

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE APRIL 7, 2016

**SENATE BILL**

**No. 1039**

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**Introduced by Senator Hill**

February 12, 2016

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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~~ and 8518 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 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.

(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.

(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, 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, 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 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 persons to be licensed, this bill would require them to pay a license fee that would go into a continuously appropriated fund, which would, therefore, result in an appropriation.~~

(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 Professions Education Foundation to  
4 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 contract with outside consultants*  
22 *or a national professional organization to survey and evaluate*  
23 *foreign dental schools. The consultant or organization shall report*  
24 *to the board regarding its findings in the survey and evaluation.*  
25 The board may, in lieu of conducting its own survey and evaluation  
26 of a foreign dental school, accept the findings of any commission  
27 or accreditation agency approved by the board if the findings meet  
28 the standards of subdivision (c) and adopt those findings as the  
29 board's own. This subdivision shall not apply to foreign dental  
30 schools seeking board approval that are under review by the board  
31 on January 1, 2017.

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

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

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

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

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

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

38 2423. (a) Notwithstanding Section 2422:

39 (1) All physician and surgeon's certificates and certificates to  
40 practice midwifery shall expire at 12 midnight on the last day of

1 the birth month of the licensee during the second year of a two-year  
2 term if not renewed.

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

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

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

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

17 2460. (a) There is created within the Department of Consumer  
18 Affairs a California Board of Podiatric Medicine.

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

25 SEC. 5. Section 2461 of the Business and Professions Code is  
26 amended to read:

27 2461. As used in this article:

28 (a) "Board" means the California Board of Podiatric Medicine.

29 (b) "Podiatric licensing authority" refers to any officer, board,  
30 commission, committee, or department of another state that may  
31 issue a license to practice podiatric medicine.

32 SEC. 6. Section 2475 of the Business and Professions Code is  
33 amended to read:

34 2475. Unless otherwise provided by law, no postgraduate  
35 trainee, intern, resident postdoctoral fellow, or instructor may  
36 engage in the practice of podiatric medicine, or receive  
37 compensation therefor, or offer to engage in the practice of  
38 podiatric medicine unless he or she holds a valid, unrevoked, and  
39 unsuspended certificate to practice podiatric medicine issued by  
40 the board. However, a graduate of an approved college or school

1 of podiatric medicine upon whom the degree doctor of podiatric  
2 medicine has been conferred, who is issued a resident’s license,  
3 which may be renewed annually for up to eight years for this  
4 purpose by the board, and who is enrolled in a postgraduate training  
5 program approved by the board, may engage in the practice of  
6 podiatric medicine whenever and wherever required as a part of  
7 that program and may receive compensation for that practice under  
8 the following conditions:

9 (a) A graduate with a resident’s license in an approved  
10 internship, residency, or fellowship program may participate in  
11 training rotations outside the scope of podiatric medicine, under  
12 the supervision of a physician and surgeon who holds a medical  
13 doctor or doctor of osteopathy degree wherever and whenever  
14 required as a part of the training program, and may receive  
15 compensation for that practice. If the graduate fails to receive a  
16 license to practice podiatric medicine under this chapter within  
17 three years from the commencement of the postgraduate training,  
18 all privileges and exemptions under this section shall automatically  
19 cease.

20 (b) Hospitals functioning as a part of the teaching program of  
21 an approved college or school of podiatric medicine in this state  
22 may exchange instructors or resident or assistant resident doctors  
23 of podiatric medicine with another approved college or school of  
24 podiatric medicine not located in this state, or those hospitals may  
25 appoint a graduate of an approved school as such a resident for  
26 purposes of postgraduate training. Those instructors and residents  
27 may practice and be compensated as provided in this section, but  
28 that practice and compensation shall be for a period not to exceed  
29 two years.

30 SEC. 7. Section 2479 of the Business and Professions Code is  
31 amended to read:

32 2479. The board shall issue a certificate to practice podiatric  
33 medicine to each applicant who meets the requirements of this  
34 chapter. Every applicant for a certificate to practice podiatric  
35 medicine shall comply with the provisions of Article 4  
36 (commencing with Section 2080) which are not specifically  
37 applicable to applicants for a physician’s and surgeon’s certificate,  
38 in addition to the provisions of this article.

39 SEC. 8. Section 2486 of the Business and Professions Code is  
40 amended to read:

1 2486. The board shall issue a certificate to practice podiatric  
2 medicine if the applicant has submitted directly to the board from  
3 the credentialing organizations verification that he or she meets  
4 all of the following requirements:

5 (a) The applicant has graduated from an approved school or  
6 college of podiatric medicine and meets the requirements of Section  
7 2483.

8 (b) The applicant, within the past 10 years, has passed parts I,  
9 II, and III of the examination administered by the National Board  
10 of Podiatric Medical Examiners of the United States or has passed  
11 a written examination that is recognized by the board to be the  
12 equivalent in content to the examination administered by the  
13 National Board of Podiatric Medical Examiners of the United  
14 States.

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

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

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

23 (f) The board determines that no disciplinary action has been  
24 taken against the applicant by any podiatric licensing authority  
25 and that the applicant has not been the subject of adverse judgments  
26 or settlements resulting from the practice of podiatric medicine  
27 that the board determines constitutes evidence of a pattern of  
28 negligence or incompetence.

29 (g) A disciplinary databank report regarding the applicant is  
30 received by the board from the Federation of Podiatric Medical  
31 Boards.

32 SEC. 9. Section 2488 of the Business and Professions Code is  
33 amended to read:

34 2488. Notwithstanding any other law, the board shall issue a  
35 certificate to practice podiatric medicine by credentialing if the  
36 applicant has submitted directly to the board from the credentialing  
37 organizations verification that he or she is licensed as a doctor of  
38 podiatric medicine in any other state and meets all of the following  
39 requirements:

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

3 (b) The applicant, within the past 10 years, has passed either  
4 part III of the examination administered by the National Board of  
5 Podiatric Medical Examiners of the United States or a written  
6 examination that is recognized by the board to be the equivalent  
7 in content to the examination administered by the National Board  
8 of Podiatric Medical Examiners of the United States.

9 (c) The applicant has satisfactorily completed a postgraduate  
10 training program approved by the Council on Podiatric Medical  
11 Education.

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

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

18 (f) The board determines that no disciplinary action has been  
19 taken against the applicant by any podiatric licensing authority  
20 and that the applicant has not been the subject of adverse judgments  
21 or settlements resulting from the practice of podiatric medicine  
22 that the board determines constitutes evidence of a pattern of  
23 negligence or incompetence.

24 (g) A disciplinary databank report regarding the applicant is  
25 received by the board from the Federation of Podiatric Medical  
26 Boards.

27 SEC. 10. Section 2492 of the Business and Professions Code  
28 is amended to read:

29 2492. (a) The board shall examine every applicant for a  
30 certificate to practice podiatric medicine to ensure a minimum of  
31 entry-level competence at the time and place designated by the  
32 board in its discretion, but at least twice a year.

33 (b) Unless the applicant meets the requirements of Section 2486,  
34 applicants shall be required to have taken and passed the  
35 examination administered by the National Board of Podiatric  
36 Medical Examiners.

37 (c) The board may appoint qualified persons to give the whole  
38 or any portion of any examination as provided in this article, who  
39 shall be designated as examination commissioners. The board may

1 fix the compensation of those persons subject to the provisions of  
2 applicable state laws and regulations.

3 (d) The provisions of Article 9 (commencing with Section 2170)  
4 shall apply to examinations administered by the board except where  
5 those provisions are in conflict with or inconsistent with the  
6 provisions of this article.

7 SEC. 11. Section 2499 of the Business and Professions Code  
8 is amended to read:

9 2499. There is in the State Treasury the Board of Podiatric  
10 Medicine Fund. Notwithstanding Section 2445, the board shall  
11 report to the Controller at the beginning of each calendar month  
12 for the month preceding the amount and source of all revenue  
13 received by the board, pursuant to this chapter, and shall pay the  
14 entire amount thereof to the Treasurer for deposit into the fund.  
15 All revenue received by the board from fees authorized to be  
16 charged relating to the practice of podiatric medicine shall be  
17 deposited in the fund as provided in this section, and shall be used  
18 to carry out the provisions of this chapter relating to the regulation  
19 of the practice of podiatric medicine.

20 SEC. 12. Section 2499.7 is added to the Business and  
21 Professions Code, to read:

22 2499.7. (a) Certificates to practice podiatric medicine shall  
23 expire at 12 midnight on the last day of the birth month of the  
24 licensee during the second year of a two-year term.

25 (b) To renew an unexpired certificate, the licensee, on or before  
26 the date on which the certificate would otherwise expire, shall  
27 apply for renewal on a form prescribed by the board and pay the  
28 prescribed renewal fee.

29 SEC. 13. Section 2733 of the Business and Professions Code  
30 is amended to read:

31 2733. (a) (1) (A) Upon approval of an application filed  
32 pursuant to subdivision (b) of Section 2732.1, and upon the  
33 payment of the fee prescribed by subdivision (k) of Section 2815,  
34 the board may issue a temporary license to practice professional  
35 nursing, and a temporary certificate to practice as a certified public  
36 health nurse for a period of six months from the date of issuance.

37 (B) Upon approval of an application filed pursuant to  
38 subdivision (b) of Section 2732.1, and upon the payment of the  
39 fee prescribed by subdivision (d) of Section 2838.2, the board may

1 issue a temporary certificate to practice as a certified clinical nurse  
2 specialist for a period of six months from the date of issuance.

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

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

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

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

22 (b) Upon written application, the board may reissue a temporary  
23 license or temporary certificate to any person who has applied for  
24 a regular renewable license pursuant to subdivision (b) of Section  
25 2732.1 and who, in the judgment of the board has been excusably  
26 delayed in completing his or her application for or the minimum  
27 requirements for a regular renewable license, but the board may  
28 not reissue a temporary license or temporary certificate more than  
29 twice to any one person.

30 SEC. 14. Section 2746.51 of the Business and Professions  
31 Code is amended to read:

32 2746.51. (a) Neither this chapter nor any other provision of  
33 law shall be construed to prohibit a certified nurse-midwife from  
34 furnishing or ordering drugs or devices, including controlled  
35 substances classified in Schedule II, III, IV, or V under the  
36 California Uniform Controlled Substances Act (Division 10  
37 commencing with Section 11000) of the Health and Safety Code),  
38 when all of the following apply:

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

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

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

5 (C) Care rendered, consistent with the certified nurse-midwife's  
6 educational preparation or for which clinical competency has been  
7 established and maintained, to persons within a facility specified  
8 in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of the  
9 Health and Safety Code, a clinic as specified in Section 1204 of  
10 the Health and Safety Code, a general acute care hospital as defined  
11 in subdivision (a) of Section 1250 of the Health and Safety Code,  
12 a licensed birth center as defined in Section 1204.3 of the Health  
13 and Safety Code, or a special hospital specified as a maternity  
14 hospital in subdivision (f) of Section 1250 of the Health and Safety  
15 Code.

16 (2) The drugs or devices are furnished or ordered by a certified  
17 nurse-midwife in accordance with standardized procedures or  
18 protocols. For purposes of this section, standardized procedure  
19 means a document, including protocols, developed and approved  
20 by the supervising physician and surgeon, the certified  
21 nurse-midwife, and the facility administrator or his or her designee.  
22 The standardized procedure covering the furnishing or ordering  
23 of drugs or devices shall specify all of the following:

24 (A) Which certified nurse-midwife may furnish or order drugs  
25 or devices.

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

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

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

32 (3) If Schedule II or III controlled substances, as defined in  
33 Sections 11055 and 11056 of the Health and Safety Code, are  
34 furnished or ordered by a certified nurse-midwife, the controlled  
35 substances shall be furnished or ordered in accordance with a  
36 patient-specific protocol approved by the treating or supervising  
37 physician and surgeon. For Schedule II controlled substance  
38 protocols, the provision for furnishing the Schedule II controlled  
39 substance shall address the diagnosis of the illness, injury, or

1 condition for which the Schedule II controlled substance is to be  
2 furnished.

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

10 (A) Collaboration on the development of the standardized  
11 procedure or protocol.

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

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

15 (b) (1) The furnishing or ordering of drugs or devices by a  
16 certified nurse-midwife is conditional on the issuance by the board  
17 of a number to the applicant who has successfully completed the  
18 requirements of paragraph (2). The number shall be included on  
19 all transmittals of orders for drugs or devices by the certified  
20 nurse-midwife. The board shall maintain a list of the certified  
21 nurse-midwives that it has certified pursuant to this paragraph and  
22 the number it has issued to each one. The board shall make the list  
23 available to the California State Board of Pharmacy upon its  
24 request. Every certified nurse-midwife who is authorized pursuant  
25 to this section to furnish or issue a drug order for a controlled  
26 substance shall register with the United States Drug Enforcement  
27 Administration.

28 (2) The board has certified in accordance with paragraph (1)  
29 that the certified nurse-midwife has satisfactorily completed a  
30 course in pharmacology covering the drugs or devices to be  
31 furnished or ordered under this section. The board shall establish  
32 the requirements for satisfactory completion of this paragraph.  
33 The board may charge the applicant a fee to cover all necessary  
34 costs to implement this section, that shall be not less than four  
35 hundred dollars (\$400) nor more than one thousand five hundred  
36 dollars (\$1,500) for an initial application, nor less than one hundred  
37 fifty dollars (\$150) nor more than one thousand dollars (\$1,000)  
38 for an application for renewal. The board may charge a penalty  
39 fee for failure to renew a furnishing number within the prescribed

1 time that shall be not less than seventy-five dollars (\$75) nor more  
2 than five hundred dollars (\$500).

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

6 (4) A copy of the standardized procedure or protocol relating  
7 to the furnishing or ordering of controlled substances by a certified  
8 nurse-midwife shall be provided upon request to any licensed  
9 pharmacist who is uncertain of the authority of the certified  
10 nurse-midwife to perform these functions.

11 (5) Certified nurse-midwives who are certified by the board and  
12 hold an active furnishing number, who are currently authorized  
13 through standardized procedures or protocols to furnish Schedule  
14 II controlled substances, and who are registered with the United  
15 States Drug Enforcement Administration shall provide  
16 documentation of continuing education specific to the use of  
17 Schedule II controlled substances in settings other than a hospital  
18 based on standards developed by the board.

19 (c) Drugs or devices furnished or ordered by a certified  
20 nurse-midwife may include Schedule II controlled substances  
21 under the California Uniform Controlled Substances Act (Division  
22 10 (commencing with Section 11000) of the Health and Safety  
23 Code) under the following conditions:

24 (1) The drugs and devices are furnished or ordered in accordance  
25 with requirements referenced in paragraphs (2) to (4), inclusive,  
26 of subdivision (a) and in paragraphs (1) to (3), inclusive, of  
27 subdivision (b).

28 (2) When Schedule II controlled substances, as defined in  
29 Section 11055 of the Health and Safety Code, are furnished or  
30 ordered by a certified nurse-midwife, the controlled substances  
31 shall be furnished or ordered in accordance with a patient-specific  
32 protocol approved by the treating or supervising physician and  
33 surgeon.

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

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

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

3 (e) “Drug order” or “order” for purposes of this section means  
4 an order for medication or for a drug or device that is dispensed  
5 to or for an ultimate user, issued by a certified nurse-midwife as  
6 an individual practitioner, within the meaning of Section 1306.03  
7 of Title 21 of the Code of Federal Regulations. Notwithstanding  
8 any other provision of law, (1) a drug order issued pursuant to this  
9 section shall be treated in the same manner as a prescription of the  
10 supervising physician; (2) all references to “prescription” in this  
11 code and the Health and Safety Code shall include drug orders  
12 issued by certified nurse-midwives; and (3) the signature of a  
13 certified nurse-midwife on a drug order issued in accordance with  
14 this section shall be deemed to be the signature of a prescriber for  
15 purposes of this code and the Health and Safety Code.

16 SEC. 15. Section 2786.5 of the Business and Professions Code  
17 is amended to read:

18 2786.5. (a) An institution of higher education or a private  
19 postsecondary school of nursing approved by the board pursuant  
20 to subdivision (b) of Section 2786 shall remit to the board for  
21 deposit in the Board of Registered Nursing Fund the following  
22 fees, in accordance with the following schedule:

23 (1) The fee for approval of a school of nursing shall be fixed  
24 by the board at not less than forty thousand dollars (\$40,000) nor  
25 more than eighty thousand dollars (\$80,000).

26 (2) The fee for continuing approval of a nursing program  
27 established after January 1, 2013, shall be fixed by the board at  
28 not less than fifteen thousand dollars (\$15,000) nor more than  
29 thirty thousand dollars (\$30,000).

30 (3) The processing fee for authorization of a substantive change  
31 to an approval of a school of nursing shall be fixed by the board  
32 at not less than two thousand five hundred dollars (\$2,500) nor  
33 more than five thousand dollars (\$5,000).

34 (b) If the board determines that the annual cost of providing  
35 oversight and review of a school of nursing, as required by this  
36 article, is less than the amount of any fees required to be paid by  
37 that institution pursuant to this article, the board may decrease the  
38 fees applicable to that institution to an amount that is proportional  
39 to the board’s costs associated with that institution.

1 SEC. 16. Section 2811 of the Business and Professions Code  
2 is amended to read:

3 2811. (a) Each person holding a regular renewable license  
4 under this chapter, whether in an active or inactive status, shall  
5 apply for a renewal of his license and pay the biennial renewal fee  
6 required by this chapter each two years on or before the last day  
7 of the month following the month in which his birthday occurs,  
8 beginning with the second birthday following the date on which  
9 the license was issued, whereupon the board shall renew the  
10 license.

11 (b) Each such license not renewed in accordance with this  
12 section shall expire but may within a period of eight years  
13 thereafter be reinstated upon payment of the fee required by this  
14 chapter and upon submission of such proof of the applicant’s  
15 qualifications as may be required by the board, except that during  
16 such eight-year period no examination shall be required as a  
17 condition for the reinstatement of any such expired license which  
18 has lapsed solely by reason of nonpayment of the renewal fee.  
19 After the expiration of such eight-year period the board may require  
20 as a condition of reinstatement that the applicant pass such  
21 examination as it deems necessary to determine his present fitness  
22 to resume the practice of professional nursing.

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

26 SEC. 17. Section 2811.5 of the Business and Professions Code  
27 is amended to read:

28 2811.5. (a) Each person renewing his or her license under  
29 Section 2811 shall submit proof satisfactory to the board that,  
30 during the preceding two-year period, he or she has been informed  
31 of the developments in the registered nurse field or in any special  
32 area of practice engaged in by the licensee, occurring since the  
33 last renewal thereof, either by pursuing a course or courses of  
34 continuing education in the registered nurse field or relevant to  
35 the practice of the licensee, and approved by the board, or by other  
36 means deemed equivalent by the board.

37 (b) For purposes of this section, the board shall, by regulation,  
38 establish standards for continuing education. The standards shall  
39 be established in a manner to ensure that a variety of alternative  
40 forms of continuing education are available to licensees, including,

1 but not limited to, academic studies, in-service education, institutes,  
2 seminars, lectures, conferences, workshops, extension studies, and  
3 home study programs. The standards shall take cognizance of  
4 specialized areas of practice, and content shall be relevant to the  
5 practice of nursing and shall be related to the scientific knowledge  
6 or technical skills required for the practice of nursing or be related  
7 to direct or indirect patient or client care. The continuing education  
8 standards established by the board shall not exceed 30 hours of  
9 direct participation in a course or courses approved by the board,  
10 or its equivalent in the units of measure adopted by the board.

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

15 (d) The board shall encourage continuing education in spousal  
16 or partner abuse detection and treatment. In the event the board  
17 establishes a requirement for continuing education coursework in  
18 spousal or partner abuse detection or treatment, that requirement  
19 shall be met by each licensee within no more than four years from  
20 the date the requirement is imposed.

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

- 25 (1) Pain and symptom management.
- 26 (2) The psycho-social dynamics of death.
- 27 (3) Dying and bereavement.
- 28 (4) Hospice care.

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

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

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

38 SEC. 18. Section 2815 of the Business and Professions Code  
39 is amended to read:

1 2815. Subject to the provisions of Section 128.5, the amount  
2 of the fees prescribed by this chapter in connection with the  
3 issuance of licenses for registered nurses under its provisions is  
4 that fixed by the following schedule:

5 (a) (1) The fee to be paid upon the filing by a graduate of an  
6 approved school of nursing in this state of an application for a  
7 licensure by examination shall be fixed by the board at not less  
8 than three hundred dollars (\$300) nor more than one thousand  
9 dollars (\$1,000).

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

15 (3) The fee to be paid upon the filing by a graduate of a school  
16 of nursing in another country of an application for a licensure by  
17 examination shall be fixed by the board at not less than seven  
18 hundred fifty dollars (\$750) nor more than one thousand five  
19 hundred dollars (\$1,500).

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

24 (b) The fee to be paid for taking each examination shall be the  
25 actual cost to purchase an examination from a vendor approved  
26 by the board.

27 (c) (1) The fee to be paid for application by a person who is  
28 licensed or registered as a nurse in another state, district, or territory  
29 of the United States for licensure by endorsement shall be fixed  
30 by the board at not less than three hundred fifty dollars (\$350) nor  
31 more than one thousand dollars (\$1,000).

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

37 (d) (1) The biennial fee to be paid upon the filing of an  
38 application for renewal of the license shall be not less than one  
39 hundred eighty dollars (\$180) nor more than seven hundred fifty  
40 dollars (\$750). In addition, an assessment of ten dollars (\$10) shall

1 be collected and credited to the Registered Nurse Education Fund,  
2 pursuant to Section 2815.1.

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

7 (e) The penalty fee for failure to renew a license within the  
8 prescribed time shall be fixed by the board at not more than 50  
9 percent of the regular renewal fee, but not less than ninety dollars  
10 (\$90) nor more than three hundred seventy-five dollars (\$375).

11 (f) The fee to be paid for approval of a continuing education  
12 provider shall be fixed by the board at not less than five hundred  
13 dollars (\$500) nor more than one thousand dollars (\$1,000).

14 (g) The biennial fee to be paid upon the filing of an application  
15 for renewal of provider approval shall be fixed by the board at not  
16 less than seven hundred fifty dollars (\$750) nor more than one  
17 thousand dollars (\$1,000).

18 (h) The penalty fee for failure to renew provider approval within  
19 the prescribed time shall be fixed at not more than 50 percent of  
20 the regular renewal fee, but not less than one hundred twenty-five  
21 dollars (\$125) nor more than five hundred dollars (\$500).

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

26 (j) The fee to be paid for an interim permit shall be fixed by the  
27 board at not less than one hundred dollars (\$100) nor more than  
28 two hundred fifty dollars (\$250).

29 (k) The fee to be paid for a temporary license shall be fixed by  
30 the board at not less than one hundred dollars (\$100) nor more  
31 than two hundred fifty dollars (\$250).

32 (l) The fee to be paid for processing endorsement papers to other  
33 states shall be fixed by the board at not less than one hundred  
34 dollars (\$100) nor more than two hundred dollars (\$200).

35 (m) The fee to be paid for a certified copy of a school transcript  
36 shall be fixed by the board at not less than fifty dollars (\$50) nor  
37 more than one hundred dollars (\$100).

38 (n) (1) The fee to be paid for a duplicate pocket license shall  
39 be fixed by the board at not less than fifty dollars (\$50) nor more  
40 than seventy-five dollars (\$75).

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

4 (o) (1) The fee to be paid by a registered nurse for an evaluation  
5 of his or her qualifications to use the title “nurse practitioner” shall  
6 be fixed by the board at not less than five hundred dollars (\$500)  
7 nor more than one thousand five hundred dollars (\$1,500).

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

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

16 (4) The penalty fee for failure to renew a certificate to practice  
17 as a nurse practitioner within the prescribed time shall be not less  
18 than seventy-five dollars (\$75) nor more than five hundred dollars  
19 (\$500).

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

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

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

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

33 SEC. 19. Section 2815.5 of the Business and Professions Code  
34 is amended to read:

35 2815.5. The amount of the fees prescribed by this chapter in  
36 connection with the issuance of certificates as nurse-midwives is  
37 that fixed by the following schedule:

38 (a) The fee to be paid upon the filing of an application for a  
39 certificate shall be fixed by the board at not less than five hundred

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

3 (b) The biennial fee to be paid upon the application for a renewal  
4 of a certificate shall be fixed by the board at not less than one  
5 hundred fifty dollars (\$150) nor more than one thousand dollars  
6 (\$1,000).

7 (c) The penalty fee for failure to renew a certificate within the  
8 prescribed time shall be 50 percent of the renewal fee in effect on  
9 the date of the renewal of the license, but not less than seventy-five  
10 dollars (\$75) nor more than five hundred dollars (\$500).

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

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

18 SEC. 20. Section 2816 of the Business and Professions Code  
19 is amended to read:

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

31 SEC. 21. Section 2830.7 of the Business and Professions Code  
32 is amended to read:

33 2830.7. The amount of the fees prescribed by this chapter in  
34 connection with the issuance of certificates as nurse anesthetists  
35 is that fixed by the following schedule:

36 (a) The fee to be paid upon the filing of an application for a  
37 certificate shall be fixed by the board at not less than five hundred  
38 dollars (\$500) nor more than one thousand five hundred dollars  
39 (\$1,500).

1 (b) The biennial fee to be paid upon the application for a renewal  
2 of a certificate shall be fixed by the board at not less than one  
3 hundred fifty dollars (\$150) nor more than one thousand dollars  
4 (\$1,000).

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

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

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

14 2836.3. (a) The furnishing of drugs or devices by nurse  
15 practitioners is conditional on issuance by the board of a number  
16 to the nurse applicant who has successfully completed the  
17 requirements of subdivision (g) of Section 2836.1. The number  
18 shall be included on all transmittals of orders for drugs or devices  
19 by the nurse practitioner. The board shall make the list of numbers  
20 issued available to the Board of Pharmacy. The board may charge  
21 the applicant a fee to cover all necessary costs to implement this  
22 section, that shall be not less than four hundred dollars (\$400) nor  
23 more than one thousand five hundred dollars (\$1,500) for an initial  
24 application, nor less than one hundred fifty dollars (\$150) nor more  
25 than one thousand dollars (\$1,000) for an application for renewal.  
26 The board may charge a penalty fee for failure to renew a  
27 furnishing number within the prescribed time that shall be not less  
28 than seventy-five dollars (\$75) nor more than five hundred dollars  
29 (\$500).

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

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

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

37 2838.2. (a) A clinical nurse specialist is a registered nurse with  
38 advanced education, who participates in expert clinical practice,  
39 education, research, consultation, and clinical leadership as the  
40 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 five hundred dollars  
23 (\$500), but not to exceed one thousand five hundred dollars  
24 (\$1,500) shall be paid by a registered nurse applying to be a clinical  
25 nurse specialist for the evaluation of his or her qualifications to  
26 use the title "clinical nurse specialist."

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

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

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

38 (5) The fees authorized by this subdivision shall not exceed the  
39 amount necessary to cover the costs to the board to administer this  
40 section.

1 SEC. 24. Section 4128.2 of the Business and Professions Code  
2 is amended to read:

3 4128.2. (a) In addition to the pharmacy license requirement  
4 described in Section 4110, a centralized hospital packaging  
5 pharmacy shall obtain a specialty license from the board prior to  
6 engaging in the functions described in Section 4128.

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

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

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

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

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

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

23 SEC. 25. Section 4400 of the Business and Professions Code  
24 is amended to read:

25 4400. The amount of fees and penalties prescribed by this  
26 chapter, except as otherwise provided, is that fixed by the board  
27 according to the following schedule:

28 (a) The fee for a nongovernmental pharmacy license shall be  
29 four hundred dollars (\$400) and may be increased to five hundred  
30 twenty dollars (\$520). The fee for the issuance of a temporary  
31 nongovernmental pharmacy permit shall be two hundred fifty  
32 dollars (\$250) and may be increased to three hundred twenty-five  
33 dollars (\$325).

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

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

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

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

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

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

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

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

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

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

38 (j) (1) The application fee for a nonresident wholesaler or  
39 third-party logistics provider license issued pursuant to Section

1 4161 shall be seven hundred eighty dollars (\$780) and may be  
2 decreased to no less than six hundred dollars (\$600).

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

13 (3) The annual renewal fee for a nonresident wholesaler license  
14 or third-party logistics provider license issued pursuant to Section  
15 4161 shall be seven hundred eighty dollars (\$780) and may be  
16 decreased to no less than six hundred dollars (\$600).

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

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

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

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

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

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

1 (q) The fee for any applicant for a nongovernmental clinic  
2 license shall be four hundred dollars (\$400) and may be increased  
3 to five hundred twenty dollars (\$520) for each license. The annual  
4 fee for renewal of the license shall be two hundred fifty dollars  
5 (\$250) and may be increased to three hundred twenty-five dollars  
6 (\$325) for each license.

7 (r) The fee for the issuance of a pharmacy technician license  
8 shall be eighty dollars (\$80) and may be increased to one hundred  
9 five dollars (\$105). The fee for renewal of a pharmacy technician  
10 license shall be one hundred dollars (\$100) and may be increased  
11 to one hundred thirty dollars (\$130).

12 (s) The fee for a veterinary food-animal drug retailer license  
13 shall be four hundred five dollars (\$405) and may be increased to  
14 four hundred twenty-five dollars (\$425). The annual renewal fee  
15 for a veterinary food-animal drug retailer license shall be two  
16 hundred fifty dollars (\$250) and may be increased to three hundred  
17 twenty-five dollars (\$325).

18 (t) The fee for issuance of a retired license pursuant to Section  
19 4200.5 shall be thirty-five dollars (\$35) and may be increased to  
20 forty-five dollars (\$45).

21 (u) The fee for issuance or renewal of a nongovernmental sterile  
22 compounding pharmacy license shall be six hundred dollars (\$600)  
23 and may be increased to seven hundred eighty dollars (\$780). The  
24 fee for a temporary license shall be five hundred fifty dollars (\$550)  
25 and may be increased to seven hundred fifteen dollars (\$715).

26 (v) The fee for the issuance or renewal of a nonresident sterile  
27 compounding pharmacy license shall be seven hundred eighty  
28 dollars (\$780). In addition to paying that application fee, the  
29 nonresident sterile compounding pharmacy shall deposit, when  
30 submitting the application, a reasonable amount, as determined by  
31 the board, necessary to cover the board's estimated cost of  
32 performing the inspection required by Section 4127.2. If the  
33 required deposit is not submitted with the application, the  
34 application shall be deemed to be incomplete. If the actual cost of  
35 the inspection exceeds the amount deposited, the board shall  
36 provide to the applicant a written invoice for the remaining amount  
37 and shall not take action on the application until the full amount  
38 has been paid to the board. If the amount deposited exceeds the  
39 amount of actual and necessary costs incurred, the board shall  
40 remit the difference to the applicant.

1 (w) This section shall become inoperative on July 1, 2017, and  
2 as of January 1, 2018, is repealed.

3 SEC. 26. Section 4400 is added to the Business and Professions  
4 Code, to read:

5 4400. The amount of fees and penalties prescribed by this  
6 chapter, except as otherwise provided, is that fixed by the board  
7 according to the following schedule:

8 (a) The fee for a nongovernmental pharmacy license shall be  
9 five hundred twenty dollars (\$520) and may be increased to five  
10 hundred seventy dollars (\$570). The fee for the issuance of a  
11 temporary nongovernmental pharmacy permit shall be two hundred  
12 fifty dollars (\$250) and may be increased to three hundred  
13 twenty-five dollars (\$325).

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

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

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

24 (e) The fee for a pharmacist license shall be one hundred  
25 ninety-five dollars (\$195) and may be increased to two hundred  
26 fifteen dollars (\$215). The fee for a pharmacist biennial renewal  
27 shall be three hundred sixty dollars (\$360) and may be increased  
28 to five hundred five dollars (\$505).

29 (f) The fee for a nongovernmental wholesaler or third-party  
30 logistics provider license and annual renewal shall be seven  
31 hundred eighty dollars (\$780) and may be increased to eight  
32 hundred twenty dollars (\$820). The application fee for any  
33 additional location after licensure of the first 20 locations shall be  
34 three hundred dollars (\$300) and may be decreased to no less than  
35 two hundred twenty-five dollars (\$225). A temporary license fee  
36 shall be seven hundred fifteen dollars (\$715) and may be decreased  
37 to no less than five hundred fifty dollars (\$550).

38 (g) The fee for a hypodermic license shall be one hundred  
39 seventy dollars (\$170) and may be increased to two hundred forty  
40 dollars (\$240). The fee for a hypodermic license renewal shall be

1 two hundred dollars (\$200) and may be increased to two hundred  
2 eighty dollars (\$280).

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

8 (2) The fee for the annual renewal of a license as a designated  
9 representative or designated representative-3PL shall be two  
10 hundred fifteen dollars (\$215) and may be increased to three  
11 hundred dollars (\$300).

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

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

21 (j) (1) The application fee for a nonresident wholesaler or  
22 third-party logistics provider license issued pursuant to Section  
23 4161 shall be seven hundred eighty dollars (\$780) and may be  
24 increased to eight hundred twenty dollars (\$820).

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

35 (3) The annual renewal fee for a nonresident wholesaler license  
36 or third-party logistics provider license issued pursuant to Section  
37 4161 shall be seven hundred eighty dollars (\$780) and may be  
38 increased to eight hundred twenty dollars (\$820).

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

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

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

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

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

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

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

30 (r) The fee for the issuance of a pharmacy technician license  
31 shall be one hundred forty dollars (\$140) and may be increased to  
32 one hundred ninety-five dollars (\$195). The fee for renewal of a  
33 pharmacy technician license shall be one hundred forty dollars  
34 (\$140) and may be increased to one hundred ninety-five dollars  
35 (\$195).

36 (s) The fee for a veterinary food-animal drug retailer license  
37 shall be four hundred thirty-five dollars (\$435) and may be  
38 increased to six hundred ten dollars (\$610). The annual renewal  
39 fee for a veterinary food-animal drug retailer license shall be three

1 hundred thirty dollars (\$330) and may be increased to four hundred  
2 sixty dollars (\$460).

3 (t) The fee for issuance of a retired license pursuant to Section  
4 4200.5 shall be thirty-five dollars (\$35) and may be increased to  
5 forty-five dollars (\$45).

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

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

33 (w) The fee for the issuance of a centralized hospital packaging  
34 license shall be eight hundred twenty dollars (\$820) and may be  
35 increased to one thousand one hundred fifty dollars (\$1,150). The  
36 annual renewal of the license shall be eight hundred five dollars  
37 (\$805) and may be increased to one thousand one hundred  
38 twenty-five dollars (\$1,125).

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

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

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

5 7137. The board shall set fees by regulation. These fees shall  
6 not exceed the following schedule:

7 (a) (1) The application fee for an original license in a single  
8 classification shall not be more than three hundred sixty dollars  
9 (\$360).

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

13 (3) The application fee for each additional classification pursuant  
14 to Section 7059 shall not be more than three hundred dollars  
15 (\$300).

16 (4) The application fee to replace a responsible managing officer,  
17 responsible managing manager, responsible managing member,  
18 or responsible managing employee pursuant to Section 7068.2  
19 shall not be more than three hundred dollars (\$300).

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

23 (b) The fee for rescheduling an examination for an applicant  
24 who has applied for an original license, additional classification,  
25 a change of responsible managing officer, responsible managing  
26 manager, responsible managing member, or responsible managing  
27 employee, or for an asbestos certification or hazardous substance  
28 removal certification, shall not be more than sixty dollars (\$60).

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

32 (d) The initial license fee for an active or inactive license shall  
33 not be more than two hundred twenty dollars (\$220).

34 (e) (1) The renewal fee for an active license shall not be more  
35 than four hundred thirty dollars (\$430).

36 (2) The renewal fee for an inactive license shall not be more  
37 than two hundred twenty dollars (\$220).

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

1 (g) The registration fee for a home improvement salesperson  
2 shall not be more than ninety dollars (\$90).

3 (h) The renewal fee for a home improvement salesperson  
4 registration shall not be more than ninety dollars (\$90).

5 (i) The application fee for an asbestos certification examination  
6 shall not be more than ninety dollars (\$90).

7 (j) The application fee for a hazardous substance removal or  
8 remedial action certification examination shall not be more than  
9 ninety dollars (\$90).

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

14 (l) The board shall, by regulation, establish criteria for the  
15 approval of expedited processing of applications. Approved  
16 expedited processing of applications for licensure or registration,  
17 as required by other provisions of law, shall not be subject to this  
18 subdivision.

19 SEC. 29. Section 7153.3 of the Business and Professions Code  
20 is amended to read:

21 7153.3. (a) To renew a home improvement salesperson  
22 registration, which has not expired, the registrant shall before the  
23 time at which the registration would otherwise expire, apply for  
24 renewal on a form prescribed by the registrar and pay a renewal  
25 fee prescribed by this chapter. Renewal of an unexpired registration  
26 shall continue the registration in effect for the two-year period  
27 following the expiration date of the registration, when it shall  
28 expire if it is not again renewed.

29 (b) An application for renewal of registration is delinquent if  
30 the application is not postmarked or received via electronic  
31 transmission as authorized by Section 7156.6 by the date on which  
32 the registration would otherwise expire. A registration may,  
33 however, still be renewed at any time within three years after its  
34 expiration upon the filing of an application for renewal on a form  
35 prescribed by the registrar and the payment of the renewal fee  
36 prescribed by this chapter and a delinquent renewal penalty equal  
37 to 50 percent of the renewal fee. If a registration is not renewed  
38 within three years, the person shall make a new application for  
39 registration pursuant to Section 7153.1.

1 (c) The registrar may refuse to renew a registration for failure  
2 by the registrant to complete the application for renewal of  
3 registration. If a registrant fails to return the application rejected  
4 for insufficiency or incompleteness within 90 days from the  
5 original date of rejection, the application and fee shall be deemed  
6 abandoned. Any application abandoned may not be reinstated.  
7 However, the person may file a new application for registration  
8 pursuant to Section 7153.1.

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

13 SEC. 30. Section 8031 of the Business and Professions Code  
14 is amended to read:

15 8031. The amount of the fees required by this chapter is that  
16 fixed by the board in accordance with the following schedule:

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

19 (b) The fee for examination and reexamination for the written  
20 or practical part of the examination shall be in an amount fixed by  
21 the board, which shall be equal to the actual cost of preparing,  
22 administering, grading, and analyzing the examination, but shall  
23 not exceed seventy-five dollars (\$75) for each separate part, for  
24 each administration.

25 (c) The initial certificate fee is an amount equal to the renewal  
26 fee in effect on the last regular renewal date before the date on  
27 which the certificate is issued, except that, if the certificate will  
28 expire less than 180 days after its issuance, then the fee is 50  
29 percent of the renewal fee in effect on the last regular renewal date  
30 before the date on which the certificate is issued, or fifty dollars  
31 (\$50), whichever is greater. The board may, by appropriate  
32 regulation, provide for the waiver or refund of the initial certificate  
33 fee where the certificate is issued less than 45 days before the date  
34 on which it will expire.

35 (d) By a resolution adopted by the board, a renewal fee may be  
36 established in such amounts and at such times as the board may  
37 deem appropriate to meet its operational expenses and funding  
38 responsibilities as set forth in this chapter. The renewal fee shall  
39 not be more than two hundred fifty dollars (\$250) nor less than  
40 ten dollars (\$10) annually, with the following exception:

1 Any person who is employed full time by the State of California  
2 as a hearing reporter and who does not otherwise render shorthand  
3 reporting services for a fee shall be exempt from licensure while  
4 in state employment and shall not be subject to the renewal fee  
5 provisions of this subdivision until 30 days after leaving state  
6 employment. The renewal fee shall, in addition to the amount fixed  
7 by this subdivision, include any unpaid fees required by this section  
8 plus any delinquency fee.

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

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

14 SEC. 31. Section 8516 of the Business and Professions Code  
15 is amended to read:

16 8516. (a) This section, and Section 8519, apply only to wood  
17 destroying pests or organisms.

18 (b) A registered company or licensee shall not commence work  
19 on a contract, or sign, issue, or deliver any documents expressing  
20 an opinion or statement relating to the absence or presence of wood  
21 destroying pests or organisms until an inspection has been made  
22 by a licensed Branch 3 field representative or operator employed  
23 by a registered company, except as provided in Section 8519.5.  
24 The address of each property inspected or upon which work is  
25 completed shall be reported on a form prescribed by the board and  
26 shall be filed with the board no later than 10 business days after  
27 the commencement of an inspection or upon completed work.

28 Every property inspected pursuant to this subdivision or Section  
29 8518 shall be assessed a filing fee pursuant to Section 8674.

30 Failure of a registered company to report and file with the board  
31 the address of any property inspected or work completed pursuant  
32 to Section 8518 or this section is grounds for disciplinary action  
33 and shall subject the registered company to a fine of not more than  
34 two thousand five hundred dollars (\$2,500). The address of an  
35 inspection report prepared for use by an attorney for litigation  
36 purposes shall not be required to be reported to the board and shall  
37 not be assessed a filing fee.

38 A written inspection report conforming to this section and a form  
39 approved by the board shall be prepared and delivered to the person  
40 requesting the inspection and the property owner, or to the property

1 owner's designated agent, within 10 business days from the start  
2 of the inspection, except that an inspection report prepared for use  
3 by an attorney for litigation purposes is not required to be reported  
4 to the board or the property owner. An inspection report may be  
5 a complete, limited, supplemental, or reinspection report, as defined  
6 by Section 1993 of Title 16 of the California Code of Regulations.  
7 The report shall be delivered before work is commenced on any  
8 property. The registered company shall retain for three years all  
9 inspection reports, field notes, and activity forms.

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

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

17 (2) The name and address of the person or firm ordering the  
18 report.

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

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

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

23 (6) A foundation diagram or sketch of the structure or structures  
24 or portions of the structure or structures inspected, including the  
25 approximate location of any infested or infected areas evident, and  
26 the parts of the structure where conditions that would ordinarily  
27 subject those parts to attack by wood destroying pests or organisms  
28 exist. Reporting of the infested or infected wood members, or parts  
29 of the structure identified, shall be listed in the inspection report  
30 to clearly identify them, as is typical in standard construction  
31 components, including, but not limited to, siding, studs, rafters,  
32 floor joists, fascia, subfloor, sheathing, and trim boards.

33 (7) Information regarding the substructure, foundation walls  
34 and footings, porches, patios and steps, air vents, abutments, attic  
35 spaces, roof framing that includes the eaves, rafters, fascias,  
36 exposed timbers, exposed sheathing, ceiling joists, and attic walls,  
37 or other parts subject to attack by wood destroying pests or  
38 organisms. Conditions usually deemed likely to lead to infestation  
39 or infection, such as earth-wood contacts, excessive cellulose

1 debris, faulty grade levels, excessive moisture conditions, evidence  
2 of roof leaks, and insufficient ventilation are to be reported.

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

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

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

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

16 (10) Recommendations for corrective measures.

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

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

24 An estimate or bid shall be given separately allocating the costs  
25 to perform each and every recommendation for corrective measures  
26 as specified in subdivision (c) with the original inspection report  
27 if the person who ordered the original inspection report so requests,  
28 and if the registered company is regularly in the business of  
29 performing each corrective measure.

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

33 A reinspection shall be an inspection of those items previously  
34 listed on an original report to determine if the recommendations  
35 have been completed. Each reinspection shall be reported on an  
36 original inspection report form and shall be labeled "Reinspection."  
37 Each reinspection shall also identify the original report by date.

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

1 Any reinspection shall be performed for not more than the price  
2 of the registered company's original inspection price and shall be  
3 completed within 10 business days after a reinspection has been  
4 ordered.

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

7  
8 "NOTICE: Reports on this structure prepared by various  
9 registered companies should list the same findings (i.e. termite  
10 infestations, termite damage, fungus damage, etc.). However,  
11 recommendations to correct these findings may vary from company  
12 to company. You have a right to seek a second opinion from  
13 another company."

14  
15 (c) At the time a report is ordered, the registered company or  
16 licensee shall inform the person or entity ordering the report, that  
17 a separate report is available pursuant to this subdivision. If a  
18 separate report is requested at the time the inspection report is  
19 ordered, the registered company or licensee shall separately identify  
20 on the report each recommendation for corrective measures as  
21 follows:

- 22 (1) The infestation or infection that is evident.  
23 (2) The conditions that are present that are deemed likely to  
24 lead to infestation or infection.

25 If a registered company or licensee fails to inform as required  
26 by this subdivision and a dispute arises, or if any other dispute  
27 arises as to whether this subdivision has been complied with, a  
28 separate report shall be provided within 24 hours of the request  
29 but, in no event, later than the next business day, and at no  
30 additional cost.

31 (d) When a corrective condition is identified, either as paragraph  
32 (1) or (2) of subdivision (c), and the property owner or the property  
33 owner's designated agent chooses not to correct those conditions,  
34 the registered company or licensee shall not be liable for damages  
35 resulting from a failure to correct those conditions or subject to  
36 any disciplinary action by the board. Nothing in this subdivision,  
37 however, shall relieve a registered company or a licensee of any  
38 liability resulting from negligence, fraud, dishonest dealing, other  
39 violations pursuant to this chapter, or contractual obligations

1 between the registered company or licensee and the responsible  
2 parties.

3 (e) The inspection report form prescribed by the board shall  
4 separately identify the infestation or infection that is evident and  
5 the conditions that are present that are deemed likely to lead to  
6 infestation or infection. If a separate form is requested, the form  
7 shall explain the infestation or infection that is evident and the  
8 conditions that are present that are deemed likely to lead to  
9 infestation or infection and the difference between those conditions.  
10 In no event, however, shall conditions deemed likely to lead to  
11 infestation or infection be characterized as actual “defects” or as  
12 actual “active” infestations or infections or in need of correction  
13 as a precondition to issuing a certification pursuant to Section  
14 8519.

15 (f) The report and any contract entered into shall also state  
16 specifically when any guarantee for the work is made, and if so,  
17 the specific terms of the guarantee and the period of time for which  
18 the guarantee shall be in effect. If a guarantee extends beyond three  
19 years, the registered company shall maintain all original inspection  
20 reports, field notes, activity forms, and notices of completion for  
21 the duration of the guarantee period and for one year after the  
22 guarantee expires.

23 (g) For purposes of this section, “control service agreement”  
24 means an agreement, including extended warranties, to have a  
25 licensee conduct over a period of time regular inspections and  
26 other activities related to the control or eradication of wood  
27 destroying pests and organisms. Under a control service agreement  
28 a registered company shall refer to the original report and contract  
29 in a manner as to identify them clearly, and the report shall be  
30 assumed to be a true report of conditions as originally issued,  
31 except it may be modified after a control service inspection. A  
32 registered company is not required to issue a report as outlined in  
33 paragraphs (1) to (11), inclusive, of subdivision (b) after each  
34 control service inspection. If after control service inspection, no  
35 modification of the original report is made in writing, then it will  
36 be assumed that conditions are as originally reported. A control  
37 service contract shall state specifically the particular wood  
38 destroying pests or organisms and the portions of the buildings or  
39 structures covered by the contract.

- 1 (h) A registered company or licensee may enter into and
- 2 maintain a control service agreement provided the following
- 3 requirements are met:
- 4 (1) The control service agreement shall be in writing, signed by
- 5 both parties, and shall specifically include the following:
- 6 (A) The wood destroying pests and organisms covered by the
- 7 control service agreement.
- 8 (B) Any wood destroying pest or organism that is not covered
- 9 must be specifically listed.
- 10 (C) The type and manner of treatment to be used to correct the
- 11 infestations or infections.
- 12 (D) The structures or buildings, or portions thereof, covered by
- 13 the agreement, including a statement specifying whether the
- 14 coverage for purposes of periodic inspections is limited or full.
- 15 Any exclusions from those described in the original report must
- 16 be specifically listed.
- 17 (E) A reference to the original inspection report.
- 18 (F) The frequency of the inspections to be provided, the fee to
- 19 be charged for each renewal, and the duration of the agreement.
- 20 (G) Whether the fee includes structural repairs.
- 21 (H) If the services provided are guaranteed, and, if so, the terms
- 22 of the guarantee.
- 23 (I) A statement that all corrections of infestations or infections
- 24 covered by the control service agreement shall be completed within
- 25 six months of discovery, unless otherwise agreed to in writing by
- 26 both parties.
- 27 (2) The original inspection report, the control service agreement,
- 28 and completion report shall be maintained for three years after the
- 29 cancellation of the control service agreement.
- 30 (3) Inspections made pursuant to a control service agreement
- 31 shall be conducted by a Branch 3 licensee. Section 8506.1 does
- 32 not modify this provision.
- 33 (4) A full inspection of the property covered by the control
- 34 service agreement shall be conducted and a report filed pursuant
- 35 to subdivision (b) at least once every three years from the date that
- 36 the agreement was entered into, unless the consumer cancels the
- 37 contract within three years from the date the agreement was entered
- 38 into.

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

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

5 (B) The infestation or infection is covered by the control service  
6 agreement.

7 (C) There is no additional charge for correcting the infestation  
8 or infection.

9 (D) Correction of the infestation or infection takes place within  
10 45 days of its discovery.

11 (E) Correction of the infestation or infection does not include  
12 fumigation.

13 (6) All notice requirements pursuant to Section 8538 shall apply  
14 to all pesticide treatments conducted under control service  
15 agreements.

16 (i) All work recommended by a registered company, where an  
17 estimate or bid for making repairs was given with the original  
18 inspection report, or thereafter, shall be recorded on this report or  
19 a separate work agreement and shall specify a price for each  
20 recommendation. This information shall be provided to the person  
21 requesting the inspection, and shall be retained by the registered  
22 company with the inspection report copy for three years.

23 SEC. 32. Section 8518 of the Business and Professions Code  
24 is amended to read:

25 8518. (a) When a registered company completes work under  
26 a contract, it shall prepare, on a form prescribed by the board, a  
27 notice of work completed and not completed, and shall furnish  
28 that notice to the owner of the property or the owner's agent within  
29 10 business days after completing the work. The notice shall  
30 include a statement of the cost of the completed work and estimated  
31 cost of work not completed.

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

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

38 (d) Failure of a registered company to report and file with the  
39 board the address of any property upon which work was completed  
40 pursuant to subdivision (b) of Section 8516 or this section is

1 grounds for disciplinary action and shall subject the registered  
2 company to a fine of not more than two thousand five hundred  
3 dollars (\$2,500).

4 (e) The registered company shall retain for three years all  
5 original notices of work completed, work not completed, and  
6 activity forms.

7 (f) Notices of work completed and not completed shall be made  
8 available for inspection and reproduction to the executive officer  
9 of the board or his or her duly authorized representative during  
10 business hours. Original notices of work completed or not  
11 completed or copies thereof shall be submitted to the board upon  
12 request within two business days.

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

15 ~~SEC. 33. Section 8555 of the Business and Professions Code~~  
16 ~~is amended to read:~~

17 ~~8555. This chapter does not apply to:~~

18 ~~(a) Public utilities operating under the regulations of the Public~~  
19 ~~Utilities Commission, except to work performed upon property of~~  
20 ~~the utilities not subject to the jurisdiction of the Public Utilities~~  
21 ~~Commission or work done by the utility for hire.~~

22 ~~(b) Persons engaged only in agricultural pest control work under~~  
23 ~~permit or license by the Department of Pesticide Regulation or a~~  
24 ~~county agricultural commissioner.~~

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

28 ~~(d) Governmental agencies, state, federal, city, or county~~  
29 ~~officials, and their employees while officially engaged.~~

30 ~~(e) Authorized representatives of an educational institution or~~  
31 ~~state or federal agency engaged in research or study of pest control,~~  
32 ~~or engaged in investigation or preparation for expert opinion or~~  
33 ~~testimony. A professional engaging in research, study,~~  
34 ~~investigation, or preparation for expert opinion or testimony on~~  
35 ~~his or her own behalf shall comply with the requirements of this~~  
36 ~~chapter.~~

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

1 ~~(g) Persons engaged in the live capture and removal or exclusion~~  
2 ~~of bees or wasps from a structure without the use of pesticides,~~  
3 ~~provided those persons maintain insurance coverage as described~~  
4 ~~in Section 8692.~~

5 ~~SEC. 34.~~

6 *SEC. 33.* Section 1348.8 of the Health and Safety Code is  
7 repealed.

8 ~~SEC. 35.~~

9 *SEC. 34.* Section 10279 of the Insurance Code is repealed.

10 ~~SEC. 36.~~

11 *SEC. 35.* No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.