of a provider to offer continuing education coursework pursuant
7 to this section for failure to comply with this section or any
8 regulation adopted pursuant to this section.

9 (h) Training, education, and coursework by approved providers
10 shall incorporate one or more of the following:

11 (1) Aspects of the discipline that are fundamental to the
12 understanding or the practice of marriage and family therapy.

13 (2) Aspects of the discipline of marriage and family therapy in
14 which significant recent developments have occurred.

15 (3) Aspects of other disciplines that enhance the understanding
16 or the practice of marriage and family therapy.

17 (i) A system of continuing education for licensed marriage and
18 family therapists shall include courses directly related to the
19 diagnosis, assessment, and treatment of the client population being
20 served.

21 (j) The board shall, by regulation, fund the administration of
22 this section through continuing education provider fees to be
23 deposited in the Behavioral Sciences Fund. The fees related to the
24 administration of this section shall be sufficient to meet, but shall
25 not exceed, the costs of administering the corresponding provisions
26 of this section. For purposes of this subdivision, a provider of
27 continuing education as described in paragraph (1) of subdivision
28 (f) shall be deemed to be an approved provider.

29 (k) The continuing education requirements of this section shall
30 comply fully with the guidelines for mandatory continuing
31 education established by the Department of Consumer Affairs
32 pursuant to Section 166.

33 ~~SEC. 60.~~

34 *SEC. 42.* Section 4984.01 of the Business and Professions
35 Code, as amended by Section 31 of Chapter 473 of the Statutes of
36 2013, is amended to read:

37 4984.01. (a) The marriage and family therapist intern
38 registration shall expire one year from the last day of the month
39 in which it was issued.

1 (b) To renew the registration, the registrant shall, on or before
2 the expiration date of the registration, complete all of the following
3 actions:

4 (1) Apply for renewal on a form prescribed by the board.

5 (2) Pay a renewal fee prescribed by the board.

6 (3) Participate in the California law and ethics examination
7 pursuant to Section 4980.399 each year until successful completion
8 of this examination.

9 (4) Notify the board whether he or she has been convicted, as
10 defined in Section 490, of a misdemeanor or felony, and whether
11 any disciplinary action has been taken against him or her by a
12 regulatory or licensing board in this or any other state subsequent
13 to the last renewal of the registration.

14 (c) The registration may be renewed a maximum of five times.
15 No registration shall be renewed or reinstated beyond six years
16 from the last day of the month during which it was issued,
17 regardless of whether it has been revoked. When no further
18 renewals are possible, an applicant may apply for and obtain a
19 subsequent intern registration number if the applicant meets the
20 educational requirements for registration in effect at the time of
21 the application for a subsequent intern registration number and
22 has passed the California law and ethics examination described in
23 Section 4980.399. An applicant who is issued a subsequent intern
24 registration number pursuant to this subdivision shall not be
25 employed or volunteer in a private practice.

26 (d) This section shall become operative on January 1, 2016.

27 ~~SEC. 61.~~

28 *SEC. 43.* Section 4989.34 of the Business and Professions Code
29 is amended to read:

30 4989.34. (a) To renew his or her license, a licensee shall certify
31 to the board, on a form prescribed by the board, completion in the
32 preceding two years of not less than 36 hours of approved
33 continuing education in, or relevant to, educational psychology.

34 (b) (1) The continuing education shall be obtained from either
35 an accredited university or a continuing education provider as
36 specified by the board by regulation.

37 (2) The board shall establish, by regulation, a procedure
38 identifying acceptable providers of continuing education courses,
39 and all providers of continuing education shall comply with
40 procedures established by the board. The board may revoke or

1 deny the right of a provider to offer continuing education
2 coursework pursuant to this section for failure to comply with this
3 section or any regulation adopted pursuant to this section.

4 (c) Training, education, and coursework by approved providers
5 shall incorporate one or more of the following:

6 (1) Aspects of the discipline that are fundamental to the
7 understanding or the practice of educational psychology.

8 (2) Aspects of the discipline of educational psychology in which
9 significant recent developments have occurred.

10 (3) Aspects of other disciplines that enhance the understanding
11 or the practice of educational psychology.

12 (d) The board may audit the records of a licensee to verify
13 completion of the continuing education requirement. A licensee
14 shall maintain records of the completion of required continuing
15 education coursework for a minimum of two years and shall make
16 these records available to the board for auditing purposes upon its
17 request.

18 (e) The board may establish exceptions from the continuing
19 education requirements of this section for good cause, as
20 determined by the board.

21 (f) The board shall, by regulation, fund the administration of
22 this section through continuing education provider fees to be
23 deposited in the Behavioral Sciences Fund. The amount of the fees
24 shall be sufficient to meet, but shall not exceed, the costs of
25 administering this section.

26 (g) The continuing education requirements of this section shall
27 comply fully with the guidelines for mandatory continuing
28 education established by the Department of Consumer Affairs
29 pursuant to Section 166.

30 ~~SEC. 62.~~

31 *SEC. 44.* Section 4992.09 of the Business and Professions Code
32 is amended to read:

33 4992.09. (a) Except as provided in subdivision (a) of Section
34 4992.07, an applicant and registrant shall obtain a passing score
35 on a board-administered California law and ethics examination in
36 order to qualify for licensure.

37 (b) A registrant shall participate in a board-administered
38 California law and ethics examination prior to his or her registration
39 renewal.

1 (c) Notwithstanding subdivision (b), an applicant who holds a
2 registration eligible for renewal, with an expiration date no later
3 than June 30, 2016, and who applies for renewal of that registration
4 between January 1, 2016, and June 30, 2016, shall, if eligible, be
5 allowed to renew the registration without first participating in the
6 California law and ethics examination. These applicants shall
7 participate in the California law and ethics examination in the next
8 renewal cycle, and shall pass the examination prior to licensure or
9 issuance of a subsequent registration number, as specified in this
10 section.

11 (d) If an applicant fails the California law and ethics
12 examination, he or she may retake the examination, upon payment
13 of the required fees, without further application except for as
14 provided in subdivision (e).

15 (e) If a registrant fails to obtain a passing score on the California
16 law and ethics examination described in subdivision (a) within his
17 or her renewal period on or after the operative date of this section,
18 he or she shall complete, at a minimum, a 12-hour course in
19 California law and ethics in order to be eligible to participate in
20 the California law and ethics examination. Registrants shall only
21 take the 12-hour California law and ethics course once during a
22 renewal period. The 12-hour law and ethics course required by
23 this section shall be taken through a continuing education provider,
24 as specified by the board by regulation, a county, state or
25 governmental entity, or a college or university.

26 (f) The board shall not issue a subsequent registration number
27 unless the registrant has passed the California law and ethics
28 examination.

29 (g) Notwithstanding subdivision (f), an applicant who holds or
30 has held a registration, with an expiration date no later than January
31 1, 2017, and who applies for a subsequent registration number
32 between January 1, 2016, and January 1, 2017, shall, if eligible,
33 be allowed to obtain the subsequent registration number without
34 first passing the California law and ethics examination. These
35 applicants shall pass the California law and ethics examination
36 during the next renewal period or prior to licensure, whichever
37 occurs first.

38 (h) This section shall become operative on January 1, 2016.

1 ~~SEC. 63.~~

2 *SEC. 45.* Section 4996.2 of the Business and Professions Code
3 is amended to read:

4 4996.2. Each applicant for a license shall furnish evidence
5 satisfactory to the board that he or she complies with all of the
6 following requirements:

7 (a) Is at least 21 years of age.

8 (b) Has received a master's degree from an accredited school
9 of social work.

10 (c) Has had two years of supervised post-master's degree
11 experience, as specified in Section 4996.23.

12 (d) Has not committed any crimes or acts constituting grounds
13 for denial of licensure under Section 480. The board shall not issue
14 a registration or license to any person who has been convicted of
15 any crime in this or another state or in a territory of the United
16 States that involves sexual abuse of children or who is required to
17 register pursuant to Section 290 of the Penal Code or the equivalent
18 in another state or territory.

19 (e) Has completed adequate instruction and training in the
20 subject of alcoholism and other chemical substance dependency.
21 This requirement applies only to applicants who matriculate on or
22 after January 1, 1986.

23 (f) Has completed instruction and training in spousal or partner
24 abuse assessment, detection, and intervention. This requirement
25 applies to an applicant who began graduate training during the
26 period commencing on January 1, 1995, and ending on December
27 31, 2003. An applicant who began graduate training on or after
28 January 1, 2004, shall complete a minimum of 15 contact hours
29 of coursework in spousal or partner abuse assessment, detection,
30 and intervention strategies, including knowledge of community
31 resources, cultural factors, and same gender abuse dynamics.
32 Coursework required under this subdivision may be satisfactory
33 if taken either in fulfillment of other educational requirements for
34 licensure or in a separate course.

35 (g) Has completed a minimum of 10 contact hours of training
36 or coursework in human sexuality as specified in Section 1807 of
37 Title 16 of the California Code of Regulations. This training or
38 coursework may be satisfactory if taken either in fulfillment of
39 other educational requirements for licensure or in a separate course.

1 (h) Has completed a minimum of seven contact hours of training
2 or coursework in child abuse assessment and reporting as specified
3 in Section 1807.2 of Title 16 of the California Code of Regulations.
4 This training or coursework may be satisfactory if taken either in
5 fulfillment of other educational requirements for licensure or in a
6 separate course.

7 ~~SEC. 64.~~

8 *SEC. 46.* Section 4996.22 of the Business and Professions Code
9 is amended to read:

10 4996.22. (a) (1) Except as provided in subdivision (c), the
11 board shall not renew any license pursuant to this chapter unless
12 the applicant certifies to the board, on a form prescribed by the
13 board, that he or she has completed not less than 36 hours of
14 approved continuing education in or relevant to the field of social
15 work in the preceding two years, as determined by the board.

16 (2) The board shall not renew any license of an applicant who
17 began graduate study prior to January 1, 2004, pursuant to this
18 chapter unless the applicant certifies to the board that during the
19 applicant's first renewal period after the operative date of this
20 section, he or she completed a continuing education course in
21 spousal or partner abuse assessment, detection, and intervention
22 strategies, including community resources, cultural factors, and
23 same gender abuse dynamics. On and after January 1, 2005, the
24 course shall consist of not less than seven hours of training.
25 Equivalent courses in spousal or partner abuse assessment,
26 detection, and intervention strategies taken prior to the operative
27 date of this section or proof of equivalent teaching or practice
28 experience may be submitted to the board and at its discretion,
29 may be accepted in satisfaction of this requirement. Continuing
30 education courses taken pursuant to this paragraph shall be applied
31 to the 36 hours of approved continuing education required under
32 paragraph (1).

33 (b) The board shall have the right to audit the records of any
34 applicant to verify the completion of the continuing education
35 requirement. Applicants shall maintain records of completion of
36 required continuing education coursework for a minimum of two
37 years and shall make these records available to the board for
38 auditing purposes upon request.

1 (c) The board may establish exceptions from the continuing
2 education requirement of this section for good cause as defined
3 by the board.

4 (d) The continuing education shall be obtained from one of the
5 following sources:

6 (1) An accredited school of social work, as defined in Section
7 4991.2, or a school or department of social work that is a candidate
8 for accreditation by the Commission on Accreditation of the
9 Council on Social Work Education. Nothing in this paragraph shall
10 be construed as requiring coursework to be offered as part of a
11 regular degree program.

12 (2) Other continuing education providers, as specified by the
13 board by regulation.

14 (e) The board shall establish, by regulation, a procedure for
15 identifying acceptable providers of continuing education courses,
16 and all providers of continuing education, as described in
17 paragraphs (1) and (2) of subdivision (d), shall adhere to the
18 procedures established by the board. The board may revoke or
19 deny the right of a provider to offer continuing education
20 coursework pursuant to this section for failure to comply with this
21 section or any regulation adopted pursuant to this section.

22 (f) Training, education, and coursework by approved providers
23 shall incorporate one or more of the following:

24 (1) Aspects of the discipline that are fundamental to the
25 understanding, or the practice, of social work.

26 (2) Aspects of the social work discipline in which significant
27 recent developments have occurred.

28 (3) Aspects of other related disciplines that enhance the
29 understanding, or the practice, of social work.

30 (g) A system of continuing education for licensed clinical social
31 workers shall include courses directly related to the diagnosis,
32 assessment, and treatment of the client population being served.

33 (h) The continuing education requirements of this section shall
34 comply fully with the guidelines for mandatory continuing
35 education established by the Department of Consumer Affairs
36 pursuant to Section 166.

37 (i) The board may adopt regulations as necessary to implement
38 this section.

39 (j) The board shall, by regulation, fund the administration of
40 this section through continuing education provider fees to be

1 deposited in the Behavioral ~~Science Examiners~~ *Sciences* Fund.
2 The fees related to the administration of this section shall be
3 sufficient to meet, but shall not exceed, the costs of administering
4 the corresponding provisions of this section. For purposes of this
5 subdivision, a provider of continuing education as described in
6 paragraph (1) of subdivision (d) shall be deemed to be an approved
7 provider.

8 ~~SEC. 65.~~

9 *SEC. 47.* Section 4996.28 of the Business and Professions Code
10 is amended to read:

11 4996.28. (a) Registration as an associate clinical social worker
12 shall expire one year from the last day of the month during which
13 it was issued. To renew a registration, the registrant shall, on or
14 before the expiration date of the registration, complete all of the
15 following actions:

16 (1) Apply for renewal on a form prescribed by the board.

17 (2) Pay a renewal fee prescribed by the board.

18 (3) Notify the board whether he or she has been convicted, as
19 defined in Section 490, of a misdemeanor or felony, and whether
20 any disciplinary action has been taken by a regulatory or licensing
21 board in this or any other state, subsequent to the last renewal of
22 the registration.

23 (4) On and after January 1, 2016, obtain a passing score on the
24 California law and ethics examination pursuant to Section 4992.09.

25 (b) A registration as an associate clinical social worker may be
26 renewed a maximum of five times. When no further renewals are
27 possible, an applicant may apply for and obtain a subsequent
28 associate clinical social worker registration number if the applicant
29 meets all requirements for registration in effect at the time of his
30 or her application for a subsequent associate clinical social worker
31 registration number. An applicant issued a subsequent associate
32 registration number pursuant to this subdivision shall not be
33 employed or volunteer in a private practice.

34 ~~SEC. 66.~~

35 *SEC. 48.* Section 4999.1 of the Business and Professions Code
36 is amended to read:

37 4999.1. Application for registration as a telephone medical
38 advice service shall be made on a form prescribed by the
39 department, accompanied by the fee prescribed pursuant to Section

1 4999.5. The department shall make application forms available.
2 Applications shall contain all of the following:

3 (a) The signature of the individual owner of the telephone
4 medical advice service, or of all of the partners if the service is a
5 partnership, or of the president or secretary if the service is a
6 corporation. The signature shall be accompanied by a resolution
7 or other written communication identifying the individual whose
8 signature is on the form as owner, partner, president, or secretary.

9 (b) The name under which the person applying for the in-state
10 or out-of-state telephone medical advice service proposes to do
11 business.

12 (c) The physical address, mailing address, and telephone number
13 of the business entity.

14 (d) The designation, including the name and physical address,
15 of an agent for service of process in California.

16 (e) A list of all health care professionals providing medical
17 advice services that are required to be licensed, registered, or
18 certified pursuant to this chapter. This list shall be submitted to
19 the department on a form to be prescribed by the department and
20 shall include, but not be limited to, the name, state of licensure,
21 type of license, and license number.

22 (f) The department shall be notified within 30 days of any
23 change of name, physical location, mailing address, or telephone
24 number of any business, owner, partner, corporate officer, or agent
25 for service of process in California, together with copies of all
26 resolutions or other written communications that substantiate these
27 changes.

28 ~~SEC. 67.~~

29 *SEC. 49.* Section 4999.2 of the Business and Professions Code
30 is amended to read:

31 4999.2. (a) In order to obtain and maintain a registration, a
32 telephone medical advice service shall comply with the
33 requirements established by the department. Those requirements
34 shall include, but shall not be limited to, all of the following:

35 (1) (A) Ensuring that all health care professionals who provide
36 medical advice services are appropriately licensed, certified, or
37 registered as a physician and surgeon pursuant to Chapter 5
38 (commencing with Section 2000) or the Osteopathic Initiative Act,
39 as a dentist, dental hygienist, dental hygienist in alternative
40 practice, or dental hygienist in extended functions pursuant to

1 Chapter 4 (commencing with Section 1600), as an occupational
2 therapist pursuant to Chapter 5.6 (commencing with Section 2570),
3 as a registered nurse pursuant to Chapter 6 (commencing with
4 Section 2700), as a psychologist pursuant to Chapter 6.6
5 (commencing with Section 2900), as a naturopathic doctor pursuant
6 to Chapter 8.2 (commencing with Section 3610), as a marriage
7 and family therapist pursuant to Chapter 13 (commencing with
8 Section 4980), as a licensed clinical social worker pursuant to
9 Chapter 14 (commencing with Section 4991), as a licensed
10 professional clinical counselor pursuant to Chapter 16
11 (commencing with Section 4999.10), as an optometrist pursuant
12 to Chapter 7 (commencing with Section 3000), or as a chiropractor
13 pursuant to the Chiropractic Initiative Act, and operating consistent
14 with the laws governing their respective scopes of practice in the
15 state within which they provide telephone medical advice services,
16 except as provided in paragraph (2).

17 (B) Ensuring that all health care professionals who provide
18 telephone medical advice services from an out-of-state location,
19 as identified in subparagraph (A), are licensed, registered, or
20 certified in the state within which they are providing the telephone
21 medical advice services and are operating consistent with the laws
22 governing their respective scopes of practice.

23 (2) Ensuring that the telephone medical advice provided is
24 consistent with good professional practice.

25 (3) Maintaining records of telephone medical advice services,
26 including records of complaints, provided to patients in California
27 for a period of at least five years.

28 (4) Ensuring that no staff member uses a title or designation
29 when speaking to an enrollee, subscriber, or consumer that may
30 cause a reasonable person to believe that the staff member is a
31 licensed, certified, or registered health care professional described
32 in subparagraph (A) of paragraph (1), unless the staff member is
33 a licensed, certified, or registered professional.

34 (5) Complying with all directions and requests for information
35 made by the department.

36 (6) Notifying the department within 30 days of any change of
37 name, physical location, mailing address, or telephone number of
38 any business, owner, partner, corporate officer, or agent for service
39 of process in California, together with copies of all resolutions or
40 other written communications that substantiate these changes.

1 (7) Submitting quarterly reports, on a form prescribed by the
2 department, to the department within 30 days of the end of each
3 calendar quarter.

4 (b) To the extent permitted by Article VII of the California
5 Constitution, the department may contract with a private nonprofit
6 accrediting agency to evaluate the qualifications of applicants for
7 registration pursuant to this chapter and to make recommendations
8 to the department.

9 ~~SEC. 68.~~

10 *SEC. 50.* Section 4999.3 of the Business and Professions Code
11 is amended to read:

12 4999.3. (a) The department may suspend, revoke, or otherwise
13 discipline a registrant or deny an application for registration as a
14 telephone medical advice service based on any of the following:

15 (1) Incompetence, gross negligence, or repeated similar
16 negligent acts performed by the registrant or any employee of the
17 registrant.

18 (2) An act of dishonesty or fraud by the registrant or any
19 employee of the registrant.

20 (3) The commission of any act, or being convicted of a crime,
21 that constitutes grounds for denial or revocation of licensure
22 pursuant to any provision of this division.

23 (b) The proceedings shall be conducted in accordance with
24 Chapter 5 (commencing with Section 11500) of Part 1 of Division
25 3 of Title 2 of the Government Code, and the department shall
26 have all powers granted therein.

27 (c) Copies of any complaint against a telephone medical advice
28 service shall be forwarded to the Department of Managed Health
29 Care.

30 (d) The department shall forward a copy of any complaint
31 submitted to the department pursuant to this chapter to the entity
32 that issued the license to the licensee involved in the advice
33 provided to the patient.

34 ~~SEC. 69.~~

35 *SEC. 51.* Section 4999.4 of the Business and Professions Code
36 is amended to read:

37 4999.4. (a) Every registration issued to a telephone medical
38 advice service shall expire 24 months after the initial date of
39 issuance.

1 (b) To renew an unexpired registration, the registrant shall,
2 before the time at which the registration would otherwise expire,
3 pay the renewal fee authorized by Section 4999.5.

4 (c) An expired registration may be renewed at any time within
5 three years after its expiration upon the filing of an application for
6 renewal on a form prescribed by the bureau and the payment of
7 all fees authorized by Section 4999.5. A registration that is not
8 renewed within three years following its expiration shall not be
9 renewed, restored, or reinstated thereafter, and the delinquent
10 registration shall be canceled immediately upon expiration of the
11 three-year period.

12 ~~SEC. 70.~~

13 *SEC. 52.* Section 4999.5 of the Business and Professions Code
14 is amended to read:

15 4999.5. The department may set fees for registration and
16 renewal as a telephone medical advice service sufficient to pay
17 the costs of administration of this chapter.

18 ~~SEC. 71.~~

19 *SEC. 53.* Section 4999.7 of the Business and Professions Code
20 is amended to read:

21 4999.7. (a) This section does not limit, preclude, or otherwise
22 interfere with the practices of other persons licensed or otherwise
23 authorized to practice, under any other provision of this division,
24 telephone medical advice services consistent with the laws
25 governing their respective scopes of practice, or licensed under
26 the Osteopathic Initiative Act or the Chiropractic Initiative Act
27 and operating consistent with the laws governing their respective
28 scopes of practice.

29 (b) For purposes of this chapter, “telephone medical advice”
30 means a telephonic communication between a patient and a health
31 care professional in which the health care professional’s primary
32 function is to provide to the patient a telephonic response to the
33 patient’s questions regarding his or her or a family member’s
34 medical care or treatment. “Telephone medical advice” includes
35 assessment, evaluation, or advice provided to patients or their
36 family members.

37 (c) For purposes of this chapter, “health care professional” is
38 an employee or independent contractor described in Section 4999.2
39 who provides medical advice services and is appropriately licensed,
40 certified, or registered as a dentist, dental hygienist, dental hygienist

1 in alternative practice, or dental hygienist in extended functions
2 pursuant to Chapter 4 (commencing with Section 1600), as a
3 physician and surgeon pursuant to Chapter 5 (commencing with
4 Section 2000) or the Osteopathic Initiative Act, as a registered
5 nurse pursuant to Chapter 6 (commencing with Section 2700), as
6 a psychologist pursuant to Chapter 6.6 (commencing with Section
7 2900), as a naturopathic doctor pursuant to Chapter 8.2
8 (commencing with Section 3610), as an optometrist pursuant to
9 Chapter 7 (commencing with Section 3000), as a marriage and
10 family therapist pursuant to Chapter 13 (commencing with Section
11 4980), as a licensed clinical social worker pursuant to Chapter 14
12 (commencing with Section 4991), as a licensed professional clinical
13 counselor pursuant to Chapter 16 (commencing with Section
14 4999.10), or as a chiropractor pursuant to the Chiropractic Initiative
15 Act, and who is operating consistent with the laws governing his
16 or her respective scopes of practice in the state in which he or she
17 provides telephone medical advice services.

18 ~~SEC. 72.~~

19 *SEC. 54.* Section 4999.45 of the Business and Professions
20 Code, as amended by Section 54 of Chapter 473 of the Statutes of
21 2013, is amended to read:

22 4999.45. (a) An intern employed under this chapter shall:

23 (1) Not perform any duties, except for those services provided
24 as a clinical counselor trainee, until registered as an intern.

25 (2) Not be employed or volunteer in a private practice until
26 registered as an intern.

27 (3) Inform each client prior to performing any professional
28 services that he or she is unlicensed and under supervision.

29 (4) Renew annually for a maximum of five years after initial
30 registration with the board.

31 (b) When no further renewals are possible, an applicant may
32 apply for and obtain a subsequent intern registration number if the
33 applicant meets the educational requirements for registration in
34 effect at the time of the application for a subsequent intern
35 registration number and has passed the California law and ethics
36 examination described in Section 4999.53. An applicant issued a
37 subsequent intern registration number pursuant to this subdivision
38 shall not be employed or volunteer in a private practice.

39 (c) This section shall become operative on January 1, 2016.

1 ~~SEC. 73.~~

2 *SEC. 55.* Section 4999.46 of the Business and Professions
3 Code, as amended by Section 3 of Chapter 435 of the Statutes of
4 2014, is amended to read:

5 4999.46. (a) To qualify for the licensure examination specified
6 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
7 shall complete clinical mental health experience under the general
8 supervision of an approved supervisor as defined in Section
9 4999.12.

10 (b) The experience shall include a minimum of 3,000 postdegree
11 hours of supervised clinical mental health experience related to
12 the practice of professional clinical counseling, performed over a
13 period of not less than two years (104 weeks), which shall include:

14 (1) Not more than 40 hours in any seven consecutive days.

15 (2) Not less than 1,750 hours of direct counseling with
16 individuals, groups, couples, or families in a setting described in
17 Section 4999.44 using a variety of psychotherapeutic techniques
18 and recognized counseling interventions within the scope of
19 practice of licensed professional clinical counselors.

20 (3) Not more than 500 hours of experience providing group
21 therapy or group counseling.

22 (4) Not more than 375 hours of experience providing personal
23 psychotherapy, crisis counseling, or other counseling services via
24 telehealth in accordance with Section 2290.5.

25 (5) Not less than 150 hours of clinical experience in a hospital
26 or community mental health setting, as defined in Section 1820 of
27 Title 16 of the California Code of Regulations.

28 (6) Not more than a combined total of 1,250 hours of experience
29 in the following related activities:

30 (A) Direct supervisor contact.

31 (B) Client centered advocacy.

32 (C) Not more than 250 hours of experience administering tests
33 and evaluating psychological tests of clients, writing clinical
34 reports, writing progress notes, or writing process notes.

35 (D) Not more than 250 hours of verified attendance at
36 workshops, seminars, training sessions, or conferences directly
37 related to professional clinical counseling that are approved by the
38 applicant's supervisor.

1 (c) No hours of clinical mental health experience may be gained
2 more than six years prior to the date the application for examination
3 eligibility was filed.

4 (d) An applicant shall register with the board as an intern in
5 order to be credited for postdegree hours of experience toward
6 licensure. Postdegree hours of experience shall be credited toward
7 licensure, provided that the applicant applies for intern registration
8 within 90 days of the granting of the qualifying degree and is
9 thereafter granted the intern registration by the board. An applicant
10 shall not be employed or volunteer in a private practice until
11 registered as an intern by the board.

12 (e) All applicants and interns shall be at all times under the
13 supervision of a supervisor who shall be responsible for ensuring
14 that the extent, kind, and quality of counseling performed is
15 consistent with the training and experience of the person being
16 supervised, and who shall be responsible to the board for
17 compliance with all laws, rules, and regulations governing the
18 practice of professional clinical counseling.

19 (f) Experience obtained under the supervision of a spouse or
20 relative by blood or marriage shall not be credited toward the
21 required hours of supervised experience. Experience obtained
22 under the supervision of a supervisor with whom the applicant has
23 had or currently has a personal, professional, or business
24 relationship that undermines the authority or effectiveness of the
25 supervision shall not be credited toward the required hours of
26 supervised experience.

27 (g) Except for experience gained pursuant to subparagraph (D)
28 of paragraph (6) of subdivision (b), supervision shall include at
29 least one hour of direct supervisor contact in each week for which
30 experience is credited in each work setting.

31 (1) No more than six hours of supervision, whether individual
32 or group, shall be credited during any single week. This paragraph
33 shall apply to supervision hours gained on or after January 1, 2009.

34 (2) An intern shall receive at least one additional hour of direct
35 supervisor contact for every week in which more than 10 hours of
36 face-to-face psychotherapy is performed in each setting in which
37 experience is gained.

38 (3) For purposes of this section, “one hour of direct supervisor
39 contact” means one hour of face-to-face contact on an individual
40 basis or two hours of face-to-face contact in a group of not more

1 than eight persons in segments lasting no less than one continuous
2 hour.

3 (4) Notwithstanding paragraph (3), an intern working in a
4 governmental entity, a school, a college, or a university, or an
5 institution that is both nonprofit and charitable, may obtain the
6 required weekly direct supervisor contact via two-way, real-time
7 videoconferencing. The supervisor shall be responsible for ensuring
8 that client confidentiality is upheld.

9 (h) This section shall become operative on January 1, 2016.

10 ~~SEC. 74.~~

11 *SEC. 56.* Section 4999.55 of the Business and Professions Code
12 is amended to read:

13 4999.55. (a) Each applicant and registrant shall obtain a
14 passing score on a board-administered California law and ethics
15 examination in order to qualify for licensure.

16 (b) A registrant shall participate in a board-administered
17 California law and ethics examination prior to his or her registration
18 renewal.

19 (c) Notwithstanding subdivision (b), an applicant who holds a
20 registration eligible for renewal, with an expiration date no later
21 than June 30, 2016, and who applies for renewal of that registration
22 between January 1, 2016, and June 30, 2016, shall, if eligible, be
23 allowed to renew the registration without first participating in the
24 California law and ethics examination. These applicants shall
25 participate in the California law and ethics examination in the next
26 renewal cycle, and shall pass the examination prior to licensure or
27 issuance of a subsequent registration number, as specified in this
28 section.

29 (d) If an applicant fails the California law and ethics
30 examination, he or she may retake the examination, upon payment
31 of the required fees, without further application, except as provided
32 in subdivision (e).

33 (e) If a registrant fails to obtain a passing score on the California
34 law and ethics examination described in subdivision (a) within his
35 or her renewal period on or after the operative date of this section,
36 he or she shall complete, at minimum, a 12-hour course in
37 California law and ethics in order to be eligible to participate in
38 the California law and ethics examination. Registrants shall only
39 take the 12-hour California law and ethics course once during a
40 renewal period. The 12-hour law and ethics course required by

1 this section shall be taken through a continuing education provider
2 as specified by the board by regulation, a county, state, or
3 governmental entity, or a college or university.

4 (f) The board shall not issue a subsequent registration number
5 unless the registrant has passed the California law and ethics
6 examination.

7 (g) Notwithstanding subdivision (f), an applicant who holds or
8 has held a registration, with an expiration date no later than January
9 1, 2017, and who applies for a subsequent registration number
10 between January 1, 2016, and January 1, 2017, shall, if eligible,
11 be allowed to obtain the subsequent registration number without
12 first passing the California law and ethics examination. These
13 applicants shall pass the California law and ethics examination
14 during the next renewal period or prior to licensure, whichever
15 occurs first.

16 (h) This section shall become operative January 1, 2016.

17 ~~SEC. 75.~~

18 *SEC. 57.* Section 4999.76 of the Business and Professions Code
19 is amended to read:

20 4999.76. (a) Except as provided in subdivision (c), the board
21 shall not renew any license pursuant to this chapter unless the
22 applicant certifies to the board, on a form prescribed by the board,
23 that he or she has completed not less than 36 hours of approved
24 continuing education in or relevant to the field of professional
25 clinical counseling in the preceding two years, as determined by
26 the board.

27 (b) The board shall have the right to audit the records of any
28 applicant to verify the completion of the continuing education
29 requirement. Applicants shall maintain records of completed
30 continuing education coursework for a minimum of two years and
31 shall make these records available to the board for auditing
32 purposes upon request.

33 (c) The board may establish exceptions from the continuing
34 education requirement of this section for good cause, as defined
35 by the board.

36 (d) The continuing education shall be obtained from one of the
37 following sources:

38 (1) A school, college, or university that is accredited or
39 approved, as defined in Section 4999.12. Nothing in this paragraph

1 shall be construed as requiring coursework to be offered as part
2 of a regular degree program.

3 (2) Other continuing education providers as specified by the
4 board by regulation.

5 (e) The board shall establish, by regulation, a procedure for
6 identifying acceptable providers of continuing education courses,
7 and all providers of continuing education, as described in
8 paragraphs (1) and (2) of subdivision (d), shall adhere to procedures
9 established by the board. The board may revoke or deny the right
10 of a provider to offer continuing education coursework pursuant
11 to this section for failure to comply with this section or any
12 regulation adopted pursuant to this section.

13 (f) Training, education, and coursework by approved providers
14 shall incorporate one or more of the following:

15 (1) Aspects of the discipline that are fundamental to the
16 understanding or the practice of professional clinical counseling.

17 (2) Significant recent developments in the discipline of
18 professional clinical counseling.

19 (3) Aspects of other disciplines that enhance the understanding
20 or the practice of professional clinical counseling.

21 (g) A system of continuing education for licensed professional
22 clinical counselors shall include courses directly related to the
23 diagnosis, assessment, and treatment of the client population being
24 served.

25 (h) The board shall, by regulation, fund the administration of
26 this section through continuing education provider fees to be
27 deposited in the Behavioral Sciences Fund. The fees related to the
28 administration of this section shall be sufficient to meet, but shall
29 not exceed, the costs of administering the corresponding provisions
30 of this section. For the purposes of this subdivision, a provider of
31 continuing education as described in paragraph (1) of subdivision
32 (d) shall be deemed to be an approved provider.

33 (i) The continuing education requirements of this section shall
34 fully comply with the guidelines for mandatory continuing
35 education established by the Department of Consumer Affairs
36 pursuant to Section 166.

37 ~~SEC. 76.~~

38 *SEC. 58.* Section 4999.100 of the Business and Professions
39 Code, as amended by Section 66 of Chapter 473 of the Statutes of
40 2013, is amended to read:

1 4999.100. (a) An intern registration shall expire one year from
2 the last day of the month in which it was issued.

3 (b) To renew a registration, the registrant on or before the
4 expiration date of the registration, shall do the following:

5 (1) Apply for a renewal on a form prescribed by the board.

6 (2) Pay a renewal fee prescribed by the board.

7 (3) Notify the board whether he or she has been convicted, as
8 defined in Section 490, of a misdemeanor or felony, or whether
9 any disciplinary action has been taken by any regulatory or
10 licensing board in this or any other state, subsequent to the
11 registrant's last renewal.

12 (4) Participate in the California law and ethics examination
13 pursuant to Section 4999.53 each year until successful completion
14 of this examination.

15 (c) The intern registration may be renewed a maximum of five
16 times. Registration shall not be renewed or reinstated beyond six
17 years from the last day of the month during which it was issued,
18 regardless of whether it has been revoked. When no further
19 renewals are possible, an applicant may apply for and obtain a
20 subsequent intern registration number if the applicant meets the
21 educational requirements for registration in effect at the time of
22 the application for a subsequent intern registration number and
23 has passed the California law and ethics examination described in
24 Section 4999.53. An applicant who is issued a subsequent intern
25 registration number pursuant to this subdivision shall not be
26 employed or volunteer in a private practice.

27 (d) This section shall become operative on January 1, 2016.

28 ~~SEC. 77.~~

29 *SEC. 59.* No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

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