

Introduced by Senator Hill

February 12, 2016

An act to amend Sections 1636.4, 2423, 2460, 2461, 2475, 2479, 2486, 2488, 2492, 2499, 2733, 2746.51, 2786.5, 2811, 2811.5, 2815, 2815.5, 2816, 2830.7, 2836.3, 2838.2, 4128.2, 7137, 7153.3, 8031, 8516, 8518, and 8555 ~~of~~ *of, to amend, repeal, and add Section 4400 of, to add Section 2499.7 to, and to repeal Chapter 15 (commencing with Section 4999) of Division 2 of, the Business and Professions Code, to repeal Section 1348.8 of the Health and Safety Code, and to repeal Section 10279 of the Insurance Code, relating to professions and vocations, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, Hill. Professions and vocations.

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

(2) The Dental Practice Act provides for the licensure and regulation of persons engaged in the practice of dentistry by the Dental Board of California, which is within the Department of Consumer Affairs, and requires the board to be responsible for the approval of foreign dental schools by evaluating foreign dental schools based on specified criteria.

That act authorizes the board to contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools, as specified. That act requires the board to establish a technical advisory group to review the survey and evaluation contracted for prior to the board taking any final action regarding a foreign dental school. That act also requires periodic surveys and evaluations of all approved schools be made to ensure compliance with the act.

This bill would delete the authorization to contract with outside consultants and would instead authorize the board, in lieu of conducting its own survey and evaluation of a foreign dental school, to accept the findings of any commission or accreditation agency approved by the board, if the findings meet ~~specified standards, standards and the foreign dental school is not under review by the board on January 1, 2017,~~ and adopt those findings as the board's own. The bill would delete the requirement to establish a technical advisory group. The bill would instead authorize periodic surveys and evaluations be made to ensure compliance with that act.

(3) The Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine. Under the act, certificates to practice podiatric medicine and registrations of spectacle lens dispensers and contact lens dispensers, among others, expire on a certain date during the second year of a 2-year term if not renewed.

This bill would instead create the California Board of Podiatric Medicine in the Department of Consumer Affairs, and would make conforming and related changes. The bill would discontinue the above-described requirement for the expiration of the registrations of spectacle lens dispensers and contact lens dispensers.

~~(3)~~

(4) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires providers of continuing education programs approved by the board to make records of continuing education courses given to registered nurses available for board inspection. That act also prescribes various fees to be paid by licensees and applicants for licensure, and requires these fees to be credited to the Board of Registered Nursing Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements. *The bill would raise specified fees, and would provide for additional fees, to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.*

(5) *The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. That law prescribes various fees to be paid by licensees and applicants for licensure, and requires all fees collected on behalf of the board to be credited to the Pharmacy Board Contingent Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.*

This bill would discontinue the fee for issuance or annual renewal of a centralized hospital packaging pharmacy license. The bill would, on and after July 1, 2017, also modify other specified fees to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(6) *Existing law requires certain businesses that provide telephone medical advice services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further requires telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs, among other provisions, as specified.*

This bill would repeal those provisions.

(7) *The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. That law also prescribes various fees to be paid by licensees and applicants for licensure, and requires fees and civil penalties received under that law to be deposited in the Contractors' License Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.*

This bill would raise specified fees and would require the board to establish criteria for the approval of expedited processing of

applications, as specified. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(8) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California within the Department of Consumer Affairs. That law authorizes the board, by resolution, to establish a fee for the renewal of a certificate issued by the board, and prohibits the fee from exceeding \$125, as specified. Under existing law, all fees and revenues received by the board are deposited into the Court Reporters' Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would raise that fee limit to \$250. By authorizing an increase in a fee deposited into a continuously appropriated fund, this bill would make an appropriation.

~~(4)~~

(9) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to

be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or ~~licensee~~ *licensee*, this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision only applicable to work relating to wood destroying pests and organisms.

Existing law provides that the laws governing structural pest control operators, including licensure, ~~does~~ *do* not apply to persons engaged in the live capture and removal of vertebrate pests, bees, or wasps from a structure without the use of pesticides.

This bill would instead apply those laws to persons that engage in the live capture and removal of vertebrate pests without the use of pesticides. By requiring persons that ~~engaged~~ *engage* in the live capture and removal of vertebrate pests without the use of pesticides to comply with the laws governing structural pest control operators, this bill would expand an existing crime, and would, therefore, impose a state-mandated local program. By requiring those ~~person~~ *persons* to be licensed, this bill would require them to pay a ~~licensee~~ *license* fee that would go into a continuously appropriated fund, which would, therefore, result in an appropriation.

(5)

(10) 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: yes. Fiscal committee: yes.
 State-mandated local program: yes.

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

1 SECTION 1. It is the intent of the Legislature to enact future
 2 legislation that would establish a Dental Corps Scholarship
 3 Program within the Health and Professions Education Foundation
 4 to increase the supply of dentists serving in medically underserved
 5 areas.

6 SEC. 2. Section 1636.4 of the Business and Professions Code
 7 is amended to read:

8 1636.4. (a) The Legislature recognizes the need to ensure that
 9 graduates of foreign dental schools who have received an education
 10 that is equivalent to that of accredited institutions in the United
 11 States and that adequately prepares their students for the practice
 12 of dentistry shall be subject to the same licensure requirements as
 13 graduates of approved dental schools or colleges. It is the purpose
 14 of this section to provide for the evaluation of foreign dental
 15 schools and the approval of those foreign dental schools that
 16 provide an education that is equivalent to that of similar accredited
 17 institutions in the United States and that adequately prepare their
 18 students for the practice of dentistry.

19 (b) The board shall be responsible for the approval of foreign
 20 dental schools based on standards established pursuant to
 21 subdivision (c). The board may, in lieu of conducting its own
 22 survey and evaluation of a foreign dental school, accept the
 23 findings of any commission or accreditation agency approved by
 24 the board if the findings meet the standards of subdivision (c) and
 25 adopt those findings as the board’s own. *This subdivision shall*
 26 *not apply to foreign dental schools seeking board approval that*
 27 *are under review by the board on January 1, 2017.*

28 (c) Any foreign dental school that wishes to be approved
 29 pursuant to this section shall make application to the board for this
 30 approval, which shall be based upon a finding by the board that
 31 the educational program of the foreign dental school is equivalent
 32 to that of similar accredited institutions in the United States and
 33 adequately prepares its students for the practice of dentistry.
 34 Curriculum, faculty qualifications, student attendance, plant and
 35 facilities, and other relevant factors shall be reviewed and

1 evaluated. The board shall identify by rule the standards and review
2 procedures and methodology to be used in the approval process
3 consistent with this subdivision. The board shall not grant approval
4 if deficiencies found are of such magnitude as to prevent the
5 students in the school from receiving an educational base suitable
6 for the practice of dentistry.

7 (d) Periodic surveys and evaluations of all approved schools
8 may be made to ensure continued compliance with this section.
9 Approval shall include provisional and full approval. The
10 provisional form of approval shall be for a period determined by
11 the board, not to exceed three years, and shall be granted to an
12 institution, in accordance with rules established by the board, to
13 provide reasonable time for the school seeking permanent approval
14 to overcome deficiencies found by the board. Prior to the expiration
15 of a provisional approval and before the full approval is granted,
16 the school shall be required to submit evidence that deficiencies
17 noted at the time of initial application have been remedied. A
18 school granted full approval shall provide evidence of continued
19 compliance with this section. In the event that the board denies
20 approval or reapproval, the board shall give the school a specific
21 listing of the deficiencies that caused the denial and the
22 requirements for remedying the deficiencies, and shall permit the
23 school, upon request, to demonstrate by satisfactory evidence,
24 within 90 days, that it has remedied the deficiencies listed by the
25 board.

26 (e) A school shall pay a registration fee established by rule of
27 the board, not to exceed one thousand dollars (\$1,000), at the time
28 of application for approval and shall pay all reasonable costs and
29 expenses incurred for conducting the approval survey.

30 (f) The board shall renew approval upon receipt of a renewal
31 application, accompanied by a fee not to exceed five hundred
32 dollars (\$500). Each fully approved institution shall submit a
33 renewal application every seven years. Any approval that is not
34 renewed shall automatically expire.

35 *SEC. 3. Section 2423 of the Business and Professions Code is*
36 *amended to read:*

37 2423. (a) Notwithstanding Section 2422:

38 (1) All physician and surgeon's ~~certificates, certificates to~~
39 ~~practice podiatric medicine, registrations of spectacle lens~~
40 ~~dispensers and contact lens dispensers, certificates and certificates~~

1 to practice midwifery shall expire at 12 midnight on the last day
2 of the birth month of the licensee during the second year of a
3 two-year term if not renewed.

4 (2) Registrations of dispensing opticians will expire at midnight
5 on the last day of the month in which the license was issued during
6 the second year of a two-year term if not renewed.

7 (b) The ~~Division of Licensing~~ *board* shall establish by regulation
8 procedures for the administration of a birth date renewal program,
9 including, but not limited to, the establishment of a system of
10 staggered license expiration dates such that a relatively equal
11 number of licenses expire monthly.

12 (c) To renew an unexpired license, the licensee shall, on or
13 before the dates on which it would otherwise expire, apply for
14 renewal on a form prescribed by the licensing authority and pay
15 the prescribed renewal fee.

16 *SEC. 4. Section 2460 of the Business and Professions Code is*
17 *amended to read:*

18 2460. (a) There is created within the ~~jurisdiction of the Medical~~
19 ~~Board of California~~ *the Department of Consumer Affairs a*
20 *California Board of Podiatric Medicine.*

21 (b) This section shall remain in effect only until January 1, 2017,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2017, deletes or extends that date.
24 Notwithstanding any other provision of law, the repeal of this
25 section renders the California Board of Podiatric Medicine subject
26 to review by the appropriate policy committees of the Legislature.

27 *SEC. 5. Section 2461 of the Business and Professions Code is*
28 *amended to read:*

29 2461. As used in this article:

30 (a) ~~“Division” means the Division of Licensing of the Medical~~
31 ~~Board of California.~~

32 (b)

33 (a) “Board” means the California Board of Podiatric Medicine.

34 (e)

35 (b) “Podiatric licensing authority” refers to any officer, board,
36 commission, committee, or department of another state that may
37 issue a license to practice podiatric medicine.

38 *SEC. 6. Section 2475 of the Business and Professions Code is*
39 *amended to read:*

1 2475. Unless otherwise provided by law, no postgraduate
2 trainee, intern, resident postdoctoral fellow, or instructor may
3 engage in the practice of podiatric medicine, or receive
4 compensation therefor, or offer to engage in the practice of
5 podiatric medicine unless he or she holds a valid, unrevoked, and
6 unsuspended certificate to practice podiatric medicine issued by
7 ~~the division~~ board. However, a graduate of an approved college
8 or school of podiatric medicine upon whom the degree doctor of
9 podiatric medicine has been conferred, who is issued a resident's
10 license, which may be renewed annually for up to eight years for
11 this purpose by ~~the division upon recommendation of the~~ board,
12 and who is enrolled in a postgraduate training program approved
13 by the board, may engage in the practice of podiatric medicine
14 whenever and wherever required as a part of that program and may
15 receive compensation for that practice under the following
16 conditions:

17 (a) A graduate with a resident's license in an approved
18 internship, residency, or fellowship program may participate in
19 training rotations outside the scope of podiatric medicine, under
20 the supervision of a physician and surgeon who holds a medical
21 doctor or doctor of osteopathy degree wherever and whenever
22 required as a part of the training program, and may receive
23 compensation for that practice. If the graduate fails to receive a
24 license to practice podiatric medicine under this chapter within
25 three years from the commencement of the postgraduate training,
26 all privileges and exemptions under this section shall automatically
27 cease.

28 (b) Hospitals functioning as a part of the teaching program of
29 an approved college or school of podiatric medicine in this state
30 may exchange instructors or resident or assistant resident doctors
31 of podiatric medicine with another approved college or school of
32 podiatric medicine not located in this state, or those hospitals may
33 appoint a graduate of an approved school as such a resident for
34 purposes of postgraduate training. Those instructors and residents
35 may practice and be compensated as provided in this section, but
36 that practice and compensation shall be for a period not to exceed
37 two years.

38 *SEC. 7. Section 2479 of the Business and Professions Code is*
39 *amended to read:*

1 2479. ~~The division shall issue, upon the recommendation of~~
2 ~~the board,~~ *board shall issue* a certificate to practice podiatric
3 medicine to each applicant who meets the requirements of this
4 chapter. Every applicant for a certificate to practice podiatric
5 medicine shall comply with the provisions of Article 4
6 (commencing with Section 2080) which are not specifically
7 applicable to applicants for a physician's and surgeon's certificate,
8 in addition to the provisions of this article.

9 *SEC. 8. Section 2486 of the Business and Professions Code is*
10 *amended to read:*

11 2486. ~~The Medical Board of California shall issue, upon the~~
12 ~~recommendation of the board,~~ *board shall issue* a certificate to
13 practice podiatric medicine if the applicant has submitted directly
14 to the board from the credentialing organizations verification that
15 he or she meets all of the following requirements:

16 (a) The applicant has graduated from an approved school or
17 college of podiatric medicine and meets the requirements of Section
18 2483.

19 (b) The applicant, within the past 10 years, has passed parts I,
20 II, and III of the examination administered by the National Board
21 of Podiatric Medical Examiners of the United States or has passed
22 a written examination that is recognized by the board to be the
23 equivalent in content to the examination administered by the
24 National Board of Podiatric Medical Examiners of the United
25 States.

26 (c) The applicant has satisfactorily completed the postgraduate
27 training required by Section 2484.

28 (d) The applicant has passed within the past 10 years any oral
29 and practical examination that may be required of all applicants
30 by the board to ascertain clinical competence.

31 (e) The applicant has committed no acts or crimes constituting
32 grounds for denial of a certificate under Division 1.5 (commencing
33 with Section 475).

34 (f) The board determines that no disciplinary action has been
35 taken against the applicant by any podiatric licensing authority
36 and that the applicant has not been the subject of adverse judgments
37 or settlements resulting from the practice of podiatric medicine
38 that the board determines constitutes evidence of a pattern of
39 negligence or incompetence.

1 (g) A disciplinary databank report regarding the applicant is
2 received by the board from the Federation of Podiatric Medical
3 Boards.

4 *SEC. 9. Section 2488 of the Business and Professions Code is*
5 *amended to read:*

6 2488. Notwithstanding any other ~~provision of law, the Medical~~
7 ~~Board of California shall issue, upon the recommendation of the~~
8 ~~board,~~ *board shall issue* a certificate to practice podiatric medicine
9 by credentialing if the applicant has submitted directly to the board
10 from the credentialing organizations verification that he or she is
11 licensed as a doctor of podiatric medicine in any other state and
12 meets all of the following requirements:

13 (a) The applicant has graduated from an approved school or
14 college of podiatric medicine.

15 (b) The applicant, within the past 10 years, has passed either
16 part III of the examination administered by the National Board of
17 Podiatric Medical Examiners of the United States or a written
18 examination that is recognized by the board to be the equivalent
19 in content to the examination administered by the National Board
20 of Podiatric Medical Examiners of the United States.

21 (c) The applicant has satisfactorily completed a postgraduate
22 training program approved by the Council on Podiatric Medical
23 Education.

24 (d) The applicant, within the past 10 years, has passed any oral
25 and practical examination that may be required of all applicants
26 by the board to ascertain clinical competence.

27 (e) The applicant has committed no acts or crimes constituting
28 grounds for denial of a certificate under Division 1.5 (commencing
29 with Section 475).

30 (f) The board determines that no disciplinary action has been
31 taken against the applicant by any podiatric licensing authority
32 and that the applicant has not been the subject of adverse judgments
33 or settlements resulting from the practice of podiatric medicine
34 that the board determines constitutes evidence of a pattern of
35 negligence or incompetence.

36 (g) A disciplinary databank report regarding the applicant is
37 received by the board from the Federation of Podiatric Medical
38 Boards.

39 *SEC. 10. Section 2492 of the Business and Professions Code*
40 *is amended to read:*

1 2492. (a) The board shall examine every applicant for a
 2 certificate to practice podiatric medicine to ensure a minimum of
 3 entry-level competence at the time and place designated by the
 4 board in its discretion, but at least twice a year.

5 (b) Unless the applicant meets the requirements of Section 2486,
 6 applicants shall be required to have taken and passed the
 7 examination administered by the National Board of Podiatric
 8 Medical Examiners.

9 (c) The board may appoint qualified persons to give the whole
 10 or any portion of any examination as provided in this article, who
 11 shall be designated as examination commissioners. The board may
 12 fix the compensation of those persons subject to the provisions of
 13 applicable state laws and regulations.

14 (d) The provisions of Article 9 (commencing with Section 2170)
 15 shall apply to examinations administered by the board except where
 16 those provisions are in conflict with or inconsistent with the
 17 provisions of this article. ~~In respect to applicants under this article~~
 18 ~~any references to the “Division of Licensing” or “division” shall~~
 19 ~~be deemed to apply to the board.~~

20 *SEC. 11. Section 2499 of the Business and Professions Code*
 21 *is amended to read:*

22 2499. There is in the State Treasury the Board of Podiatric
 23 Medicine Fund. Notwithstanding Section 2445, the ~~division~~ *board*
 24 shall report to the Controller at the beginning of each calendar
 25 month for the month preceding the amount and source of all
 26 revenue received by ~~it on behalf of~~ the board, pursuant to this
 27 chapter, and shall pay the entire amount thereof to the Treasurer
 28 for deposit into the fund. All revenue received by the board ~~and~~
 29 ~~the division~~ from fees authorized to be charged relating to the
 30 practice of podiatric medicine shall be deposited in the fund as
 31 provided in this section, and shall be used to carry out the
 32 provisions of this chapter relating to the regulation of the practice
 33 of podiatric medicine.

34 *SEC. 12. Section 2499.7 is added to the Business and*
 35 *Professions Code, to read:*

36 2499.7. (a) *Certificates to practice podiatric medicine shall*
 37 *expire at 12 midnight on the last day of the birth month of the*
 38 *licensee during the second year of a two-year term.*

39 (b) *To renew an unexpired certificate, the licensee, on or before*
 40 *the date on which the certificate would otherwise expire, shall*

1 *apply for renewal on a form prescribed by the board and pay the*
2 *prescribed renewal fee.*

3 *SEC. 13. Section 2733 of the Business and Professions Code*
4 *is amended to read:*

5 2733. (a) (1) (A) Upon approval of an application filed
6 pursuant to subdivision (b) of Section 2732.1, and upon the
7 payment of the fee prescribed by subdivision (k) of Section 2815,
8 the board may issue a temporary license to practice professional
9 nursing, and a temporary certificate to practice as a ~~certified nurse~~
10 ~~midwife, certified nurse practitioner, certified public health nurse,~~
11 ~~certified clinical nurse specialist, or certified nurse anesthetist~~
12 ~~nurse~~ for a period of six months from the date of issuance.

13 (B) Upon approval of an application filed pursuant to
14 subdivision (b) of Section 2732.1, and upon the payment of the fee
15 prescribed by subdivision (d) of Section 2838.2, the board may
16 issue a temporary certificate to practice as a certified clinical
17 nurse specialist for a period of six months from the date of
18 issuance.

19 (C) Upon approval of an application filed pursuant to
20 subdivision (b) of Section 2732.1, and upon the payment of the fee
21 prescribed by subdivision (e) of Section 2815.5, the board may
22 issue a temporary certificate to practice as a certified nurse
23 midwife for a period of six months from the date of issuance.

24 (D) Upon approval of an application filed pursuant to
25 subdivision (b) of Section 2732.1, and upon the payment of the fee
26 prescribed by subdivision (d) of Section 2830.7, the board may
27 issue a temporary certificate to practice as a certified nurse
28 anesthetist for a period of six months from the date of issuance.

29 (E) Upon approval of an application filed pursuant to
30 subdivision (b) of Section 2732.1, and upon the payment of the fee
31 prescribed by subdivision (p) of Section 2815, the board may issue
32 a temporary certificate to practice as a certified nurse practitioner
33 for a period of six months from the date of issuance.

34 ~~A~~

35 (2) A temporary license or temporary certificate shall terminate
36 upon notice thereof by certified mail, return receipt requested, if
37 it is issued by mistake or if the application for permanent licensure
38 is denied.

39 (b) Upon written application, the board may reissue a temporary
40 license or temporary certificate to any person who has applied for

1 a regular renewable license pursuant to subdivision (b) of Section
2 2732.1 and who, in the judgment of the board has been excusably
3 delayed in completing his or her application for or the minimum
4 requirements for a regular renewable license, but the board may
5 not reissue a temporary license or temporary certificate more than
6 twice to any one person.

7 *SEC. 14. Section 2746.51 of the Business and Professions Code*
8 *is amended to read:*

9 2746.51. (a) Neither this chapter nor any other provision of
10 law shall be construed to prohibit a certified nurse-midwife from
11 furnishing or ordering drugs or devices, including controlled
12 substances classified in Schedule II, III, IV, or V under the
13 California Uniform Controlled Substances Act (Division 10
14 (commencing with Section 11000) of the Health and Safety Code),
15 when all of the following apply:

16 (1) The drugs or devices are furnished or ordered incidentally
17 to the provision of any of the following:

18 (A) Family planning services, as defined in Section 14503 of
19 the Welfare and Institutions Code.

20 (B) Routine health care or perinatal care, as defined in
21 subdivision (d) of Section 123485 of the Health and Safety Code.

22 (C) Care rendered, consistent with the certified nurse-midwife's
23 educational preparation or for which clinical competency has been
24 established and maintained, to persons within a facility specified
25 in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of the
26 Health and Safety Code, a clinic as specified in Section 1204 of
27 the Health and Safety Code, a general acute care hospital as defined
28 in subdivision (a) of Section 1250 of the Health and Safety Code,
29 a licensed birth center as defined in Section 1204.3 of the Health
30 and Safety Code, or a special hospital specified as a maternity
31 hospital in subdivision (f) of Section 1250 of the Health and Safety
32 Code.

33 (2) The drugs or devices are furnished or ordered by a certified
34 nurse-midwife in accordance with standardized procedures or
35 protocols. For purposes of this section, standardized procedure
36 means a document, including protocols, developed and approved
37 by the supervising physician and surgeon, the certified
38 nurse-midwife, and the facility administrator or his or her designee.
39 The standardized procedure covering the furnishing or ordering
40 of drugs or devices shall specify all of the following:

1 (A) Which certified nurse-midwife may furnish or order drugs
2 or devices.

3 (B) Which drugs or devices may be furnished or ordered and
4 under what circumstances.

5 (C) The extent of physician and surgeon supervision.

6 (D) The method of periodic review of the certified
7 nurse-midwife's competence, including peer review, and review
8 of the provisions of the standardized procedure.

9 (3) If Schedule II or III controlled substances, as defined in
10 Sections 11055 and 11056 of the Health and Safety Code, are
11 furnished or ordered by a certified nurse-midwife, the controlled
12 substances shall be furnished or ordered in accordance with a
13 patient-specific protocol approved by the treating or supervising
14 physician and surgeon. For Schedule II controlled substance
15 protocols, the provision for furnishing the Schedule II controlled
16 substance shall address the diagnosis of the illness, injury, or
17 condition for which the Schedule II controlled substance is to be
18 furnished.

19 (4) The furnishing or ordering of drugs or devices by a certified
20 nurse-midwife occurs under physician and surgeon supervision.
21 For purposes of this section, no physician and surgeon shall
22 supervise more than four certified nurse-midwives at one time.
23 Physician and surgeon supervision shall not be construed to require
24 the physical presence of the physician, but does include all of the
25 following:

26 (A) Collaboration on the development of the standardized
27 procedure or protocol.

28 (B) Approval of the standardized procedure or protocol.

29 (C) Availability by telephonic contact at the time of patient
30 examination by the certified nurse-midwife.

31 (b) (1) The furnishing or ordering of drugs or devices by a
32 certified nurse-midwife is conditional on the issuance by the board
33 of a number to the applicant who has successfully completed the
34 requirements of paragraph (2). The number shall be included on
35 all transmittals of orders for drugs or devices by the certified
36 nurse-midwife. The board shall maintain a list of the certified
37 nurse-midwives that it has certified pursuant to this paragraph and
38 the number it has issued to each one. The board shall make the list
39 available to the California State Board of Pharmacy upon its
40 request. Every certified nurse-midwife who is authorized pursuant

1 to this section to furnish or issue a drug order for a controlled
2 substance shall register with the United States Drug Enforcement
3 Administration.

4 (2) The board has certified in accordance with paragraph (1)
5 that the certified nurse-midwife has satisfactorily completed a
6 course in pharmacology covering the drugs or devices to be
7 furnished or ordered under this section. The board shall establish
8 the requirements for satisfactory completion of this paragraph. *The*
9 *board may charge the applicant a fee to cover all necessary costs*
10 *to implement this section, that shall be not less than four hundred*
11 *dollars (\$400) nor more than one thousand five hundred dollars*
12 *(\$1,500) for an initial application, nor less than one hundred fifty*
13 *dollars (\$150) nor more than one thousand dollars (\$1,000) for*
14 *an application for renewal. The board may charge a penalty fee*
15 *for failure to renew a furnishing number within the prescribed*
16 *time that shall be not less than seventy-five dollars (\$75) nor more*
17 *than five hundred dollars (\$500).*

18 (3) A physician and surgeon may determine the extent of
19 supervision necessary pursuant to this section in the furnishing or
20 ordering of drugs and devices.

21 (4) A copy of the standardized procedure or protocol relating
22 to the furnishing or ordering of controlled substances by a certified
23 nurse-midwife shall be provided upon request to any licensed
24 pharmacist who is uncertain of the authority of the certified
25 nurse-midwife to perform these functions.

26 (5) Certified nurse-midwives who are certified by the board and
27 hold an active furnishing number, who are currently authorized
28 through standardized procedures or protocols to furnish Schedule
29 II controlled substances, and who are registered with the United
30 States Drug Enforcement Administration shall provide
31 documentation of continuing education specific to the use of
32 Schedule II controlled substances in settings other than a hospital
33 based on standards developed by the board.

34 (c) Drugs or devices furnished or ordered by a certified
35 nurse-midwife may include Schedule II controlled substances
36 under the California Uniform Controlled Substances Act (Division
37 10 (commencing with Section 11000) of the Health and Safety
38 Code) under the following conditions:

39 (1) The drugs and devices are furnished or ordered in accordance
40 with requirements referenced in paragraphs (2) to (4), inclusive,

1 of subdivision (a) and in paragraphs (1) to (3), inclusive, of
2 subdivision (b).

3 (2) When Schedule II controlled substances, as defined in
4 Section 11055 of the Health and Safety Code, are furnished or
5 ordered by a certified nurse-midwife, the controlled substances
6 shall be furnished or ordered in accordance with a patient-specific
7 protocol approved by the treating or supervising physician and
8 surgeon.

9 (d) Furnishing of drugs or devices by a certified nurse-midwife
10 means the act of making a pharmaceutical agent or agents available
11 to the patient in strict accordance with a standardized procedure
12 or protocol. Use of the term “furnishing” in this section shall
13 include the following:

14 (1) The ordering of a drug or device in accordance with the
15 standardized procedure or protocol.

16 (2) Transmitting an order of a supervising physician and
17 surgeon.

18 (e) “Drug order” or “order” for purposes of this section means
19 an order for medication or for a drug or device that is dispensed
20 to or for an ultimate user, issued by a certified nurse-midwife as
21 an individual practitioner, within the meaning of Section 1306.03
22 of Title 21 of the Code of Federal Regulations. Notwithstanding
23 any other provision of law, (1) a drug order issued pursuant to this
24 section shall be treated in the same manner as a prescription of the
25 supervising physician; (2) all references to “prescription” in this
26 code and the Health and Safety Code shall include drug orders
27 issued by certified nurse-midwives; and (3) the signature of a
28 certified nurse-midwife on a drug order issued in accordance with
29 this section shall be deemed to be the signature of a prescriber for
30 purposes of this code and the Health and Safety Code.

31 *SEC. 15. Section 2786.5 of the Business and Professions Code*
32 *is amended to read:*

33 2786.5. (a) An institution of higher education or a private
34 postsecondary school of nursing approved by the board pursuant
35 to subdivision (b) of Section 2786 shall remit to the board for
36 deposit in the Board of Registered Nursing Fund the following
37 fees, in accordance with the following schedule:

38 (1) The fee for approval of a school of nursing shall be ~~five~~
39 ~~thousand dollars (\$5,000).~~ *fixed by the board at not less than forty*

1 *thousand dollars (\$40,000) nor more than eighty thousand dollars*
2 *(\$80,000).*

3 (2) The fee for continuing approval of a nursing program
4 established after January 1, 2013, shall be ~~three thousand five~~
5 ~~hundred dollars (\$3,500)~~; *fixed by the board at not less than fifteen*
6 *thousand dollars (\$15,000) nor more than thirty thousand dollars*
7 *(\$30,000).*

8 (3) The processing fee for authorization of a substantive change
9 to an approval of a school of nursing shall be ~~five hundred dollars~~
10 ~~(\$500)~~; *fixed by the board at not less than two thousand five*
11 *hundred dollars (\$2,500) nor more than five thousand dollars*
12 *(\$5,000).*

13 (b) If the board determines that the annual cost of providing
14 oversight and review of a school of nursing, as required by this
15 article, is less than the amount of any fees required to be paid by
16 that institution pursuant to this article, the board may decrease the
17 fees applicable to that institution to an amount that is proportional
18 to the board's costs associated with that institution.

19 *SEC. 16. Section 2811 of the Business and Professions Code*
20 *is amended to read:*

21 2811. (a) Each person holding a regular renewable license
22 under this chapter, whether in an active or inactive status, shall
23 apply for a renewal of his license and pay the biennial renewal fee
24 required by this chapter each two years on or before the last day
25 of the month following the month in which his birthday occurs,
26 beginning with the second birthday following the date on which
27 the license was issued, whereupon the board shall renew the
28 license.

29 (b) Each such license not renewed in accordance with this
30 section shall expire but may within a period of eight years
31 thereafter be reinstated upon payment of the ~~biennial renewal fee~~
32 ~~and penalty fee~~ required by this chapter and upon submission of
33 such proof of the applicant's qualifications as may be required by
34 the board, except that during such eight-year period no examination
35 shall be required as a condition for the reinstatement of any such
36 expired license which has lapsed solely by reason of nonpayment
37 of the renewal fee. After the expiration of such eight-year period
38 the board may require as a condition of reinstatement that the
39 applicant pass such examination as it deems necessary to determine
40 his present fitness to resume the practice of professional nursing.

1 (c) A license in an inactive status may be restored to an active
2 status if the licensee meets the continuing education standards of
3 Section 2811.5.

4 ~~SEC. 3.~~

5 *SEC. 17.* Section 2811.5 of the Business and Professions Code
6 is amended to read:

7 2811.5. (a) Each person renewing his or her license under
8 Section 2811 shall submit proof satisfactory to the board that,
9 during the preceding two-year period, he or she has been informed
10 of the developments in the registered nurse field or in any special
11 area of practice engaged in by the licensee, occurring since the
12 last renewal thereof, either by pursuing a course or courses of
13 continuing education in the registered nurse field or relevant to
14 the practice of the licensee, and approved by the board, or by other
15 means deemed equivalent by the board.

16 (b) For purposes of this section, the board shall, by regulation,
17 establish standards for continuing education. The standards shall
18 be established in a manner to ~~assure~~ *ensure* that a variety of
19 alternative forms of continuing education are available to licensees,
20 including, but not limited to, academic studies, in-service
21 education, institutes, seminars, lectures, conferences, workshops,
22 extension studies, and home study programs. The standards shall
23 take cognizance of specialized areas of practice, and content shall
24 ~~be based on generally accepted scientific principles.~~ *relevant to*
25 *the practice of nursing and shall be related to the scientific*
26 *knowledge or technical skills required for the practice of nursing*
27 *or be related to direct or indirect patient or client care.* The
28 continuing education standards established by the board shall not
29 exceed 30 hours of direct participation in a course or courses
30 approved by the board, or its equivalent in the units of measure
31 adopted by the board.

32 (c) The board shall audit continuing education providers at least
33 once every five years to ensure adherence to regulatory
34 requirements, and shall withhold or rescind approval from any
35 provider that is in violation of the regulatory requirements.

36 (d) The board shall encourage continuing education in spousal
37 or partner abuse detection and treatment. In the event the board
38 establishes a requirement for continuing education coursework in
39 spousal or partner abuse detection or treatment, that requirement

1 shall be met by each licensee within no more than four years from
2 the date the requirement is imposed.

3 (e) In establishing standards for continuing education, the board
4 shall consider including a course in the special care needs of
5 individuals and their families facing end-of-life issues, including,
6 but not limited to, all of the following:

- 7 (1) Pain and symptom management.
- 8 (2) The psycho-social dynamics of death.
- 9 (3) Dying and bereavement.
- 10 (4) Hospice care.

11 (f) In establishing standards for continuing education, the board
12 may include a course on pain management.

13 (g) This section shall not apply to licensees during the first two
14 years immediately following their initial licensure in California
15 or any other governmental jurisdiction.

16 (h) The board may, in accordance with the intent of this section,
17 make exceptions from continuing education requirements for
18 licensees residing in another state or country, or for reasons of
19 health, military service, or other good cause.

20 *SEC. 18. Section 2815 of the Business and Professions Code*
21 *is amended to read:*

22 2815. Subject to the provisions of Section 128.5, the amount
23 of the fees prescribed by this chapter in connection with the
24 issuance of licenses for registered nurses under its provisions is
25 that fixed by the following schedule:

26 (a) (1) *The fee to be paid upon the filing by a graduate of an*
27 *approved school of nursing in this state of an application for a*
28 *licensure by examination shall be fixed by the board at not less*
29 *than ~~seventy-five dollars (\$75)~~ three hundred dollars (\$300) nor*
30 *more than ~~one hundred fifty dollars (\$150)~~ thousand dollars*
31 *(\$1,000).*

32 (2) *The fee to be paid upon the filing by a graduate of a school*
33 *of nursing in another state, district, or territory of the United States*
34 *of an application for a licensure by examination shall be fixed by*
35 *the board at not less than three hundred fifty dollars (\$350) nor*
36 *more than one thousand dollars (\$1,000).*

37 (3) *The fee to be paid upon the filing by a graduate of a school*
38 *of nursing in another country of an application for a licensure by*
39 *examination shall be fixed by the board at not less than seven*

1 *hundred fifty dollars (\$750) nor more than one thousand five*
2 *hundred dollars (\$1,500).*

3 *(4) The fee to be paid upon the filing of an application for*
4 *licensure by a repeat examination shall be fixed by the board at*
5 *not less than two hundred fifty dollars (\$250) and not more than*
6 *one thousand dollars (\$1,000).*

7 *(b) The fee to be paid for taking each examination shall be the*
8 *actual cost to purchase an examination from a vendor approved*
9 *by the board.*

10 *(c) (1) The fee to be paid for application by a person who is*
11 *licensed or registered as a nurse in another state, district, or*
12 *territory of the United States for licensure by endorsement shall*
13 *be fixed by the board at not less than ~~fifty dollars (\$50)~~ three*
14 *hundred fifty dollars (\$350) nor more than one ~~hundred dollars~~*
15 *~~(\$100);~~ thousand dollars (\$1,000).*

16 *(2) The fee to be paid for application by a person who is licensed*
17 *or registered as a nurse in another country for licensure by*
18 *endorsement shall be fixed by the board at not less than seven*
19 *hundred fifty dollars (\$750) nor more than one thousand five*
20 *hundred dollars (\$1,500).*

21 *(d) (1) The biennial fee to be paid upon the filing of an*
22 *application for renewal of the license shall be not less than*
23 *~~seventy-five dollars (\$75)~~ one hundred eighty dollars (\$180) nor*
24 *more than ~~one hundred fifty dollars (\$150);~~ seven hundred fifty*
25 *dollars (\$750). In addition, an assessment of ten dollars (\$10) shall*
26 *be collected and credited to the Registered Nurse Education Fund,*
27 *pursuant to Section 2815.1.*

28 *(2) The fee to be paid upon the filing of an application for*
29 *reinstatement pursuant to subdivision (b) of Section 2811 shall be*
30 *not less than three hundred fifty dollars (\$350) nor more than one*
31 *thousand dollars (\$1,000).*

32 *(e) The penalty fee for failure to renew a license within the*
33 *prescribed time shall be fixed by the board at not more than 50*
34 *percent of the regular renewal fee, but not less than ~~thirty-seven~~*
35 *~~dollars (\$37)~~ ninety dollars (\$90) nor more than ~~seventy-five~~*
36 *~~dollars (\$75);~~ three hundred seventy-five dollars (\$375).*

37 *(f) The fee to be paid for approval of a continuing education*
38 *provider shall be fixed by the board at not less than ~~two hundred~~*
39 *~~dollars (\$200)~~ five hundred dollars (\$500) nor more than ~~three~~*
40 *~~hundred dollars (\$300);~~ one thousand dollars (\$1,000).*

1 (g) The biennial fee to be paid upon the filing of an application
2 for renewal of provider approval shall be fixed by the board at not
3 less than ~~two hundred dollars (\$200)~~ *seven hundred fifty dollars*
4 *(\$750)* nor more than ~~three hundred dollars (\$300)~~ *one thousand*
5 *dollars (\$1,000)*.

6 (h) The penalty fee for failure to renew provider approval within
7 the prescribed time shall be fixed at not more than 50 percent of
8 the regular renewal fee, but not less than ~~one hundred dollars~~
9 *(\$100) one hundred twenty-five dollars (\$125)* nor more than ~~one~~
10 ~~hundred fifty dollars (\$150)~~ *five hundred dollars (\$500)*.

11 (i) The penalty for submitting insufficient funds or fictitious
12 check, draft or order on any bank or depository for payment of
13 any fee to the board shall be fixed at not less than fifteen dollars
14 (\$15) nor more than thirty dollars (\$30).

15 (j) The fee to be paid for an interim permit shall be fixed by the
16 board at not less than ~~thirty dollars (\$30)~~ *one hundred dollars*
17 *(\$100)* nor more than ~~fifty dollars (\$50)~~ *two hundred fifty dollars*
18 *(\$250)*.

19 (k) The fee to be paid for a temporary license shall be fixed by
20 the board at not less than ~~thirty dollars (\$30)~~ *one hundred dollars*
21 *(\$100)* nor more than ~~fifty dollars (\$50)~~ *two hundred fifty dollars*
22 *(\$250)*.

23 (l) The fee to be paid for processing endorsement papers to other
24 states shall be fixed by the board at not less than ~~sixty dollars (\$60)~~
25 *one hundred dollars (\$100)* nor more than ~~one hundred dollars~~
26 ~~(\$100)~~ *two hundred dollars (\$200)*.

27 (m) The fee to be paid for a certified copy of a school transcript
28 shall be fixed by the board at not less than ~~thirty dollars (\$30)~~ *fifty*
29 *dollars (\$50)* nor more than ~~fifty dollars (\$50)~~ *one hundred dollars*
30 *(\$100)*.

31 (n) (1) The fee to be paid for a duplicate *pocket* license shall
32 be fixed by the board at not less than ~~thirty dollars (\$30)~~ *fifty*
33 *dollars (\$50)* nor more than ~~fifty dollars (\$50)~~ *seventy-five dollars*
34 *(\$75)*.

35 (2) *The fee to be paid for a duplicate wall certificate shall be*
36 *fixed by the board at not less than sixty dollars (\$60) nor more*
37 *than one hundred dollars (\$100)*.

38 (o) (1) The fee to be paid by a registered nurse for an evaluation
39 of his or her qualifications to use the title “nurse practitioner” shall
40 be fixed by the board at not less than ~~seventy-five dollars (\$75)~~

1 *five hundred dollars (\$500) nor more than one ~~hundred fifty dollars~~*
2 *~~(\$150).~~ thousand five hundred dollars (\$1,500).*

3 (2) *The fee to be paid by a registered nurse for a temporary*
4 *certificate to practice as a nurse practitioner shall be fixed by the*
5 *board at not less than one hundred fifty dollars (\$150) nor more*
6 *than five hundred dollars (\$500).*

7 (3) *The fee to be paid upon the filing of an application for*
8 *renewal of a certificate to practice as a nurse practitioner shall*
9 *be not less than one hundred fifty dollars (\$150) nor more than*
10 *one thousand dollars (\$1,000).*

11 (4) *The penalty fee for failure to renew a certificate to practice*
12 *as a nurse practitioner within the prescribed time shall be not less*
13 *than seventy-five dollars (\$75) nor more than five hundred dollars*
14 *(\$500).*

15 (p) *The fee to be paid by a registered nurse for listing as a*
16 *“psychiatric mental health nurse” shall be fixed by the board at*
17 *not less than three hundred fifty dollars (\$350) nor more than*
18 *seven hundred fifty dollars (\$750).*

19 (q) *The fee to be paid for duplicate National Council Licensure*
20 *Examination for registered nurses (NCLEX-RN) examination*
21 *results shall be not less than sixty dollars (\$60) nor more than one*
22 *hundred dollars (\$100).*

23 (r) *The fee to be paid for a letter certifying a license shall be*
24 *not less than twenty dollars (\$20) nor more than thirty dollars*
25 *(\$30).*

26 No further fee shall be required for a license or a renewal thereof
27 other than as prescribed by this chapter.

28 SEC. 19. *Section 2815.5 of the Business and Professions Code*
29 *is amended to read:*

30 2815.5. The amount of the fees prescribed by this chapter in
31 connection with the issuance of certificates as nurse-midwives is
32 that fixed by the following schedule:

33 (a) The fee to be paid upon the filing of an application for a
34 certificate shall be fixed by the board at not less than ~~seventy-five~~
35 ~~dollars (\$75)~~ *five hundred dollars (\$500)* nor more than one
36 ~~hundred fifty dollars (\$150).~~ *thousand five hundred dollars*
37 *(\$1,500).*

38 (b) The biennial fee to be paid upon the application for a renewal
39 of a certificate shall be fixed by the board at not less than ~~fifty~~

1 ~~dollars (\$50)~~ *one hundred fifty dollars (\$150)* nor more than one
 2 ~~hundred dollars (\$100)~~; *thousand dollars (\$1,000)*.

3 (c) The penalty fee for failure to renew a certificate within the
 4 prescribed time shall be 50 percent of the renewal fee in effect on
 5 the date of the renewal of the license, but not less than ~~twenty-five~~
 6 ~~dollars (\$25)~~ *seventy-five dollars (\$75)* nor more than ~~fifty dollars~~
 7 ~~(\$50)~~; *five hundred dollars (\$500)*.

8 (d) The fee to be paid upon the filing of an application for the
 9 nurse-midwife equivalency examination shall be fixed by the board
 10 at not less than one hundred dollars (\$100) nor more than two
 11 hundred dollars (\$200).

12 (e) *The fee to be paid for a temporary certificate shall be fixed*
 13 *by the board at not less than one hundred fifty dollars (\$150) nor*
 14 *more than five hundred dollars (\$500)*.

15 *SEC. 20. Section 2816 of the Business and Professions Code*
 16 *is amended to read:*

17 2816. The nonrefundable fee to be paid by a registered nurse
 18 for an evaluation of his or her qualifications to use the title “public
 19 health nurse” shall be equal to the fees set out in subdivision (o)
 20 of Section 2815. *The fee to be paid for upon the application for*
 21 *renewal of the certificate to practice as a public health nurse shall*
 22 *be fixed by the board at not less than one hundred twenty-five*
 23 *dollars (\$125) and not more than five hundred dollars (\$500)*. All
 24 fees payable under this section shall be collected by and paid to
 25 the Registered Nursing Fund. It is the intention of the Legislature
 26 that the costs of carrying out the purposes of this article shall be
 27 covered by the revenue collected pursuant to this section.

28 *SEC. 21. Section 2830.7 of the Business and Professions Code*
 29 *is amended to read:*

30 2830.7. The amount of the fees prescribed by this chapter in
 31 connection with the issuance of certificates as nurse anesthetists
 32 is that fixed by the following schedule:

33 (a) The fee to be paid upon the filing of an application for a
 34 certificate shall be fixed by the board at not less than ~~seventy-five~~
 35 ~~dollars (\$75)~~ *five hundred dollars (\$500)* nor more than one
 36 ~~hundred fifty dollars (\$150)~~; *thousand five hundred dollars*
 37 *(\$1,500)*.

38 (b) The biennial fee to be paid upon the application for a renewal
 39 of a certificate shall be fixed by the board at not less than ~~fifty~~

1 ~~dollars (\$50)~~ *one hundred fifty dollars (\$150)* nor more than one
2 ~~hundred dollars (\$100)~~; *thousand dollars (\$1,000)*.

3 (c) The penalty fee for failure to renew a certificate within the
4 prescribed time shall be 50 percent of the renewal fee in effect on
5 the date of the renewal of the license, but not less than ~~twenty-five~~
6 ~~dollars (\$25)~~ *seventy-five dollars (\$75)* nor more than ~~fifty dollars~~
7 ~~(\$50)~~; *five hundred dollars (\$500)*.

8 (d) *The fee to be paid for a temporary certificate shall be fixed*
9 *by the board at not less than one hundred fifty dollars (\$150) nor*
10 *more than five hundred dollars (\$500)*.

11 SEC. 22. *Section 2836.3 of the Business and Professions Code*
12 *is amended to read:*

13 2836.3. (a) The furnishing of drugs or devices by nurse
14 practitioners is conditional on issuance by the board of a number
15 to the nurse applicant who has successfully completed the
16 requirements of subdivision (g) of Section 2836.1. The number
17 shall be included on all transmittals of orders for drugs or devices
18 by the nurse practitioner. The board shall make the list of numbers
19 issued available to the Board of Pharmacy. The board may charge
20 the applicant a fee to cover all necessary costs to implement this
21 ~~section~~; *section, that shall be not less than four hundred dollars*
22 *(\$400) nor more than one thousand five hundred dollars (\$1,500)*
23 *for an initial application, nor less than one hundred fifty dollars*
24 *(\$150) nor more than one thousand dollars (\$1,000) for an*
25 *application for renewal. The board may charge a penalty fee for*
26 *failure to renew a furnishing number within the prescribed time*
27 *that shall be not less than seventy-five dollars (\$75) nor more than*
28 *five hundred dollars (\$500)*.

29 (b) The number shall be renewable at the time of the applicant's
30 registered nurse license renewal.

31 (c) The board may revoke, suspend, or deny issuance of the
32 numbers for incompetence or gross negligence in the performance
33 of functions specified in Sections 2836.1 and 2836.2.

34 SEC. 23. *Section 2838.2 of the Business and Professions Code*
35 *is amended to read:*

36 2838.2. (a) A clinical nurse specialist is a registered nurse with
37 advanced education, who participates in expert clinical practice,
38 education, research, consultation, and clinical leadership as the
39 major components of his or her role.

1 (b) The board may establish categories of clinical nurse
2 specialists and the standards required to be met for nurses to hold
3 themselves out as clinical nurse specialists in each category. The
4 standards shall take into account the types of advanced levels of
5 nursing practice that are or may be performed and the clinical and
6 didactic education, experience, or both needed to practice safety
7 at those levels. In setting the standards, the board shall consult
8 with clinical nurse specialists, physicians and surgeons appointed
9 by the Medical Board with expertise with clinical nurse specialists,
10 and health care organizations that utilize clinical nurse specialists.

11 (c) A registered nurse who meets one of the following
12 requirements may apply to become a clinical nurse specialist:

13 (1) Possession of a master's degree in a clinical field of nursing.

14 (2) Possession of a master's degree in a clinical field related to
15 nursing with course work in the components referred to in
16 subdivision (a).

17 (3) On or before July 1, 1998, meets the following requirements:

18 (A) Current licensure as a registered nurse.

19 (B) Performs the role of a clinical nurse specialist as described
20 in subdivision (a).

21 (C) Meets any other criteria established by the board.

22 (d) (1) A nonrefundable fee of not less than ~~seventy-five dollars~~
23 ~~(\$75)~~, *five hundred dollars (\$500)*, but not to exceed ~~one hundred~~
24 ~~fifty dollars (\$150)~~, *thousand five hundred dollars (\$1,500)* shall
25 be paid by a registered nurse applying to be a clinical nurse
26 specialist for the evaluation of his or her qualifications to use the
27 title "clinical nurse specialist." ~~A~~

28 (2) *The fee to be paid for a temporary certificate to practice as*
29 *a clinical nurse specialist shall be not less than thirty dollars (\$30)*
30 *nor more than fifty dollars (\$50).*

31 (3) A biennial renewal fee shall be paid upon submission of an
32 application to renew the clinical nurse specialist certificate and
33 shall be established by the board at no less than ~~fifty dollars (\$50)~~
34 *one hundred fifty dollars (\$150)* and no more than ~~one hundred~~
35 ~~dollars (\$100)~~. ~~The thousand dollars (\$1,000).~~

36 (4) *The penalty fee for failure to renew a certificate within the*
37 *prescribed time shall be 50 percent of the renewal fee in effect on*
38 *the date of the renewal of the license, but not less than* ~~twenty-five~~
39 ~~dollars (\$25)~~, *seventy-five dollars (\$75)* ~~nor more than fifty dollars~~
40 ~~(\$50)~~. ~~The five hundred dollars (\$500).~~

1 (5) The fees authorized by this subdivision shall not exceed the
2 amount necessary to cover the costs to the board to administer this
3 section.

4 *SEC. 24. Section 4128.2 of the Business and Professions Code*
5 *is amended to read:*

6 4128.2. (a) In addition to the pharmacy license requirement
7 described in Section 4110, a centralized hospital packaging
8 pharmacy shall obtain a specialty license from the board prior to
9 engaging in the functions described in Section 4128.

10 (b) An applicant seeking a specialty license pursuant to this
11 article shall apply to the board on forms established by the board.

12 (c) Before issuing the specialty license, the board shall inspect
13 the pharmacy and ensure that the pharmacy is in compliance with
14 this article and regulations established by the board.

15 (d) A license to perform the functions described in Section 4128
16 may only be issued to a pharmacy that is licensed by the board as
17 a hospital pharmacy.

18 (e) A license issued pursuant to this article shall be renewed
19 annually and is not transferrable.

20 (f) An applicant seeking renewal of a specialty license shall
21 apply to the board on forms established by the board.

22 (g) A license to perform the functions described in Section 4128
23 shall not be renewed until the pharmacy has been inspected by the
24 board and found to be in compliance with this article and
25 regulations established by the board.

26 ~~(h) The fee for issuance or annual renewal of a centralized~~
27 ~~hospital packaging pharmacy license shall be six hundred dollars~~
28 ~~(\$600) and may be increased by the board to eight hundred dollars~~
29 ~~(\$800).~~

30 *SEC. 25. Section 4400 of the Business and Professions Code*
31 *is amended to read:*

32 4400. The amount of fees and penalties prescribed by this
33 chapter, except as otherwise provided, is that fixed by the board
34 according to the following schedule:

35 (a) The fee for a nongovernmental pharmacy license shall be
36 four hundred dollars (\$400) and may be increased to five hundred
37 twenty dollars (\$520). The fee for the issuance of a temporary
38 nongovernmental pharmacy permit shall be two hundred fifty
39 dollars (\$250) and may be increased to three hundred twenty-five
40 dollars (\$325).

1 (b) The fee for a nongovernmental pharmacy license annual
2 renewal shall be two hundred fifty dollars (\$250) and may be
3 increased to three hundred twenty-five dollars (\$325).

4 (c) The fee for the pharmacist application and examination shall
5 be two hundred dollars (\$200) and may be increased to two
6 hundred sixty dollars (\$260).

7 (d) The fee for regrading an examination shall be ninety dollars
8 (\$90) and may be increased to one hundred fifteen dollars (\$115).
9 If an error in grading is found and the applicant passes the
10 examination, the regrading fee shall be refunded.

11 (e) The fee for a pharmacist license and biennial renewal shall
12 be one hundred fifty dollars (\$150) and may be increased to one
13 hundred ninety-five dollars (\$195).

14 (f) The fee for a nongovernmental wholesaler or third-party
15 logistics provider license and annual renewal shall be seven
16 hundred eighty dollars (\$780) and may be decreased to no less
17 than six hundred dollars (\$600). The application fee for any
18 additional location after licensure of the first 20 locations shall be
19 three hundred dollars (\$300) and may be decreased to no less than
20 two hundred twenty-five dollars (\$225). A temporary license fee
21 shall be seven hundred fifteen dollars (\$715) and may be decreased
22 to no less than five hundred fifty dollars (\$550).

23 (g) The fee for a hypodermic license and renewal shall be one
24 hundred twenty-five dollars (\$125) and may be increased to one
25 hundred sixty-five dollars (\$165).

26 (h) (1) The fee for application, investigation, and issuance of
27 a license as a designated representative pursuant to Section 4053,
28 or as a designated representative-3PL pursuant to Section 4053.1,
29 shall be three hundred thirty dollars (\$330) and may be decreased
30 to no less than two hundred fifty-five dollars (\$255).

31 (2) The fee for the annual renewal of a license as a designated
32 representative or designated representative-3PL shall be one
33 hundred ninety-five dollars (\$195) and may be decreased to no
34 less than one hundred fifty dollars (\$150).

35 (i) (1) The fee for the application, investigation, and issuance
36 of a license as a designated representative for a veterinary
37 food-animal drug retailer pursuant to Section 4053 shall be three
38 hundred thirty dollars (\$330) and may be decreased to no less than
39 two hundred fifty-five dollars (\$255).

1 (2) The fee for the annual renewal of a license as a designated
2 representative for a veterinary food-animal drug retailer shall be
3 one hundred ninety-five dollars (\$195) and may be decreased to
4 no less than one hundred fifty dollars (\$150).

5 (j) (1) The application fee for a nonresident wholesaler or
6 third-party logistics provider license issued pursuant to Section
7 4161 shall be seven hundred eighty dollars (\$780) and may be
8 decreased to no less than six hundred dollars (\$600).

9 (2) For nonresident wholesalers or third-party logistics providers
10 that have 21 or more facilities operating nationwide the application
11 fees for the first 20 locations shall be seven hundred eighty dollars
12 (\$780) and may be decreased to no less than six hundred dollars
13 (\$600). The application fee for any additional location after
14 licensure of the first 20 locations shall be three hundred dollars
15 (\$300) and may be decreased to no less than two hundred
16 twenty-five dollars (\$225). A temporary license fee shall be seven
17 hundred fifteen dollars (\$715) and may be decreased to no less
18 than five hundred fifty dollars (\$550).

19 (3) The annual renewal fee for a nonresident wholesaler license
20 or third-party logistics provider license issued pursuant to Section
21 4161 shall be seven hundred eighty dollars (\$780) and may be
22 decreased to no less than six hundred dollars (\$600).

23 (k) The fee for evaluation of continuing education courses for
24 accreditation shall be set by the board at an amount not to exceed
25 forty dollars (\$40) per course hour.

26 (l) The fee for an intern pharmacist license shall be ninety dollars
27 (\$90) and may be increased to one hundred fifteen dollars (\$115).
28 The fee for transfer of intern hours or verification of licensure to
29 another state shall be twenty-five dollars (\$25) and may be
30 increased to thirty dollars (\$30).

31 (m) The board may waive or refund the additional fee for the
32 issuance of a license where the license is issued less than 45 days
33 before the next regular renewal date.

34 (n) The fee for the reissuance of any license, or renewal thereof,
35 that has been lost or destroyed or reissued due to a name change
36 shall be thirty-five dollars (\$35) and may be increased to forty-five
37 dollars (\$45).

38 (o) The fee for the reissuance of any license, or renewal thereof,
39 that must be reissued because of a change in the information, shall

1 be one hundred dollars (\$100) and may be increased to one hundred
2 thirty dollars (\$130).

3 (p) It is the intent of the Legislature that, in setting fees pursuant
4 to this section, the board shall seek to maintain a reserve in the
5 Pharmacy Board Contingent Fund equal to approximately one
6 year's operating expenditures.

7 (q) The fee for any applicant for a nongovernmental clinic
8 license shall be four hundred dollars (\$400) and may be increased
9 to five hundred twenty dollars (\$520) for each license. The annual
10 fee for renewal of the license shall be two hundred fifty dollars
11 (\$250) and may be increased to three hundred twenty-five dollars
12 (\$325) for each license.

13 (r) The fee for the issuance of a pharmacy technician license
14 shall be eighty dollars (\$80) and may be increased to one hundred
15 five dollars (\$105). The fee for renewal of a pharmacy technician
16 license shall be one hundred dollars (\$100) and may be increased
17 to one hundred thirty dollars (\$130).

18 (s) The fee for a veterinary food-animal drug retailer license
19 shall be four hundred five dollars (\$405) and may be increased to
20 four hundred twenty-five dollars (\$425). The annual renewal fee
21 for a veterinary food-animal drug retailer license shall be two
22 hundred fifty dollars (\$250) and may be increased to three hundred
23 twenty-five dollars (\$325).

24 (t) The fee for issuance of a retired license pursuant to Section
25 4200.5 shall be thirty-five dollars (\$35) and may be increased to
26 forty-five dollars (\$45).

27 (u) The fee for issuance or renewal of a nongovernmental sterile
28 compounding pharmacy license shall be six hundred dollars (\$600)
29 and may be increased to seven hundred eighty dollars (\$780). The
30 fee for a temporary license shall be five hundred fifty dollars (\$550)
31 and may be increased to seven hundred fifteen dollars (\$715).

32 (v) The fee for the issuance or renewal of a nonresident sterile
33 compounding pharmacy license shall be seven hundred eighty
34 dollars (\$780). In addition to paying that application fee, the
35 nonresident sterile compounding pharmacy shall deposit, when
36 submitting the application, a reasonable amount, as determined by
37 the board, necessary to cover the board's estimated cost of
38 performing the inspection required by Section 4127.2. If the
39 required deposit is not submitted with the application, the
40 application shall be deemed to be incomplete. If the actual cost of

1 the inspection exceeds the amount deposited, the board shall
2 provide to the applicant a written invoice for the remaining amount
3 and shall not take action on the application until the full amount
4 has been paid to the board. If the amount deposited exceeds the
5 amount of actual and necessary costs incurred, the board shall
6 remit the difference to the applicant.

7 (w) This section shall become ~~operative~~ *inoperative* on July 1,
8 ~~2014~~ 2017, and as of January 1, 2018, is repealed.

9 *SEC. 26. Section 4400 is added to the Business and Professions*
10 *Code, to read:*

11 *4400. The amount of fees and penalties prescribed by this*
12 *chapter, except as otherwise provided, is that fixed by the board*
13 *according to the following schedule:*

14 (a) *The fee for a nongovernmental pharmacy license shall be*
15 *five hundred twenty dollars (\$520) and may be increased to five*
16 *hundred seventy dollars (\$570). The fee for the issuance of a*
17 *temporary nongovernmental pharmacy permit shall be two hundred*
18 *fifty dollars (\$250) and may be increased to three hundred*
19 *twenty-five dollars (\$325).*

20 (b) *The fee for a nongovernmental pharmacy license annual*
21 *renewal shall be six hundred sixty-five dollars (\$665) and may be*
22 *increased to nine hundred thirty dollars (\$930).*

23 (c) *The fee for the pharmacist application and examination shall*
24 *be two hundred sixty dollars (\$260) and may be increased to two*
25 *hundred eighty-five dollars (\$285).*

26 (d) *The fee for regrading an examination shall be ninety dollars*
27 *(\$90) and may be increased to one hundred fifteen dollars (\$115).*
28 *If an error in grading is found and the applicant passes the*
29 *examination, the regrading fee shall be refunded.*

30 (e) *The fee for a pharmacist license shall be one hundred*
31 *ninety-five dollars (\$195) and may be increased to two hundred*
32 *fifteen dollars (\$215). The fee for a pharmacist biennial renewal*
33 *shall be three hundred sixty dollars (\$360) and may be increased*
34 *to five hundred five dollars (\$505).*

35 (f) *The fee for a nongovernmental wholesaler or third-party*
36 *logistics provider license and annual renewal shall be seven*
37 *hundred eighty dollars (\$780) and may be increased to eight*
38 *hundred twenty dollars (\$820). The application fee for any*
39 *additional location after licensure of the first 20 locations shall*
40 *be three hundred dollars (\$300) and may be decreased to no less*

1 *than two hundred twenty-five dollars (\$225). A temporary license*
2 *fee shall be seven hundred fifteen dollars (\$715) and may be*
3 *decreased to no less than five hundred fifty dollars (\$550).*

4 *(g) The fee for a hypodermic license shall be one hundred*
5 *seventy dollars (\$170) and may be increased to two hundred forty*
6 *dollars (\$240). The fee for a hypodermic license renewal shall be*
7 *two hundred dollars (\$200) and may be increased to two hundred*
8 *eighty dollars (\$280).*

9 *(h) (1) The fee for application, investigation, and issuance of*
10 *a license as a designated representative pursuant to Section 4053,*
11 *or as a designated representative-3PL pursuant to Section 4053.1,*
12 *shall be one hundred fifty dollars (\$150) and may be increased to*
13 *two hundred ten dollars (\$210).*

14 *(2) The fee for the annual renewal of a license as a designated*
15 *representative or designated representative-3PL shall be two*
16 *hundred fifteen dollars (\$215) and may be increased to three*
17 *hundred dollars (\$300).*

18 *(i) (1) The fee for the application, investigation, and issuance*
19 *of a license as a designated representative for a veterinary*
20 *food-animal drug retailer pursuant to Section 4053 shall be one*
21 *hundred fifty dollars (\$150) and may be increased to two hundred*
22 *ten dollars (\$210).*

23 *(2) The fee for the annual renewal of a license as a designated*
24 *representative for a veterinary food-animal drug retailer shall be*
25 *two hundred fifteen dollars (\$215) and may be increased to three*
26 *hundred dollars (\$300).*

27 *(j) (1) The application fee for a nonresident wholesaler or*
28 *third-party logistics provider license issued pursuant to Section*
29 *4161 shall be seven hundred eighty dollars (\$780) and may be*
30 *increased to eight hundred twenty dollars (\$820).*

31 *(2) For nonresident wholesalers or third-party logistics*
32 *providers that have 21 or more facilities operating nationwide the*
33 *application fees for the first 20 locations shall be seven hundred*
34 *eighty dollars (\$780) and may be increased to eight hundred twenty*
35 *dollars (\$820). The application fee for any additional location*
36 *after licensure of the first 20 locations shall be three hundred*
37 *dollars (\$300) and may be decreased to no less than two hundred*
38 *twenty-five dollars (\$225). A temporary license fee shall be seven*
39 *hundred fifteen dollars (\$715) and may be decreased to no less*
40 *than five hundred fifty dollars (\$550).*

1 (3) *The annual renewal fee for a nonresident wholesaler license*
2 *or third-party logistics provider license issued pursuant to Section*
3 *4161 shall be seven hundred eighty dollars (\$780) and may be*
4 *increased to eight hundred twenty dollars (\$820).*

5 (k) *The fee for evaluation of continuing education courses for*
6 *accreditation shall be set by the board at an amount not to exceed*
7 *forty dollars (\$40) per course hour.*

8 (l) *The fee for an intern pharmacist license shall be one hundred*
9 *sixty-five dollars (\$165) and may be increased to two hundred*
10 *thirty dollars (\$230). The fee for transfer of intern hours or*
11 *verification of licensure to another state shall be twenty-five dollars*
12 *(\$25) and may be increased to thirty dollars (\$30).*

13 (m) *The board may waive or refund the additional fee for the*
14 *issuance of a license where the license is issued less than 45 days*
15 *before the next regular renewal date.*

16 (n) *The fee for the reissuance of any license, or renewal thereof,*
17 *that has been lost or destroyed or reissued due to a name change*
18 *shall be thirty-five dollars (\$35) and may be increased to forty-five*
19 *dollars (\$45).*

20 (o) *The fee for the reissuance of any license, or renewal thereof,*
21 *that must be reissued because of a change in the information, shall*
22 *be one hundred dollars (\$100) and may be increased to one*
23 *hundred thirty dollars (\$130).*

24 (p) *It is the intent of the Legislature that, in setting fees pursuant*
25 *to this section, the board shall seek to maintain a reserve in the*
26 *Pharmacy Board Contingent Fund equal to approximately one*
27 *year's operating expenditures.*

28 (q) *The fee for any applicant for a nongovernmental clinic*
29 *license shall be five hundred twenty dollars (\$520) for each license*
30 *and may be increased to five hundred seventy dollars (\$570). The*
31 *annual fee for renewal of the license shall be three hundred*
32 *twenty-five dollars (\$325) for each license and may be increased*
33 *to three hundred sixty dollars (\$360).*

34 (r) *The fee for the issuance of a pharmacy technician license*
35 *shall be one hundred forty dollars (\$140) and may be increased*
36 *to one hundred ninety-five dollars (\$195). The fee for renewal of*
37 *a pharmacy technician license shall be one hundred forty dollars*
38 *(\$140) and may be increased to one hundred ninety-five dollars*
39 *(\$195).*

1 (s) *The fee for a veterinary food-animal drug retailer license*
2 *shall be four hundred thirty-five dollars (\$435) and may be*
3 *increased to six hundred ten dollars (\$610). The annual renewal*
4 *fee for a veterinary food-animal drug retailer license shall be three*
5 *hundred thirty dollars (\$330) and may be increased to four hundred*
6 *sixty dollars (\$460).*

7 (t) *The fee for issuance of a retired license pursuant to Section*
8 *4200.5 shall be thirty-five dollars (\$35) and may be increased to*
9 *forty-five dollars (\$45).*

10 (u) *The fee for issuance of a nongovernmental sterile*
11 *compounding pharmacy license shall be one thousand six hundred*
12 *forty-five dollars (\$1,645) and may be increased to two thousand*
13 *three hundred five dollars (\$2,305). The fee for a temporary license*
14 *shall be five hundred fifty dollars (\$550) and may be increased to*
15 *seven hundred fifteen dollars (\$715). The annual renewal fee of*
16 *the license shall be one thousand three hundred twenty-five dollars*
17 *(\$1,325) and may be increased to one thousand eight hundred*
18 *fifty-five dollars (\$1,855).*

19 (v) *The fee for the issuance of a nonresident sterile compounding*
20 *pharmacy license shall be two thousand three hundred eighty*
21 *dollars (\$2,380) and may be increased to three thousand three*
22 *hundred thirty-five dollars (\$3,335). The annual renewal of the*
23 *license shall be two thousand two hundred seventy dollars (\$2,270)*
24 *and may be increased to three thousand one hundred eighty dollars*
25 *(\$3,180). In addition to paying that application fee, the nonresident*
26 *sterile compounding pharmacy shall deposit, when submitting the*
27 *application, a reasonable amount, as determined by the board,*
28 *necessary to cover the board's estimated cost of performing the*
29 *inspection required by Section 4127.2. If the required deposit is*
30 *not submitted with the application, the application shall be deemed*
31 *to be incomplete. If the actual cost of the inspection exceeds the*
32 *amount deposited, the board shall provide to the applicant a*
33 *written invoice for the remaining amount and shall not take action*
34 *on the application until the full amount has been paid to the board.*
35 *If the amount deposited exceeds the amount of actual and necessary*
36 *costs incurred, the board shall remit the difference to the applicant.*

37 (w) *The fee for the issuance of a centralized hospital packaging*
38 *license shall be eight hundred twenty dollars (\$820) and may be*
39 *increased to one thousand one hundred fifty dollars (\$1,150). The*
40 *annual renewal of the license shall be eight hundred five dollars*

1 (\$805) and may be increased to one thousand one hundred
2 twenty-five dollars (\$1,125).

3 (x) This section shall become operative on July 1, 2017.

4 SEC. 27. Chapter 15 (commencing with Section 4999) of
5 Division 2 of the Business and Professions Code is repealed.

6 SEC. 28. Section 7137 of the Business and Professions Code
7 is amended to read:

8 7137. The board shall set fees by regulation. These fees shall
9 not exceed the following schedule:

10 (a) (1) The application fee for an original license in a single
11 classification shall not be more than three hundred ~~dollars~~ (\$300):
12 *sixty dollars* (\$360).

13 ~~The~~

14 (2) *The* application fee for each additional classification applied
15 for in connection with an original license shall not be more than
16 seventy-five dollars (\$75).

17 ~~The~~

18 (3) *The* application fee for each additional classification pursuant
19 to Section 7059 shall not be more than ~~seventy-five dollars~~ (\$75):
20 *three hundred dollars* (\$300).

21 ~~The~~

22 (4) *The* application fee to replace a responsible managing officer,
23 responsible managing manager, responsible managing member,
24 or responsible managing employee pursuant to Section 7068.2
25 shall not be more than ~~seventy-five dollars~~ (\$75): *three hundred*
26 *dollars* (\$300).

27 (5) *The* application fee to add personnel, other than a qualifying
28 individual, to an existing license shall not be more than one
29 hundred fifty dollars (\$150).

30 (b) The fee for rescheduling an examination for an applicant
31 who has applied for an original license, additional classification,
32 a change of responsible managing officer, responsible managing
33 manager, responsible managing member, or responsible managing
34 employee, or for an asbestos certification or hazardous substance
35 removal certification, shall not be more than sixty dollars (\$60).

36 (c) The fee for scheduling or rescheduling an examination for
37 a licensee who is required to take the examination as a condition
38 of probation shall not be more than sixty dollars (\$60).

1 (d) The initial license fee for an active or inactive license shall
 2 not be more than ~~one hundred eighty dollars (\$180)~~; *two hundred*
 3 *twenty dollars (\$220)*.

4 (e) (1) The renewal fee for an active license shall not be more
 5 than ~~three hundred sixty dollars (\$360)~~; *four hundred thirty dollars*
 6 *(\$430)*.

7 ~~The~~

8 (2) *The* renewal fee for an inactive license shall not be more
 9 than ~~one hundred eighty dollars (\$180)~~; *two hundred twenty dollars*
 10 *(\$220)*.

11 (f) The delinquency fee is an amount equal to 50 percent of the
 12 renewal fee, if the license is renewed after its expiration.

13 (g) The registration fee for a home improvement salesperson
 14 shall not be more than ~~seventy-five dollars (\$75)~~; *ninety dollars*
 15 *(\$90)*.

16 (h) The renewal fee for a home improvement salesperson
 17 registration shall not be more than ~~seventy-five dollars (\$75)~~; *ninety*
 18 *dollars (\$90)*.

19 (i) The application fee for an asbestos certification examination
 20 shall not be more than ~~seventy-five dollars (\$75)~~; *ninety dollars*
 21 *(\$90)*.

22 (j) The application fee for a hazardous substance removal or
 23 remedial action certification examination shall not be more than
 24 ~~seventy-five dollars (\$75)~~; *ninety dollars (\$90)*.

25 (k) In addition to any other fees charged to C-10 and C-7
 26 contractors, the board may charge a fee not to exceed twenty dollars
 27 (\$20), which shall be used by the board to enforce provisions of
 28 the Labor Code related to electrician certification.

29 (l) *The board shall, by regulation, establish criteria for the*
 30 *approval of expedited processing of applications. Approved*
 31 *expedited processing of applications for licensure or registration,*
 32 *as required by other provisions of law, shall not be subject to this*
 33 *subdivision.*

34 *SEC. 29. Section 7153.3 of the Business and Professions Code*
 35 *is amended to read:*

36 7153.3. (a) To renew a home improvement salesperson
 37 registration, which has not expired, the registrant shall before the
 38 time at which the registration would otherwise expire, apply for
 39 renewal on a form prescribed by the registrar and pay a renewal
 40 fee prescribed by this chapter. Renewal of an unexpired registration

1 shall continue the registration in effect for the two-year period
2 following the expiration date of the registration, when it shall
3 expire if it is not again renewed.

4 (b) An application for renewal of registration is delinquent if
5 the application is not postmarked or received via electronic
6 transmission as authorized by Section 7156.6 by the date on which
7 the registration would otherwise expire. A registration may,
8 however, still be renewed at any time within three years after its
9 expiration upon the filing of an application for renewal on a form
10 prescribed by the registrar and the payment of the renewal fee
11 prescribed by this chapter and a delinquent renewal penalty ~~in the~~
12 ~~amount of twenty-five dollars (\$25).~~ *equal to 50 percent of the*
13 *renewal fee.* If a registration is not renewed within three years, the
14 person shall make a new application for registration pursuant to
15 Section 7153.1.

16 (c) The registrar may refuse to renew a registration for failure
17 by the registrant to complete the application for renewal of
18 registration. If a registrant fails to return the application rejected
19 for insufficiency or incompleteness within 90 days from the
20 original date of rejection, the application and fee shall be deemed
21 abandoned. Any application abandoned may not be reinstated.
22 However, the person may file a new application for registration
23 pursuant to Section 7153.1.

24 The registrar may review and accept the petition of a person who
25 disputes the abandonment of his or her renewal application upon
26 a showing of good cause. This petition shall be received within 90
27 days of the date the application for renewal is deemed abandoned.

28 *SEC. 30. Section 8031 of the Business and Professions Code*
29 *is amended to read:*

30 8031. The amount of the fees required by this chapter is that
31 fixed by the board in accordance with the following schedule:

32 (a) The fee for filing an application for each examination shall
33 be no more than forty dollars (\$40).

34 (b) The fee for examination and reexamination for the written
35 or practical part of the examination shall be in an amount fixed by
36 the board, which shall be equal to the actual cost of preparing,
37 administering, grading, and analyzing the examination, but shall
38 not exceed seventy-five dollars (\$75) for each separate part, for
39 each administration.

1 (c) The initial certificate fee is an amount equal to the renewal
2 fee in effect on the last regular renewal date before the date on
3 which the certificate is issued, except that, if the certificate will
4 expire less than 180 days after its issuance, then the fee is 50
5 percent of the renewal fee in effect on the last regular renewal date
6 before the date on which the certificate is issued, or fifty dollars
7 (\$50), whichever is greater. The board may, by appropriate
8 regulation, provide for the waiver or refund of the initial certificate
9 fee where the certificate is issued less than 45 days before the date
10 on which it will expire.

11 (d) By a resolution adopted by the board, a renewal fee may be
12 established in such amounts and at such times as the board may
13 deem appropriate to meet its operational expenses and funding
14 responsibilities as set forth in this chapter. The renewal fee shall
15 not be more than ~~one hundred twenty-five dollars (\$125)~~ *two*
16 *hundred fifty dollars (\$250)* nor less than ten dollars (\$10) annually,
17 with the following exception:

18 Any person who is employed full time by the State of California
19 as a hearing reporter and who does not otherwise render shorthand
20 reporting services for a fee shall be exempt from licensure while
21 in state employment and shall not be subject to the renewal fee
22 provisions of this subdivision until 30 days after leaving state
23 employment. The renewal fee shall, in addition to the amount fixed
24 by this subdivision, include any unpaid fees required by this section
25 plus any delinquency fee.

26 (e) The duplicate certificate fee shall be no greater than ten
27 dollars (\$10).

28 (f) The penalty for failure to notify the board of a change of
29 name or address as required by Section 8024.6 shall be no greater
30 than fifty dollars (\$50).

31 ~~SEC. 4.~~

32 *SEC. 31.* Section 8516 of the Business and Professions Code
33 is amended to read:

34 8516. (a) This section, and Section 8519, apply only to wood
35 destroying pests or organisms.

36 (b) A registered company or licensee shall not commence work
37 on a contract, or sign, issue, or deliver any documents expressing
38 an opinion or statement relating to the absence or presence of wood
39 destroying pests or organisms until an inspection has been made
40 by a licensed Branch 3 field representative or operator employed

1 by a registered company, except as provided in Section 8519.5.
2 The address of each property inspected or upon which work is
3 completed shall be reported on a form prescribed by the board and
4 shall be filed with the board no later than 10 business days after
5 the commencement of an inspection or upon completed work.

6 Every property inspected pursuant to this subdivision or Section
7 8518 shall be assessed a filing fee pursuant to Section 8674.

8 Failure of a registered company to report and file with the board
9 the address of any property inspected or work completed pursuant
10 to Section 8518 or this section is grounds for disciplinary action
11 and shall subject the registered company to a fine of not more than
12 two thousand five hundred dollars (\$2,500). The address of an
13 inspection report prepared for use by an attorney for litigation
14 purposes shall not be required to be reported to the board and shall
15 not be assessed a filing fee.

16 A written inspection report conforming to this section and a form
17 approved by the board shall be prepared and delivered to the person
18 requesting the inspection and the property owner, or to the property
19 owner's designated agent, within 10 business days from the start
20 of the inspection, except that an inspection report prepared for use
21 by an attorney for litigation purposes is not required to be reported
22 to the board or the property owner. An inspection report may be
23 a complete, limited, supplemental, or reinspection report, as defined
24 by Section 1993 of Title 16 of the California Code of Regulations.
25 The report shall be delivered before work is commenced on any
26 property. The registered company shall retain for three years all
27 inspection reports, field notes, and activity forms.

28 Reports shall be made available for inspection and reproduction
29 to the executive officer of the board or his or her duly authorized
30 representative during business hours. All inspection reports or
31 copies thereof shall be submitted to the board upon demand within
32 two business days. The following shall be set forth in the report:

33 (1) The start date of the inspection and the name of the licensed
34 field representative or operator making the inspection.

35 (2) The name and address of the person or firm ordering the
36 report.

37 (3) The name and address of the property owner and any person
38 who is a party in interest.

39 (4) The address or location of the property.

40 (5) A general description of the building or premises inspected.

1 (6) A foundation diagram or sketch of the structure or structures
2 or portions of the structure or structures inspected, including the
3 approximate location of any infested or infected areas evident, and
4 the parts of the structure where conditions that would ordinarily
5 subject those parts to attack by wood destroying pests or organisms
6 exist. Reporting of the infested or infected wood members, or parts
7 of the structure identified, shall be listed in the inspection report
8 to clearly identify them, as is typical in standard construction
9 components, including, but not limited to, siding, studs, rafters,
10 floor joists, fascia, subfloor, sheathing, and trim boards.

11 (7) Information regarding the substructure, foundation walls
12 and footings, porches, patios and steps, air vents, abutments, attic
13 spaces, roof framing that includes the eaves, rafters, fascias,
14 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
15 or other parts subject to attack by wood destroying pests or
16 organisms. Conditions usually deemed likely to lead to infestation
17 or infection, such as earth-wood contacts, excessive cellulose
18 debris, faulty grade levels, excessive moisture conditions, evidence
19 of roof leaks, and insufficient ventilation are to be reported.

20 (8) One of the following statements, as appropriate, printed in
21 bold type:

22 (A) The exterior surface of the roof was not inspected. If you
23 want the water tightness of the roof determined, you should contact
24 a roofing contractor who is licensed by the Contractors' State
25 License Board.

26 (B) The exterior surface of the roof was inspected to determine
27 whether or not wood destroying pests or organisms are present.

28 (9) Indication or description of any areas that are inaccessible
29 or not inspected with recommendation for further inspection if
30 practicable. If, after the report has been made in compliance with
31 this section, authority is given later to open inaccessible areas, a
32 supplemental report on conditions in these areas shall be made.

33 (10) Recommendations for corrective measures.

34 (11) Information regarding the pesticide or pesticides to be used
35 for their control or prevention as set forth in subdivision (a) of
36 Section 8538.

37 (12) The inspection report shall clearly disclose that if requested
38 by the person ordering the original report, a reinspection of the
39 structure will be performed if an estimate or bid for making repairs
40 was given with the original inspection report, or thereafter.

1 An estimate or bid shall be given separately allocating the costs
2 to perform each and every recommendation for corrective measures
3 as specified in subdivision (c) with the original inspection report
4 if the person who ordered the original inspection report so requests,
5 and if the registered company is regularly in the business of
6 performing each corrective measure.

7 If no estimate or bid was given with the original inspection
8 report, or thereafter, then the registered company shall not be
9 required to perform a reinspection.

10 A reinspection shall be an inspection of those items previously
11 listed on an original report to determine if the recommendations
12 have been completed. Each reinspection shall be reported on an
13 original inspection report form and shall be labeled “Reinspection.”
14 Each reinspection shall also identify the original report by date.

15 After four months from an original inspection, all inspections
16 shall be original inspections and not reinspections.

17 Any reinspection shall be performed for not more than the price
18 of the registered company’s original inspection price and shall be
19 completed within 10 business days after a reinspection has been
20 ordered.

21 (13) The inspection report shall contain the following statement,
22 printed in boldface type:

23
24 “NOTICE: Reports on this structure prepared by various
25 registered companies should list the same findings (i.e. termite
26 infestations, termite damage, fungus damage, etc.). However,
27 recommendations to correct these findings may vary from company
28 to company. You have a right to seek a second opinion from
29 another company.”
30

31 (c) At the time a report is ordered, the registered company or
32 licensee shall inform the person or entity ordering the report, that
33 ~~a separated~~ *separate* report is available pursuant to this subdivision.
34 If a ~~separated~~ *separate* report is requested at the time the inspection
35 report is ordered, the registered company or licensee shall
36 separately identify on the report each recommendation for
37 corrective measures as follows:

38 (1) The infestation or infection that is evident.

39 (2) The conditions that are present that are deemed likely to
40 lead to infestation or infection.

1 If a registered company or licensee fails to inform as required
2 by this subdivision and a dispute arises, or if any other dispute
3 arises as to whether this subdivision has been complied with, a
4 ~~separated~~ *separate* report shall be provided within 24 hours of the
5 request but, in no event, later than the next business day, and at
6 no additional cost.

7 (d) When a corrective condition is identified, either as paragraph
8 (1) or (2) of subdivision (c), and the property owner ~~of~~ *or* the
9 property owner's designated agent chooses not to correct those
10 conditions, the registered company or licensee shall not be liable
11 for damages resulting from a failure to correct those conditions or
12 subject to any disciplinary action by the board. Nothing in this
13 subdivision, however, shall relieve a registered company or a
14 licensee of any liability resulting from negligence, fraud, dishonest
15 dealing, other violations pursuant to this chapter, or contractual
16 obligations between the registered company or licensee and the
17 responsible parties.

18 (e) The inspection report form prescribed by the board shall
19 separately identify the infestation or infection that is evident and
20 the conditions that are present that are deemed likely to lead to
21 infestation or infection. If a ~~separated~~ *separate* form is requested,
22 the form shall explain the infestation or infection that is evident
23 and the conditions that are present that are deemed likely to lead
24 to infestation or infection and the difference between those
25 conditions. In no event, however, shall conditions deemed likely
26 to lead to infestation or infection be characterized as actual
27 "defects" or as actual "active" infestations or infections or in need
28 of correction as a precondition to issuing a certification pursuant
29 to Section 8519.

30 (f) The report and any contract entered into shall also state
31 specifically when any guarantee for the work is made, and if so,
32 the specific terms of the guarantee and the period of time for which
33 the guarantee shall be in effect. If a guarantee extends beyond three
34 years, the registered company shall maintain all original inspection
35 reports, field notes, activity forms, and notices of completion for
36 the duration of the guarantee period and for one year after the
37 guarantee expires.

38 (g) For purposes of this section, "control service agreement"
39 means an agreement, including extended warranties, to have a
40 licensee conduct over a period of time regular inspections and

1 other activities related to the control or eradication of wood
2 destroying pests and organisms. Under a control service agreement
3 a registered company shall refer to the original report and contract
4 in a manner as to identify them clearly, and the report shall be
5 assumed to be a true report of conditions as originally issued,
6 except it may be modified after a control service inspection. A
7 registered company is not required to issue a report as outlined in
8 paragraphs (1) to (11), inclusive, of subdivision (b) after each
9 control service inspection. If after control service inspection, no
10 modification of the original report is made in writing, then it will
11 be assumed that conditions are as originally reported. A control
12 service contract shall state specifically the particular wood
13 destroying pests or organisms and the portions of the buildings or
14 structures covered by the contract.

15 (h) A registered company or licensee may enter into and
16 maintain a control service agreement provided the following
17 requirements are met:

18 (1) The control service agreement shall be in writing, signed by
19 both parties, and shall specifically include the following:

20 (A) The wood destroying pests and organisms covered by the
21 control service agreement.

22 (B) Any wood destroying pest or organism that is not covered
23 must be specifically listed.

24 (C) The type and manner of treatment to be used to correct the
25 infestations or infections.

26 (D) The structures or buildings, or portions thereof, covered by
27 the agreement, including a statement specifying whether the
28 coverage for purposes of periodic inspections is limited or full.
29 Any exclusions from those described in the original report must
30 be specifically listed.

31 (E) A reference to the original inspection report.

32 (F) The frequency of the inspections to be provided, the fee to
33 be charged for each renewal, and the duration of the agreement.

34 (G) Whether the fee includes structural repairs.

35 (H) If the services provided are guaranteed, and, if so, the terms
36 of the guarantee.

37 (I) A statement that all corrections of infestations or infections
38 covered by the control service agreement shall be completed within
39 six months of discovery, unless otherwise agreed to in writing by
40 both parties.

1 (2) The original inspection report, the control service agreement,
2 and completion report shall be maintained for three years after the
3 cancellation of the control service agreement.

4 (3) Inspections made pursuant to a control service agreement
5 shall be conducted by a Branch 3 licensee. Section 8506.1 does
6 not modify this provision.

7 (4) A full inspection of the property covered by the control
8 service agreement shall be conducted and a report filed pursuant
9 to subdivision (b) at least once every three years from the date that
10 the agreement was entered into, unless the consumer cancels the
11 contract within three years from the date the agreement was entered
12 into.

13 (5) Under a control service agreement, a written report shall be
14 required for the correction of any infestation or infection unless
15 all of the following conditions are met:

16 (A) The infestation or infection has been previously reported.

17 (B) The infestation or infection is covered by the control service
18 agreement.

19 (C) There is no additional charge for correcting the infestation
20 or infection.

21 (D) Correction of the infestation or infection takes place within
22 45 days of its discovery.

23 (E) Correction of the infestation or infection does not include
24 fumigation.

25 (6) All notice requirements pursuant to Section 8538 shall apply
26 to all pesticide treatments conducted under control service
27 agreements.

28 (i) All work recommended by a registered company, where an
29 estimate or bid for making repairs was given with the original
30 inspection report, or thereafter, shall be recorded on this report or
31 a separate work agreement and shall specify a price for each
32 recommendation. This information shall be provided to the person
33 requesting the inspection, and shall be retained by the registered
34 company with the inspection report copy for three years.

35 ~~SEC. 5.~~

36 *SEC. 32.* Section 8518 of the Business and Professions Code
37 is amended to read:

38 8518. (a) When a registered company completes work under
39 a contract, it shall prepare, on a form prescribed by the board, a
40 notice of work completed and not completed, and shall furnish

1 that notice to the owner of the property or the owner’s agent within
2 10 business days after completing the work. The notice shall
3 include a statement of the cost of the completed work and estimated
4 cost of work not completed.

5 (b) The address of each property inspected or upon which work
6 was completed shall be reported on a form prescribed by the board
7 and shall be filed with the board no later than 10 business days
8 after completed work.

9 (c) A filing fee shall be assessed pursuant to Section 8674 for
10 every property upon which work is completed.

11 (d) Failure of a registered company to report and file with the
12 board the address of any property upon which work was completed
13 pursuant to subdivision (b) of Section 8516 or this section is
14 grounds for disciplinary action and shall subject the registered
15 company to a fine of not more than two thousand five hundred
16 dollars (\$2,500).

17 (e) The registered company shall retain for three years all
18 original notices of work completed, work not completed, and
19 activity forms.

20 (f) Notices of work completed and not completed shall be made
21 available for inspection and reproduction to the executive officer
22 of the board or his or her duly authorized representative during
23 business hours. Original notices of work completed or not
24 completed or copies thereof shall be submitted to the board upon
25 request within two business days.

26 (g) This section shall only apply to work relating to wood
27 destroying pests or organisms.

28 ~~SEC. 6.~~

29 *SEC. 33.* Section 8555 of the Business and Professions Code
30 is amended to read:

31 8555. This chapter does not apply to:

32 (a) Public utilities operating under the regulations of the Public
33 Utilities Commission, except to work performed upon property of
34 the utilities not subject to the jurisdiction of the Public Utilities
35 Commission or work done by the utility for hire.

36 (b) Persons engaged only in agricultural pest control work under
37 permit or license by the Department of Pesticide Regulation or a
38 county agricultural commissioner.

1 (c) Pest control performed by persons upon property that they
2 own, ~~lease~~ *lease*, or rent, except that the persons shall be subject
3 to the limitations imposed by Article 3 of this chapter.

4 (d) Governmental agencies, state, federal, city, or county
5 officials, and their employees while officially engaged.

6 (e) Authorized representatives of an educational institution or
7 state or federal agency engaged in research or study of pest control,
8 or engaged in investigation or preparation for expert opinion or
9 testimony. A professional engaging in research, study,
10 investigation, or preparation for expert opinion or testimony on
11 his or her own behalf shall comply with the requirements of this
12 chapter.

13 (f) Certified architects and registered civil engineers, acting
14 solely within their professional capacity, except that they shall be
15 subject to the limitations imposed by Article 3 of this chapter.

16 (g) Persons engaged in the live capture and removal or exclusion
17 of bees or wasps from a structure without the use of pesticides,
18 provided those persons maintain insurance coverage as described
19 in Section 8692.

20 *SEC. 34. Section 1348.8 of the Health and Safety Code is*
21 *repealed.*

22 ~~1348.8. (a) A health care service plan that provides, operates,~~
23 ~~or contracts for telephone medical advice services to its enrollees~~
24 ~~and subscribers shall do all of the following:~~

25 ~~(1) Ensure that the in-state or out-of-state telephone medical~~
26 ~~advice service is registered pursuant to Chapter 15 (commencing~~
27 ~~with Section 4999) of Division 2 of the Business and Professions~~
28 ~~Code.~~

29 ~~(2) Ensure that the staff providing telephone medical advice~~
30 ~~services for the in-state or out-of-state telephone medical advice~~
31 ~~service are licensed as follows:~~

32 ~~(A) For full service health care service plans, the staff hold a~~
33 ~~valid California license as a registered nurse or a valid license in~~
34 ~~the state within which they provide telephone medical advice~~
35 ~~services as a physician and surgeon or physician assistant, and are~~
36 ~~operating in compliance with the laws governing their respective~~
37 ~~scopes of practice.~~

38 ~~(B) (i) For specialized health care service plans providing,~~
39 ~~operating, or contracting with a telephone medical advice service~~
40 ~~in California, the staff shall be appropriately licensed, registered,~~

1 or certified as a dentist pursuant to Chapter 4 (commencing with
2 Section 1600) of Division 2 of the Business and Professions Code,
3 as a dental hygienist pursuant to Article 7 (commencing with
4 Section 1740) of Chapter 4 of Division 2 of the Business and
5 Professions Code, as a physician and surgeon pursuant to Chapter
6 5 (commencing with Section 2000) of Division 2 of the Business
7 and Professions Code or the Osteopathic Initiative Act, as a
8 registered nurse pursuant to Chapter 6 (commencing with Section
9 2700) of Division 2 of the Business and Professions Code, as a
10 psychologist pursuant to Chapter 6.6 (commencing with Section
11 2900) of Division 2 of the Business and Professions Code, as an
12 optometrist pursuant to Chapter 7 (commencing with Section 3000)
13 of Division 2 of the Business and Professions Code, as a marriage
14 and family therapist pursuant to Chapter 13 (commencing with
15 Section 4980) of Division 2 of the Business and Professions Code,
16 as a licensed clinical social worker pursuant to Chapter 14
17 (commencing with Section 4991) of Division 2 of the Business
18 and Professions Code, as a professional clinical counselor pursuant
19 to Chapter 16 (commencing with Section 4999.10) of Division 2
20 of the Business and Professions Code, or as a chiropractor pursuant
21 to the Chiropractic Initiative Act, and operating in compliance
22 with the laws governing their respective scopes of practice.

23 (ii) For specialized health care service plans providing,
24 operating, or contracting with an out-of-state telephone medical
25 advice service, the staff shall be health care professionals, as
26 identified in clause (i), who are licensed, registered, or certified
27 in the state within which they are providing the telephone medical
28 advice services and are operating in compliance with the laws
29 governing their respective scopes of practice. All registered nurses
30 providing telephone medical advice services to both in-state and
31 out-of-state business entities registered pursuant to this chapter
32 shall be licensed pursuant to Chapter 6 (commencing with Section
33 2700) of Division 2 of the Business and Professions Code.

34 (3) Ensure that every full service health care service plan
35 provides for a physician and surgeon who is available on an on-call
36 basis at all times the service is advertised to be available to
37 enrollees and subscribers.

38 (4) Ensure that staff members handling enrollee or subscriber
39 calls, who are not licensed, certified, or registered as required by
40 paragraph (2), do not provide telephone medical advice. Those

1 staff members may ask questions on behalf of a staff member who
2 is licensed, certified, or registered as required by paragraph (2);
3 in order to help ascertain the condition of an enrollee or subscriber
4 so that the enrollee or subscriber can be referred to licensed staff.
5 However, under no circumstances shall those staff members use
6 the answers to those questions in an attempt to assess, evaluate,
7 advise, or make any decision regarding the condition of an enrollee
8 or subscriber or determine when an enrollee or subscriber needs
9 to be seen by a licensed medical professional.

10 (5) Ensure that no staff member uses a title or designation when
11 speaking to an enrollee or subscriber that may cause a reasonable
12 person to believe that the staff member is a licensed, certified, or
13 registered professional described in Section 4999.2 of the Business
14 and Professions Code unless the staff member is a licensed,
15 certified, or registered professional.

16 (6) Ensure that the in-state or out-of-state telephone medical
17 advice service designates an agent for service of process in
18 California and files this designation with the director.

19 (7) Requires that the in-state or out-of-state telephone medical
20 advice service makes and maintains records for a period of five
21 years after the telephone medical advice services are provided,
22 including, but not limited to, oral or written transcripts of all
23 medical advice conversations with the health care service plan's
24 enrollees or subscribers in California and copies of all complaints.
25 If the records of telephone medical advice services are kept out of
26 state, the health care service plan shall, upon the request of the
27 director, provide the records to the director within 10 days of the
28 request.

29 (8) Ensure that the telephone medical advice services are
30 provided consistent with good professional practice.

31 (b) The director shall forward to the Department of Consumer
32 Affairs, within 30 days of the end of each calendar quarter, data
33 regarding complaints filed with the department concerning
34 telephone medical advice services.

35 (c) For purposes of this section, "telephone medical advice"
36 means a telephonic communication between a patient and a health
37 care professional in which the health care professional's primary
38 function is to provide to the patient a telephonic response to the
39 patient's questions regarding his or her or a family member's
40 medical care or treatment. "Telephone medical advice" includes

1 ~~assessment, evaluation, or advice provided to patients or their~~
2 ~~family members.~~

3 ~~SEC. 35. Section 10279 of the Insurance Code is repealed.~~

4 ~~10279. (a) Every disability insurer that provides group or~~
5 ~~individual policies of disability, or both, that provides, operates,~~
6 ~~or contracts for, telephone medical advice services to its insureds~~
7 ~~shall do all of the following:~~

8 ~~(1) Ensure that the in-state or out-of-state telephone medical~~
9 ~~advice service is registered pursuant to Chapter 15 (commencing~~
10 ~~with Section 4999) of Division 2 of the Business and Professions~~
11 ~~Code.~~

12 ~~(2) Ensure that the staff providing telephone medical advice~~
13 ~~services for the in-state or out-of-state telephone medical advice~~
14 ~~service hold a valid California license as a registered nurse or a~~
15 ~~valid license in the state within which they provide telephone~~
16 ~~medical advice services as a physician and surgeon or physician~~
17 ~~assistant and are operating consistent with the laws governing their~~
18 ~~respective scopes of practice.~~

19 ~~(3) Ensure that a physician and surgeon is available on an on-call~~
20 ~~basis at all times the service is advertised to be available to~~
21 ~~enrollees and subscribers.~~

22 ~~(4) Ensure that the in-state or out-of-state telephone medical~~
23 ~~advice service designates an agent for service of process in~~
24 ~~California and files this designation with the commissioner.~~

25 ~~(5) Require that the in-state or out-of-state telephone medical~~
26 ~~advice service makes and maintains records for a period of five~~
27 ~~years after the telephone medical advice services are provided,~~
28 ~~including, but not limited to, oral or written transcripts of all~~
29 ~~medical advice conversations with the disability insurer's insureds~~
30 ~~in California and copies of all complaints. If the records of~~
31 ~~telephone medical advice services are kept out of state, the insurer~~
32 ~~shall, upon the request of the director, provide the records to the~~
33 ~~director within 10 days of the request.~~

34 ~~(6) Ensure that the telephone medical advice services are~~
35 ~~provided consistent with good professional practice.~~

36 ~~(b) The commissioner shall forward to the Department of~~
37 ~~Consumer Affairs, within 30 days of the end of each calendar~~
38 ~~quarter, data regarding complaints filed with the department~~
39 ~~concerning telephone medical advice services.~~

1 ~~SEC. 7.~~

2 *SEC. 36.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

O