

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN ASSEMBLY JUNE 22, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1039

Introduced by Senator Hill

February 12, 2016

An act to amend Sections 1944, ~~2472~~, ~~2499.5~~, 2733, 2746.51, 2786.5, 2811, 2811.5, 2815, 2815.5, 2816, 2830.7, 2836.3, 2838.2, 4128.2, 4830, 4999, 4999.2, 8516, and 8518 of, to amend, repeal, and add Sections 4400, 7137, and 7153.3 of, to repeal Sections 4999.1, 4999.3, 4999.4, and 4999.6 of, and to repeal and add Sections 2546.9, 2565, 2566, 2566.1, and 4999.5 of, the Business and Professions Code, to amend Section 1348.8 of the Health and Safety Code, and to amend 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) Existing law, the Dental Practice Act, requires the Dental Hygiene Committee of California to establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. Existing law prohibits the biennial renewal fee from exceeding \$160. Existing law requires these fees to be deposited in the State Dental Hygiene Fund and makes these moneys subject to appropriation by the Legislature.

This bill would instead prohibit the biennial renewal fee from exceeding \$500.

~~(3) The Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine. Under the act, only a doctor of podiatric medicine who is ankle certified by the California Board of Podiatric Medicine on and after January 1, 1984, may perform certain surgical procedures. Existing law establishes various fees applicable to certificates to practice podiatric medicine, including, but not limited to, an application fee, a duplicate wall certificate fee, a duplicate renewal receipt fee, a letter of good standing fee or a letter for a loan deferment fee, a fee for the issuance of a resident's license, a filing fee to appeal the failure of an oral examination, and a fee for continuing education approval. Existing law also establishes a fee for ankle certification for persons licensed prior to January 1, 1984. Existing law requires these fees to be deposited in the Board of Podiatric Medicine Fund and makes these fees subject to appropriation by the Legislature.~~

~~This bill would authorize a doctor of podiatric medicine to perform those surgical procedures regardless of whether he or she has been ankle certified, would delete that ankle certification fee, and would increase the amounts of those other fees:~~

~~(4)~~

~~(3) Existing law makes the State Board of Optometry responsible for the regulation of nonresident contact lens sellers, registered dispensing opticians, spectacle lens dispensers, and contact lens dispensers. Existing law establishes regulatory fees in this regard, including, but not limited to, an initial registration fee, a renewal fee, and a delinquency fee. Existing law requires these fees to be deposited~~

in the Dispensing Opticians Fund and makes these fees available, subject to appropriation, to the State Board of Optometry.

This bill would establish a specified minimum and maximum application fee amount for nonresident contact lens sellers, registered dispensing opticians, and spectacle lens dispensers. The bill would also establish increased minimum and maximum amounts for those already established fees. The bill would authorize the State Board of Optometry to periodically revise and fix these fees, as specified.

(5)

(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.

(6)

(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, on and after July 1, 2017, modify 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.

(7)

(6) The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians by the Veterinary Medical Board, which is within the Department of Consumer Affairs. Under the act, it is unlawful and a misdemeanor for any person to practice veterinary medicine in this state unless he or she holds a valid, unexpired, and unrevoked license issued by the board, except under specified circumstances, including when regularly licensed veterinarians in actual consultation from other states or when regularly licensed veterinarians are actually called from other states to attend cases in this state and do not open an office or appoint a place to do business within the state.

This bill would replace those exceptions with an exception for veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case, subject to specified conditions.

(8)

(7) Existing law requires businesses that employ, or contract or subcontract with, the full-time equivalent of 5 or more persons functioning as health care professionals, as defined, whose primary function is to provide telephone medical advice, 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, as specified.

This bill would discontinue the requirement that those businesses be registered with the bureau, would instead make the respective healing arts licensing boards responsible for enforcing those requirements and any other laws and regulations affecting those health care professionals licensed in California, and would make conforming and related changes.

(9)

(8) 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, requires the board to set the fees by regulation, 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, on and after July 1, 2017, would raise specified fees, would instead authorize the board to set the fees by regulation, 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.

(10)

(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.

(H)

(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 1944 of the Business and Professions Code is
7 amended to read:

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

1 modified by the committee. The fees are subject to the following
2 limitations:

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

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

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

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

14 (5) The biennial renewal fee shall not exceed five hundred
15 dollars (\$500).

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

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

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

26 (9) The fee for each curriculum review, feasibility study review,
27 and site evaluation for educational programs for dental hygienists
28 who are not accredited by a committee-approved agency shall not
29 exceed two thousand one hundred dollars (\$2,100).

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

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

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

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

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

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

9 (c) Fees fixed by the committee by resolution pursuant to this
10 section shall not be subject to the approval of the Office of
11 Administrative Law.

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

17 (e) No fees or charges other than those listed in this section shall
18 be levied by the committee in connection with the licensure of
19 registered dental hygienists, registered dental hygienists in
20 alternative practice, or registered dental hygienists in extended
21 functions.

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

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

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

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

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

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

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

37 ~~SEC. 3.—Section 2472 of the Business and Professions Code is~~
38 ~~amended to read:~~

39 ~~2472.—(a) The certificate to practice podiatric medicine~~
40 ~~authorizes the holder to practice podiatric medicine.~~

1 ~~(b) As used in this chapter, “podiatric medicine” means the~~
2 ~~diagnosis, medical, surgical, mechanical, manipulative, and~~
3 ~~electrical treatment of the human foot, including the ankle and~~
4 ~~tendons that insert into the foot and the nonsurgical treatment of~~
5 ~~the muscles and tendons of the leg governing the functions of the~~
6 ~~foot.~~

7 ~~(c) A doctor of podiatric medicine shall not administer an~~
8 ~~anesthetic other than local. If an anesthetic other than local is~~
9 ~~required for any procedure, the anesthetic shall be administered~~
10 ~~by another licensed health care practitioner who is authorized to~~
11 ~~administer the required anesthetic within the scope of his or her~~
12 ~~practice.~~

13 ~~(d) (1) A doctor of podiatric medicine may do the following:~~

14 ~~(A) Perform surgical treatment of the ankle and tendons at the~~
15 ~~level of the ankle pursuant to subdivision (c).~~

16 ~~(B) Perform services under the direct supervision of a physician~~
17 ~~and surgeon, as an assistant at surgery, in surgical procedures that~~
18 ~~are otherwise beyond the scope of practice of a doctor of podiatric~~
19 ~~medicine.~~

20 ~~(C) Perform a partial amputation of the foot no further proximal~~
21 ~~than the Chopart’s joint.~~

22 ~~(2) Nothing in this subdivision shall be construed to permit a~~
23 ~~doctor of podiatric medicine to function as a primary surgeon for~~
24 ~~any procedure beyond his or her scope of practice.~~

25 ~~(e) A doctor of podiatric medicine may perform surgical~~
26 ~~treatment of the ankle and tendons at the level of the ankle only~~
27 ~~in the following locations:~~

28 ~~(1) A licensed general acute care hospital, as defined in Section~~
29 ~~1250 of the Health and Safety Code.~~

30 ~~(2) A licensed surgical clinic, as defined in Section 1204 of the~~
31 ~~Health and Safety Code, if the doctor of podiatric medicine has~~
32 ~~surgical privileges, including the privilege to perform surgery on~~
33 ~~the ankle, in a general acute care hospital described in paragraph~~
34 ~~(1) and meets all the protocols of the surgical clinic.~~

35 ~~(3) An ambulatory surgical center that is certified to participate~~
36 ~~in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395~~
37 ~~et seq.) of the federal Social Security Act, if the doctor of podiatric~~
38 ~~medicine has surgical privileges, including the privilege to perform~~
39 ~~surgery on the ankle, in a general acute care hospital described in~~
40 ~~paragraph (1) and meets all the protocols of the surgical center.~~

1 ~~(4) A freestanding physical plant housing outpatient services~~
2 ~~of a licensed general acute care hospital, as defined in Section~~
3 ~~1250 of the Health and Safety Code, if the doctor of podiatric~~
4 ~~medicine has surgical privileges, including the privilege to perform~~
5 ~~surgery on the ankle, in a general acute care hospital described in~~
6 ~~paragraph (1). For purposes of this section, a “freestanding physical~~
7 ~~plant” means any building that is not physically attached to a~~
8 ~~building where inpatient services are provided.~~

9 ~~(5) An outpatient setting accredited pursuant to subdivision (g)~~
10 ~~of Section 1248.1 of the Health and Safety Code.~~

11 ~~SEC. 4. Section 2499.5 of the Business and Professions Code~~
12 ~~is amended to read:~~

13 ~~2499.5. The following fees apply to certificates to practice~~
14 ~~podiatric medicine. The amount of fees prescribed for doctors of~~
15 ~~podiatric medicine shall be those set forth in this section unless a~~
16 ~~lower fee is established by the board in accordance with Section~~
17 ~~2499.6. Fees collected pursuant to this section shall be fixed by~~
18 ~~the board in amounts not to exceed the actual costs of providing~~
19 ~~the service for which the fee is collected.~~

20 ~~(a) Each applicant for a certificate to practice podiatric medicine~~
21 ~~shall pay an application fee of one hundred dollars (\$100) at the~~
22 ~~time the application is filed. If the applicant qualifies for a~~
23 ~~certificate, he or she shall pay a fee which shall be fixed by the~~
24 ~~board at an amount not to exceed one hundred dollars (\$100) nor~~
25 ~~less than five dollars (\$5) for the issuance of the certificate.~~

26 ~~(b) The oral examination fee shall be seven hundred dollars~~
27 ~~(\$700), or the actual cost, whichever is lower, and shall be paid~~
28 ~~by each applicant. If the applicant’s credentials are insufficient or~~
29 ~~if the applicant does not desire to take the examination, and has~~
30 ~~so notified the board 30 days prior to the examination date, only~~
31 ~~the examination fee is returnable to the applicant. The board may~~
32 ~~charge an examination fee for any subsequent reexamination of~~
33 ~~the applicant.~~

34 ~~(c) Each applicant who qualifies for a certificate, as a condition~~
35 ~~precedent to its issuance, in addition to other fees required by this~~
36 ~~section, shall pay an initial license fee. The initial license fee shall~~
37 ~~be eight hundred dollars (\$800). The initial license shall expire~~
38 ~~the second year after its issuance on the last day of the month of~~
39 ~~birth of the licensee. The board may reduce the initial license fee~~
40 ~~by up to 50 percent of the amount of the fee for any applicant who~~

1 is enrolled in a postgraduate training program approved by the
2 board or who has completed a postgraduate training program
3 approved by the board within six months prior to the payment of
4 the initial license fee.

5 (d) ~~The biennial renewal fee shall be nine hundred dollars~~
6 ~~(\$900). Any licensee enrolled in an approved residency program~~
7 ~~shall be required to pay only 50 percent of the biennial renewal~~
8 ~~fee at the time of his or her first renewal.~~

9 (e) ~~The delinquency fee is one hundred fifty dollars (\$150).~~

10 (f) ~~The duplicate wall certificate fee is one hundred dollars~~
11 ~~(\$100).~~

12 (g) ~~The duplicate renewal receipt fee is fifty dollars (\$50).~~

13 (h) ~~The endorsement fee is thirty dollars (\$30).~~

14 (i) ~~The letter of good standing fee or for loan deferment is one~~
15 ~~hundred dollars (\$100).~~

16 (j) ~~There shall be a fee of one hundred dollars (\$100) for the~~
17 ~~issuance of a resident's license under Section 2475.~~

18 (k) ~~The filing fee to appeal the failure of an oral examination~~
19 ~~shall be one hundred dollars (\$100).~~

20 (l) ~~The fee for approval of a continuing education course or~~
21 ~~program shall be two hundred fifty dollars (\$250).~~

22 ~~SEC. 5.~~

23 ~~SEC. 3.~~ Section 2546.9 of the Business and Professions Code
24 is repealed.

25 ~~SEC. 6.~~

26 ~~SEC. 4.~~ Section 2546.9 is added to the Business and Professions
27 Code, to read:

28 2546.9. The amount of fees prescribed in connection with the
29 registration of nonresident contact lens sellers is that established
30 by the following schedule:

31 (a) The application fee for a nonresident contact lens seller shall
32 be a minimum of one hundred fifty dollars (\$150) and shall not
33 exceed two hundred dollars (\$200).

34 (b) The initial registration fee shall be a minimum of two
35 hundred dollars (\$200) and shall not exceed three hundred dollars
36 (\$300).

37 (c) The renewal fee shall be a minimum of two hundred dollars
38 (\$200) and shall not exceed three hundred dollars (\$300).

39 (d) The delinquency fee shall be a minimum of fifty dollars
40 (\$50) and shall not exceed seventy-five dollars (\$75).

1 (e) The fee for replacement of a lost, stolen, or destroyed
2 registration shall be twenty-five dollars (\$25).

3 (f) The State Board of Optometry may periodically revise and
4 fix by regulation the fees specified in subdivisions (a), (b), (c), and
5 (d), and these revised fees shall not exceed the reasonable
6 regulatory cost.

7 (g) The fees collected pursuant to this chapter shall be deposited
8 in the Dispensing Opticians Fund, and shall be available, upon
9 appropriation, to the State Board of Optometry for the purposes
10 of this chapter.

11 ~~SEC. 7.~~

12 *SEC. 5.* Section 2565 of the Business and Professions Code is
13 repealed.

14 ~~SEC. 8.~~

15 *SEC. 6.* Section 2565 is added to the Business and Professions
16 Code, to read:

17 2565. The amount of fees prescribed in connection with the
18 registration of dispensing opticians shall be as set forth in this
19 section.

20 (a) The application fee for registration shall be a minimum of
21 one hundred fifty dollars (\$150) and shall not exceed two hundred
22 dollars (\$200).

23 (b) The initial registration fee shall be a minimum of two
24 hundred dollars (\$200) and shall not exceed three hundred dollars
25 (\$300).

26 (c) The renewal fee shall be a minimum of two hundred dollars
27 (\$200) and shall not exceed three hundred dollars (\$300).

28 (d) The delinquency fee shall be a minimum of fifty dollars
29 (\$50) and shall not exceed seventy-five dollars (\$75).

30 (e) The fee for replacement of a lost, stolen, or destroyed
31 certificate shall be twenty-five dollars (\$25).

32 (f) The State Board of Optometry may periodically revise and
33 fix by regulation the fees specified in subdivisions (a), (b), (c), and
34 (d), and these revised fees shall not exceed the reasonable
35 regulatory cost.

36 ~~SEC. 9.~~

37 *SEC. 7.* Section 2566 of the Business and Professions Code is
38 repealed.

1 ~~SEC. 10.~~

2 *SEC. 8.* Section 2566 is added to the Business and Professions
3 Code, to read:

4 2566. The amount of fees prescribed in connection with
5 certificates for contact lens dispensers is as follows:

6 (a) The application fee for a registered contact lens dispenser
7 shall be a minimum of one hundred fifty dollars (\$150) and shall
8 not exceed two hundred dollars (\$200).

9 (b) The initial registration fee shall be a minimum of two
10 hundred dollars (\$200) and shall not exceed three hundred dollars
11 (\$300).

12 (c) The biennial fee for the renewal of certificates shall be a
13 minimum of two hundred dollars (\$200) and shall not exceed three
14 hundred dollars (\$300).

15 (d) The delinquency fee shall be a minimum of fifty dollars
16 (\$50) and shall not exceed seventy-five dollars (\$75).

17 (e) The division may by regulation provide for a refund of a
18 portion of the application fee to applicants who do not meet the
19 requirements for registration.

20 (f) The State Board of Optometry may periodically revise and
21 fix by regulation the fees specified in subdivisions (a), (b), (c), and
22 (d), and these revised fees shall not exceed the reasonable
23 regulatory cost.

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

26 ~~SEC. 11.~~

27 *SEC. 9.* Section 2566.1 of the Business and Professions Code
28 is repealed.

29 ~~SEC. 12.~~

30 *SEC. 10.* Section 2566.1 is added to the Business and
31 Professions Code, to read:

32 2566.1. The amount of fees prescribed in connection with
33 certificates for spectacle lens dispensers shall be as set forth in this
34 section:

35 (a) The application for registration fee shall be a minimum of
36 one hundred fifty dollars (\$150) and shall not exceed two hundred
37 dollars (\$200).

38 (b) The initial registration fee shall be a minimum of two
39 hundred dollars (\$200) and shall not exceed three hundred dollars
40 (\$300).

1 (c) The renewal fee shall be a minimum of two hundred dollars
2 (\$200) and shall not exceed three hundred dollars (\$300).

3 (d) The delinquency fee shall be a minimum of fifty dollars
4 (\$50) and shall not exceed seventy-five dollars (\$75).

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

7 (f) The State Board of Optometry may periodically revise and
8 fix by regulation the fees specified in subdivisions (a), (b), (c), and
9 (d), and these revised fees shall not exceed the reasonable
10 regulatory cost.

11 ~~SEC. 13.~~

12 *SEC. 11.* Section 2733 of the Business and Professions Code
13 is amended to read:

14 2733. (a) (1) (A) Upon approval of an application filed
15 pursuant to subdivision (b) of Section 2732.1, and upon the
16 payment of the fee prescribed by subdivision (k) of Section 2815,
17 the board may issue a temporary license to practice professional
18 nursing, and a temporary certificate to practice as a certified public
19 health nurse for a period of six months from the date of issuance.

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

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

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

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

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

5 (b) Upon written application, the board may reissue a temporary
6 license or temporary certificate to any person who has applied for
7 a regular renewable license pursuant to subdivision (b) of Section
8 2732.1 and who, in the judgment of the board has been excusably
9 delayed in completing his or her application for or the minimum
10 requirements for a regular renewable license, but the board may
11 not reissue a temporary license or temporary certificate more than
12 twice to any one person.

13 ~~SEC. 14.~~

14 *SEC. 12.* Section 2746.51 of the Business and Professions Code
15 is amended to read:

16 2746.51. (a) Neither this chapter nor any other provision of
17 law shall be construed to prohibit a certified nurse-midwife from
18 furnishing or ordering drugs or devices, including controlled
19 substances classified in Schedule II, III, IV, or V under the
20 California Uniform Controlled Substances Act (Division 10
21 (commencing with Section 11000) of the Health and Safety Code),
22 when all of the following apply:

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

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

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

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

1 (2) The drugs or devices are furnished or ordered by a certified
2 nurse-midwife in accordance with standardized procedures or
3 protocols. For purposes of this section, standardized procedure
4 means a document, including protocols, developed and approved
5 by the supervising physician and surgeon, the certified
6 nurse-midwife, and the facility administrator or his or her designee.
7 The standardized procedure covering the furnishing or ordering
8 of drugs or devices shall specify all of the following:

9 (A) Which certified nurse-midwife may furnish or order drugs
10 or devices.

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

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

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

17 (3) If Schedule II or III controlled substances, as defined in
18 Sections 11055 and 11056 of the Health and Safety Code, are
19 furnished or ordered by a certified nurse-midwife, the controlled
20 substances shall be furnished or ordered in accordance with a
21 patient-specific protocol approved by the treating or supervising
22 physician and surgeon. For Schedule II controlled substance
23 protocols, the provision for furnishing the Schedule II controlled
24 substance shall address the diagnosis of the illness, injury, or
25 condition for which the Schedule II controlled substance is to be
26 furnished.

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

34 (A) Collaboration on the development of the standardized
35 procedure or protocol.

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

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

39 (b) (1) The furnishing or ordering of drugs or devices by a
40 certified nurse-midwife is conditional on the issuance by the board

1 of a number to the applicant who has successfully completed the
2 requirements of paragraph (2). The number shall be included on
3 all transmittals of orders for drugs or devices by the certified
4 nurse-midwife. The board shall maintain a list of the certified
5 nurse-midwives that it has certified pursuant to this paragraph and
6 the number it has issued to each one. The board shall make the list
7 available to the California State Board of Pharmacy upon its
8 request. Every certified nurse-midwife who is authorized pursuant
9 to this section to furnish or issue a drug order for a controlled
10 substance shall register with the United States Drug Enforcement
11 Administration.

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

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

29 (4) A copy of the standardized procedure or protocol relating
30 to the furnishing or ordering of controlled substances by a certified
31 nurse-midwife shall be provided upon request to any licensed
32 pharmacist who is uncertain of the authority of the certified
33 nurse-midwife to perform these functions.

34 (5) Certified nurse-midwives who are certified by the board and
35 hold an active furnishing number, who are currently authorized
36 through standardized procedures or protocols to furnish Schedule
37 II controlled substances, and who are registered with the United
38 States Drug Enforcement Administration shall provide
39 documentation of continuing education specific to the use of

1 Schedule II controlled substances in settings other than a hospital
2 based on standards developed by the board.

3 (c) Drugs or devices furnished or ordered by a certified
4 nurse-midwife may include Schedule II controlled substances
5 under the California Uniform Controlled Substances Act (Division
6 10 (commencing with Section 11000) of the Health and Safety
7 Code) under the following conditions:

8 (1) The drugs and devices are furnished or ordered in accordance
9 with requirements referenced in paragraphs (2) to (4), inclusive,
10 of subdivision (a) and in paragraphs (1) to (3), inclusive, of
11 subdivision (b).

12 (2) When Schedule II controlled substances, as defined in
13 Section 11055 of the Health and Safety Code, are furnished or
14 ordered by a certified nurse-midwife, the controlled substances
15 shall be furnished or ordered in accordance with a patient-specific
16 protocol approved by the treating or supervising physician and
17 surgeon.

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

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

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

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

1 ~~SEC. 15.~~

2 *SEC. 13.* Section 2786.5 of the Business and Professions Code
3 is amended to read:

4 2786.5. (a) An institution of higher education or a private
5 postsecondary school of nursing approved by the board pursuant
6 to subdivision (b) of Section 2786 shall remit to the board for
7 deposit in the Board of Registered Nursing Fund the following
8 fees, in accordance with the following schedule:

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

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

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

20 (b) If the board determines that the annual cost of providing
21 oversight and review of a school of nursing, as required by this
22 article, is less than the amount of any fees required to be paid by
23 that institution pursuant to this article, the board may decrease the
24 fees applicable to that institution to an amount that is proportional
25 to the board's costs associated with that institution.

26 ~~SEC. 16.~~

27 *SEC. 14.* Section 2811 of the Business and Professions Code
28 is amended to read:

29 2811. (a) Each person holding a regular renewable license
30 under this chapter, whether in an active or inactive status, shall
31 apply for a renewal of his or her license and pay the biennial
32 renewal fee required by this chapter each two years on or before
33 the last day of the month following the month in which his or her
34 birthday occurs, beginning with the second birthday following the
35 date on which the license was issued, whereupon the board shall
36 renew the license.

37 (b) Each such license not renewed in accordance with this
38 section shall expire but may within a period of eight years
39 thereafter be reinstated upon payment of the fee required by this
40 chapter and upon submission of such proof of the applicant's

1 qualifications as may be required by the board, except that during
2 such eight-year period no examination shall be required as a
3 condition for the reinstatement of any such expired license which
4 has lapsed solely by reason of nonpayment of the renewal fee.
5 After the expiration of such eight-year period the board may require
6 as a condition of reinstatement that the applicant pass such
7 examination as it deems necessary to determine his present fitness
8 to resume the practice of professional nursing.

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

12 ~~SEC. 17.~~

13 *SEC. 15.* Section 2811.5 of the Business and Professions Code
14 is amended to read:

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

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

38 (c) The board shall audit continuing education providers at least
39 once every five years to ensure adherence to regulatory

1 requirements, and shall withhold or rescind approval from any
2 provider that is in violation of the regulatory requirements.

3 (d) The board shall encourage continuing education in spousal
4 or partner abuse detection and treatment. In the event the board
5 establishes a requirement for continuing education coursework in
6 spousal or partner abuse detection or treatment, that requirement
7 shall be met by each licensee within no more than four years from
8 the date the requirement is imposed.

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

- 13 (1) Pain and symptom management.
- 14 (2) The psycho-social dynamics of death.
- 15 (3) Dying and bereavement.
- 16 (4) Hospice care.

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

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

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

26 ~~SEC. 18.~~

27 *SEC. 16.* Section 2815 of the Business and Professions Code
28 is amended to read:

29 2815. Subject to the provisions of Section 128.5, the amount
30 of the fees prescribed by this chapter in connection with the
31 issuance of licenses for registered nurses under its provisions is
32 that fixed by the following schedule:

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

38 (2) The fee to be paid upon the filing by a graduate of a school
39 of nursing in another state, district, or territory of the United States
40 of an application for a licensure by examination shall be fixed by

1 the board at not less than three hundred fifty dollars (\$350) nor
2 more than one thousand dollars (\$1,000).

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

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

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

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

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

25 (d) (1) The biennial fee to be paid upon the filing of an
26 application for renewal of the license shall be not less than one
27 hundred eighty dollars (\$180) nor more than seven hundred fifty
28 dollars (\$750). In addition, an assessment of ten dollars (\$10) shall
29 be collected and credited to the Registered Nurse Education Fund,
30 pursuant to Section 2815.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (2) The fee to be paid by a registered nurse for a temporary
39 certificate to practice as a nurse practitioner shall be fixed by the

1 board at not less than one hundred fifty dollars (\$150) nor more
2 than five hundred dollars (\$500).

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

7 (4) The penalty fee for failure to renew a certificate to practice
8 as a nurse practitioner within the prescribed time shall be not less
9 than seventy-five dollars (\$75) nor more than five hundred dollars
10 (\$500).

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

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

19 (r) The fee to be paid for a letter certifying a license shall be
20 not less than twenty dollars (\$20) nor more than thirty dollars
21 (\$30).

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

24 ~~SEC. 19.~~

25 *SEC. 17.* Section 2815.5 of the Business and Professions Code
26 is amended to read:

27 2815.5. The amount of the fees prescribed by this chapter in
28 connection with the issuance of certificates as nurse-midwives is
29 that fixed by the following schedule:

30 (a) The fee to be paid upon the filing of an application for a
31 certificate shall be fixed by the board at not less than five hundred
32 dollars (\$500) nor more than one thousand five hundred dollars
33 (\$1,500).

34 (b) The biennial fee to be paid upon the application for a renewal
35 of a certificate shall be fixed by the board at not less than one
36 hundred fifty dollars (\$150) nor more than one thousand dollars
37 (\$1,000).

38 (c) The penalty fee for failure to renew a certificate within the
39 prescribed time shall be 50 percent of the renewal fee in effect on

1 the date of the renewal of the license, but not less than seventy-five
2 dollars (\$75) nor more than five hundred dollars (\$500).

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

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

10 ~~SEC. 20.~~

11 *SEC. 18.* Section 2816 of the Business and Professions Code
12 is amended to read:

13 2816. The nonrefundable fee to be paid by a registered nurse
14 for an evaluation of his or her qualifications to use the title “public
15 health nurse” shall be equal to the fees set out in subdivision (o)
16 of Section 2815. The fee to be paid upon the application for
17 renewal of the certificate to practice as a public health nurse shall
18 be fixed by the board at not less than one hundred twenty-five
19 dollars (\$125) and not more than five hundred dollars (\$500). All
20 fees payable under this section shall be collected by and paid to
21 the Registered Nursing Fund. It is the intention of the Legislature
22 that the costs of carrying out the purposes of this article shall be
23 covered by the revenue collected pursuant to this section.

24 ~~SEC. 21.~~

25 *SEC. 19.* Section 2830.7 of the Business and Professions Code
26 is amended to read:

27 2830.7. The amount of the fees prescribed by this chapter in
28 connection with the issuance of certificates as nurse anesthetists
29 is that fixed by the following schedule:

30 (a) The fee to be paid upon the filing of an application for a
31 certificate shall be fixed by the board at not less than five hundred
32 dollars (\$500) nor more than one thousand five hundred dollars
33 (\$1,500).

34 (b) The biennial fee to be paid upon the application for a renewal
35 of a certificate shall be fixed by the board at not less than one
36 hundred fifty dollars (\$150) nor more than one thousand dollars
37 (\$1,000).

38 (c) The penalty fee for failure to renew a certificate within the
39 prescribed time shall be 50 percent of the renewal fee in effect on

1 the date of the renewal of the license, but not less than seventy-five
2 dollars (\$75) nor more than five hundred dollars (\$500).

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

6 ~~SEC. 22.~~

7 *SEC. 20.* Section 2836.3 of the Business and Professions Code
8 is amended to read:

9 2836.3. (a) The furnishing of drugs or devices by nurse
10 practitioners is conditional on issuance by the board of a number
11 to the nurse applicant who has successfully completed the
12 requirements of subdivision (g) of Section 2836.1. The number
13 shall be included on all transmittals of orders for drugs or devices
14 by the nurse practitioner. The board shall make the list of numbers
15 issued available to the Board of Pharmacy. The board may charge
16 the applicant a fee to cover all necessary costs to implement this
17 section, that shall be not less than four hundred dollars (\$400) nor
18 more than one thousand five hundred dollars (\$1,500) for an initial
19 application, nor less than one hundred fifty dollars (\$150) nor more
20 than one thousand dollars (\$1,000) for an application for renewal.
21 The board may charge a penalty fee for failure to renew a
22 furnishing number within the prescribed time that shall be not less
23 than seventy-five dollars (\$75) nor more than five hundred dollars
24 (\$500).

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

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

30 ~~SEC. 23.~~

31 *SEC. 21.* Section 2838.2 of the Business and Professions Code
32 is amended to read:

33 2838.2. (a) A clinical nurse specialist is a registered nurse with
34 advanced education, who participates in expert clinical practice,
35 education, research, consultation, and clinical leadership as the
36 major components of his or her role.

37 (b) The board may establish categories of clinical nurse
38 specialists and the standards required to be met for nurses to hold
39 themselves out as clinical nurse specialists in each category. The
40 standards shall take into account the types of advanced levels of

1 nursing practice that are or may be performed and the clinical and
2 didactic education, experience, or both needed to practice safety
3 at those levels. In setting the standards, the board shall consult
4 with clinical nurse specialists, physicians and surgeons appointed
5 by the Medical Board of *California* with expertise with clinical
6 nurse specialists, and health care organizations that utilize clinical
7 nurse specialists.

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

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

11 (2) Possession of a master's degree in a clinical field related to
12 nursing with coursework in the components referred to in
13 subdivision (a).

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

15 (A) Current licensure as a registered nurse.

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

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

19 (d) (1) A nonrefundable fee of not less than five hundred dollars
20 (\$500), but not to exceed one thousand five hundred dollars
21 (\$1,500) shall be paid by a registered nurse applying to be a clinical
22 nurse specialist for the evaluation of his or her qualifications to
23 use the title "clinical nurse specialist."

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

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

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

35 (5) The fees authorized by this subdivision shall not exceed the
36 amount necessary to cover the costs to the board to administer this
37 section.

38 ~~SEC. 24.~~

39 *SEC. 22.* Section 4128.2 of the Business and Professions Code
40 is amended to read:

1 4128.2. (a) In addition to the pharmacy license requirement
2 described in Section 4110, a centralized hospital packaging
3 pharmacy shall obtain a specialty license from the board prior to
4 engaging in the functions described in Section 4128.

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

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

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

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

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

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

21 (h) Until July 1, 2017, the fee for issuance or annual renewal
22 of a centralized hospital packaging pharmacy license shall be six
23 hundred dollars (\$600) and may be increased by the board to eight
24 hundred dollars (\$800).

25 ~~SEC. 25.~~

26 *SEC. 23.* Section 4400 of the Business and Professions Code
27 is amended to read:

28 4400. The amount of fees and penalties prescribed by this
29 chapter, except as otherwise provided, is that fixed by the board
30 according to the following schedule:

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

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

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

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

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

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

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

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

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

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

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

1 (j) (1) The application fee for a nonresident wholesaler or
2 third-party logistics provider license issued pursuant to Section
3 4161 shall be seven hundred eighty dollars (\$780) and may be
4 decreased to no less than six hundred dollars (\$600).

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

15 (3) The annual renewal fee for a nonresident wholesaler license
16 or third-party logistics provider license issued pursuant to Section
17 4161 shall be seven hundred eighty dollars (\$780) and may be
18 decreased to no less than six hundred dollars (\$600).

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

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

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

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

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

38 (p) It is the intent of the Legislature that, in setting fees pursuant
39 to this section, the board shall seek to maintain a reserve in the

1 Pharmacy Board Contingent Fund equal to approximately one
2 year's operating expenditures.

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

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

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

20 (t) The fee for issuance of a retired license pursuant to Section
21 4200.5 shall be thirty-five dollars (\$35) and may be increased to
22 forty-five dollars (\$45).

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

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

1 amount of actual and necessary costs incurred, the board shall
2 remit the difference to the applicant.

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

5 ~~SEC. 26.~~

6 *SEC. 24.* Section 4400 is added to the Business and Professions
7 Code, to read:

8 4400. The amount of fees and penalties prescribed by this
9 chapter, except as otherwise provided, is that fixed by the board
10 according to the following schedule:

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

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

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

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

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

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

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

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

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

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

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

24 (j) (1) The application fee for a nonresident wholesaler or
25 third-party logistics provider license issued pursuant to Section
26 4161 shall be seven hundred eighty dollars (\$780) and may be
27 increased to eight hundred twenty dollars (\$820).

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

38 (3) The annual renewal fee for a nonresident wholesaler license
39 or third-party logistics provider license issued pursuant to Section

1 4161 shall be seven hundred eighty dollars (\$780) and may be
2 increased to eight hundred twenty dollars (\$820).

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

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

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

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

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

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

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

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

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

1 fee for a veterinary food-animal drug retailer license shall be three
2 hundred thirty dollars (\$330) and may be increased to four hundred
3 sixty dollars (\$460).

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

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

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

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

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

1 ~~SEC. 27.~~

2 *SEC. 25.* Section 4830 of the Business and Professions Code
3 is amended to read:

4 4830. (a) This chapter does not apply to:

5 (1) Veterinarians while serving in any armed branch of the
6 military service of the United States or the United States
7 Department of Agriculture while actually engaged and employed
8 in their official capacity.

9 (2) Veterinarians holding a current, valid license in good
10 standing in another state or country who provide assistance to a
11 California licensed veterinarian and attend on a specific case. The
12 California licensed veterinarian shall maintain a valid
13 veterinarian-client-patient relationship. The veterinarian providing
14 the assistance shall not establish a veterinarian-client-patient
15 relationship with the client by attending the case or at a future time
16 and shall not practice veterinary medicine, open an office, appoint
17 a place to meet patients, communicate with clients who reside
18 within the limits of this state, give orders, or have ultimate authority
19 over the care or primary diagnosis of a patient that is located within
20 this state.

21 (3) Veterinarians called into the state by a law enforcement
22 agency or animal control agency pursuant to subdivision (b).

23 (4) Veterinarians employed by the University of California
24 while engaged in the performance of duties in connection with the
25 College of Agriculture, the Agricultural Experiment Station, the
26 School of Veterinary Medicine, or the agricultural extension work
27 of the university or employed by the Western University of Health
28 Sciences while engaged in the performance of duties in connection
29 with the College of Veterinary Medicine or the agricultural
30 extension work of the university.

31 (5) Students in the School of Veterinary Medicine of the
32 University of California or the College of Veterinary Medicine of
33 the Western University of Health Sciences who participate in
34 diagnosis and treatment as part of their educational experience,
35 including those in off-campus educational programs under the
36 direct supervision of a licensed veterinarian in good standing, as
37 defined in paragraph (1) of subdivision (b) of Section 4848,
38 appointed by the University of California, Davis, or the Western
39 University of Health Sciences.

1 (6) A veterinarian who is employed by the Meat and Poultry
2 Inspection Branch of the California Department of Food and
3 Agriculture while actually engaged and employed in his or her
4 official capacity. A person exempt under this paragraph shall not
5 otherwise engage in the practice of veterinary medicine unless he
6 or she is issued a license by the board.

7 (7) Unlicensed personnel employed by the Department of Food
8 and Agriculture or the United States Department of Agriculture
9 when in the course of their duties they are directed by a veterinarian
10 supervisor to conduct an examination, obtain biological specimens,
11 apply biological tests, or administer medications or biological
12 products as part of government disease or condition monitoring,
13 investigation, control, or eradication activities.

14 (b) (1) For purposes of paragraph (3) of subdivision (a), a
15 regularly licensed veterinarian in good standing who is called from
16 another state by a law enforcement agency or animal control
17 agency, as defined in Section 31606 of the Food and Agricultural
18 Code, to attend to cases that are a part of an investigation of an
19 alleged violation of federal or state animal fighting or animal
20 cruelty laws within a single geographic location shall be exempt
21 from the licensing requirements of this chapter if the law
22 enforcement agency or animal control agency determines that it
23 is necessary to call the veterinarian in order for the agency or
24 officer to conduct the investigation in a timely, efficient, and
25 effective manner. In determining whether it is necessary to call a
26 veterinarian from another state, consideration shall be given to the
27 availability of veterinarians in this state to attend to these cases.
28 An agency, department, or officer that calls a veterinarian pursuant
29 to this subdivision shall notify the board of the investigation.

30 (2) Notwithstanding any other provision of this chapter, a
31 regularly licensed veterinarian in good standing who is called from
32 another state to attend to cases that are a part of an investigation
33 described in paragraph (1) may provide veterinary medical care
34 for animals that are affected by the investigation with a temporary
35 shelter facility, and the temporary shelter facility shall be exempt
36 from the registration requirement of Section 4853 if all of the
37 following conditions are met:

38 (A) The temporary shelter facility is established only for the
39 purpose of the investigation.

1 (B) The temporary shelter facility provides veterinary medical
2 care, shelter, food, and water only to animals that are affected by
3 the investigation.

4 (C) The temporary shelter facility complies with Section 4854.

5 (D) The temporary shelter facility exists for not more than 60
6 days, unless the law enforcement agency or animal control agency
7 determines that a longer period of time is necessary to complete
8 the investigation.

9 (E) Within 30 calendar days upon completion of the provision
10 of veterinary health care services at a temporary shelter facility
11 established pursuant to this section, the veterinarian called from
12 another state by a law enforcement agency or animal control agency
13 to attend to a case shall file a report with the board. The report
14 shall contain the date, place, type, and general description of the
15 care provided, along with a listing of the veterinary health care
16 practitioners who participated in providing that care.

17 (c) For purposes of paragraph (3) of subdivision (a), the board
18 may inspect temporary facilities established pursuant to this
19 section.

20 ~~SEC. 28:~~

21 *SEC. 26.* Section 4999 of the Business and Professions Code
22 is amended to read:

23 4999. “Telephone medical advice service” means any business
24 entity that employs, or contracts or subcontracts, directly or
25 indirectly, with, the full-time equivalent of five or more persons
26 functioning as health care professionals, whose primary function
27 is to provide telephone medical advice, that provides telephone
28 medical advice services to a patient at a California address.
29 “Telephone medical advice service” does not include a medical
30 group that operates in multiple locations in California if no more
31 than five full-time equivalent persons at any one location perform
32 telephone medical advice services and those persons limit the
33 telephone medical advice services to patients being treated at that
34 location.

35 ~~SEC. 29:~~

36 *SEC. 27.* Section 4999.1 of the Business and Professions Code
37 is repealed.

38 ~~SEC. 30:~~

39 *SEC. 28.* Section 4999.2 of the Business and Professions Code
40 is amended to read:

1 4999.2. A telephone medical advice service shall be responsible
2 for complying with the following requirements:

3 (a) (1) Ensuring that all health care professionals who provide
4 medical advice services are appropriately licensed, certified, or
5 registered as a physician and surgeon pursuant to Chapter 5
6 (commencing with Section 2000) or the Osteopathic Initiative Act,
7 as a dentist, dental hygienist, dental hygienist in alternative
8 practice, or dental hygienist in extended functions pursuant to
9 Chapter 4 (commencing with Section 1600), as an occupational
10 therapist pursuant to Chapter 5.6 (commencing with Section 2570),
11 as a registered nurse pursuant to Chapter 6 (commencing with
12 Section 2700), as a psychologist pursuant to Chapter 6.6
13 (commencing with Section 2900), as a naturopathic doctor pursuant
14 to Chapter 8.2 (commencing with Section 3610), as a marriage
15 and family therapist pursuant to Chapter 13 (commencing with
16 Section 4980), as a licensed clinical social worker pursuant to
17 Chapter 14 (commencing with Section 4991), as a licensed
18 professional clinical counselor pursuant to Chapter 16
19 (commencing with Section 4999.10), as an optometrist pursuant
20 to Chapter 7 (commencing with Section 3000), or as a chiropractor
21 pursuant to the Chiropractic Initiative Act, and operating consistent
22 with the laws governing their respective scopes of practice in the
23 state within which they provide telephone medical advice services,
24 except as provided in subdivision (b).

25 (2) Ensuring that all health care professionals who provide
26 telephone medical advice services from an out-of-state location,
27 as identified in paragraph (1), are licensed, registered, or certified
28 in the state within which they are providing the telephone medical
29 advice services and are operating consistent with the laws
30 governing their respective scopes of practice.

31 (b) Ensuring that the telephone medical advice provided is
32 consistent with good professional practice.

33 (c) Maintaining records of telephone medical advice services,
34 including records of complaints, provided to patients in California
35 for a period of at least five years.

36 (d) Ensuring that no staff member uses a title or designation
37 when speaking to an enrollee, subscriber, or consumer that may
38 cause a reasonable person to believe that the staff member is a
39 licensed, certified, or registered health care professional described

1 in paragraph (1) of subdivision (a), unless the staff member is a
2 licensed, certified, or registered professional.

3 (e) Complying with all directions and requests for information
4 made by the department.

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

10 ~~SEC. 31.~~

11 *SEC. 29.* Section 4999.3 of the Business and Professions Code
12 is repealed.

13 ~~SEC. 32.~~

14 *SEC. 30.* Section 4999.4 of the Business and Professions Code
15 is repealed.

16 ~~SEC. 33.~~

17 *SEC. 31.* Section 4999.5 of the Business and Professions Code
18 is repealed.

19 ~~SEC. 34.~~

20 *SEC. 32.* Section 4999.5 is added to the Business and
21 Professions Code, to read:

22 4999.5. The respective healing arts licensing boards shall be
23 responsible for enforcing this chapter and any other laws and
24 regulations affecting California licensed health care professionals
25 providing telephone medical advice services.

26 ~~SEC. 35.~~

27 *SEC. 33.* Section 4999.6 of the Business and Professions Code
28 is repealed.

29 ~~SEC. 36.~~

30 *SEC. 34.* Section 7137 of the Business and Professions Code
31 is amended to read:

32 7137. The board shall set fees by regulation. These fees shall
33 not exceed the following schedule:

34 (a) The application fee for an original license in a single
35 classification shall not be more than three hundred dollars (\$300).

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

39 The application fee for each additional classification pursuant
40 to Section 7059 shall not be more than seventy-five dollars (\$75).

1 The application fee to replace a responsible managing officer,
2 responsible managing manager, responsible managing member,
3 or responsible managing employee pursuant to Section 7068.2
4 shall not be more than seventy-five dollars (\$75).

5 (b) The fee for rescheduling an examination for an applicant
6 who has applied for an original license, additional classification,
7 a change of responsible managing officer, responsible managing
8 manager, responsible managing member, or responsible managing
9 employee, or for an asbestos certification or hazardous substance
10 removal certification, shall not be more than sixty dollars (\$60).

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

14 (d) The initial license fee for an active or inactive license shall
15 not be more than one hundred eighty dollars (\$180).

16 (e) The renewal fee for an active license shall not be more than
17 three hundred sixty dollars (\$360).

18 The renewal fee for an inactive license shall not be more than
19 one hundred eighty dollars (\$180).

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

22 (g) The registration fee for a home improvement salesperson
23 shall not be more than seventy-five dollars (\$75).

24 (h) The renewal fee for a home improvement salesperson
25 registration shall not be more than seventy-five dollars (\$75).

26 (i) The application fee for an asbestos certification examination
27 shall not be more than seventy-five dollars (\$75).

28 (j) The application fee for a hazardous substance removal or
29 remedial action certification examination shall not be more than
30 seventy-five dollars (\$75).

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

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

37 ~~SEC. 37.~~

38 *SEC. 35.* Section 7137 is added to the Business and Professions
39 Code, to read:

1 7137. The board may set fees by regulation. These fees shall
2 be set according to the following schedule:
3 (a) (1) The application fee for an original license in a single
4 classification shall be three hundred thirty dollars (\$330) and may
5 be increased to not more than three hundred seventy-five dollars
6 (\$375).
7 (2) The application fee for each additional classification applied
8 for in connection with an original license shall not be more than
9 eighty-five dollars (\$85).
10 (3) The application fee for each additional classification pursuant
11 to Section 7059 shall be one hundred fifty dollars (\$150) and may
12 be increased to not more than one hundred seventy-five dollars
13 (\$175).
14 (4) The application fee to replace a responsible managing officer,
15 responsible managing manager, responsible managing member,
16 or responsible managing employee pursuant to Section 7068.2
17 shall be one hundred fifty dollars (\$150) and may be increased to
18 not more than one hundred seventy-five dollars (\$175).
19 (5) The application fee to add personnel, other than a qualifying
20 individual, to an existing license shall be one hundred dollars
21 (\$100) and may be increased to not more than one hundred fifteen
22 dollars (\$115).
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 seventy dollars (\$70).
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 seventy dollars (\$70).
32 (d) The initial license fee for an active or inactive license shall
33 be two hundred dollars (\$200) and may be increased to not more
34 than two hundred twenty-five dollars (\$225).
35 (e) (1) The renewal fee for an active license shall be four
36 hundred dollars (\$400) and may be increased to not more than four
37 hundred fifty dollars (\$450).
38 (2) The renewal fee for an inactive license shall be two hundred
39 dollars (\$200) and may be increased to not more than two hundred
40 twenty-five dollars (\$225).

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

3 (g) The registration fee for a home improvement salesperson
4 shall be eighty-three dollars (\$83) and may be increased to not
5 more than ninety-five dollars (\$95).

6 (h) The renewal fee for a home improvement salesperson
7 registration shall be eighty-three dollars (\$83) and may be increased
8 to not more than ninety-five dollars (\$95).

9 (i) The application fee for an asbestos certification examination
10 shall be eighty-three dollars (\$83) and may be increased to not
11 more than ninety-five dollars (\$95).

12 (j) The application fee for a hazardous substance removal or
13 remedial action certification examination shall be eighty-three
14 dollars (\$83) and may be increased to not more than ninety-five
15 dollars (\$95).

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

20 (l) The board shall, by regulation, establish criteria for the
21 approval of expedited processing of applications. Approved
22 expedited processing of applications for licensure or registration,
23 as required by other provisions of law, shall not be subject to this
24 subdivision.

25 (m) This section shall become operative on July 1, 2017.

26 ~~SEC. 38:~~

27 *SEC. 36.* Section 7153.3 of the Business and Professions Code
28 is amended to read:

29 7153.3. (a) To renew a home improvement salesperson
30 registration, which has not expired, the registrant shall before the
31 time at which the registration would otherwise expire, apply for
32 renewal on a form prescribed by the registrar and pay a renewal
33 fee prescribed by this chapter. Renewal of an unexpired registration
34 shall continue the registration in effect for the two-year period
35 following the expiration date of the registration, when it shall
36 expire if it is not again renewed.

37 (b) An application for renewal of registration is delinquent if
38 the application is not postmarked or received via electronic
39 transmission as authorized by Section 7156.6 by the date on which
40 the registration would otherwise expire. A registration may,

1 however, still be renewed at any time within three years after its
2 expiration upon the filing of an application for renewal on a form
3 prescribed by the registrar and the payment of the renewal fee
4 prescribed by this chapter and a delinquent renewal penalty in the
5 amount of twenty-five dollars (\$25). If a registration is not renewed
6 within three years, the person shall make a new application for
7 registration pursuant to Section 7153.1.

8 (c) The registrar may refuse to renew a registration for failure
9 by the registrant to complete the application for renewal of
10 registration. If a registrant fails to return the application rejected
11 for insufficiency or incompleteness within 90 days from the
12 original date of rejection, the application and fee shall be deemed
13 abandoned. Any application abandoned may not be reinstated.
14 However, the person may file a new application for registration
15 pursuant to Section 7153.1.

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

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

22 ~~SEC. 39.~~

23 *SEC. 37.* Section 7153.3 is added to the Business and
24 Professions Code, to read:

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

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

1 to 50 percent of the renewal fee. If a registration is not renewed
2 within three years, the person shall make a new application for
3 registration pursuant to Section 7153.1.

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

12 (2) The registrar may review and accept the petition of a person
13 who disputes the abandonment of his or her renewal application
14 upon a showing of good cause. This petition shall be received
15 within 90 days of the date the application for renewal is deemed
16 abandoned.

17 (d) This section shall become operative on July 1, 2017.

18 ~~SEC. 40.~~

19 *SEC. 38.* Section 8516 of the Business and Professions Code
20 is amended to read:

21 8516. (a) This section, and Section 8519, apply only to wood
22 destroying pests or organisms.

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

33 Every property inspected pursuant to this subdivision or Section
34 8518 shall be assessed a filing fee pursuant to Section 8674.

35 Failure of a registered company to report and file with the board
36 the address of any property inspected or work completed pursuant
37 to Section 8518 or this section is grounds for disciplinary action
38 and shall subject the registered company to a fine of not more than
39 two thousand five hundred dollars (\$2,500). The address of an
40 inspection report prepared for use by an attorney for litigation

1 purposes shall not be required to be reported to the board and shall
2 not be assessed a filing fee.

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

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

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

22 (2) The name and address of the person or firm ordering the
23 report.

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

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

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

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

38 (7) Information regarding the substructure, foundation walls
39 and footings, porches, patios and steps, air vents, abutments, attic
40 spaces, roof framing that includes the eaves, rafters, fascias,

1 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
2 or other parts subject to attack by wood destroying pests or
3 organisms. Conditions usually deemed likely to lead to infestation
4 or infection, such as earth-wood contacts, excessive cellulose
5 debris, faulty grade levels, excessive moisture conditions, evidence
6 of roof leaks, and insufficient ventilation are to be reported.

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

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

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

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

20 (10) Recommendations for corrective measures.

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

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

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

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

37 A reinspection shall be an inspection of those items previously
38 listed on an original report to determine if the recommendations
39 have been completed. Each reinspection shall be reported on an

1 original inspection report form and shall be labeled “Reinspection.”

2 Each reinspection shall also identify the original report by date.

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

5 Any reinspection shall be performed for not more than the price
6 of the registered company’s original inspection price and shall be
7 completed within 10 business days after a reinspection has been
8 ordered.

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

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

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

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

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

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

35 (d) When a corrective condition is identified, either as paragraph
36 (1) or (2) of subdivision (c), and the property owner or the property
37 owner’s designated agent chooses not to correct those conditions,
38 the registered company or licensee shall not be liable for damages
39 resulting from a failure to correct those conditions or subject to
40 any disciplinary action by the board. Nothing in this subdivision,

1 however, shall relieve a registered company or a licensee of any
2 liability resulting from negligence, fraud, dishonest dealing, other
3 violations pursuant to this chapter, or contractual obligations
4 between the registered company or licensee and the responsible
5 parties.

6 (e) The inspection report form prescribed by the board shall
7 separately identify the infestation or infection that is evident and
8 the conditions that are present that are deemed likely to lead to
9 infestation or infection. If a separate form is requested, the form
10 shall explain the infestation or infection that is evident and the
11 conditions that are present that are deemed likely to lead to
12 infestation or infection and the difference between those conditions.
13 In no event, however, shall conditions deemed likely to lead to
14 infestation or infection be characterized as actual “defects” or as
15 actual “active” infestations or infections or in need of correction
16 as a precondition to issuing a certification pursuant to Section
17 8519.

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

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

1 destroying pests or organisms and the portions of the buildings or
2 structures covered by the contract.

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

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

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

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

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

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

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

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

22 (G) Whether the fee includes structural repairs.

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

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

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

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

35 (4) A full inspection of the property covered by the control
36 service agreement shall be conducted and a report filed pursuant
37 to subdivision (b) at least once every three years from the date that
38 the agreement was entered into, unless the consumer cancels the
39 contract within three years from the date the agreement was entered
40 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. 41.~~

24 *SEC. 39.* Section 8518 of the Business and Professions Code
25 is amended to read:

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

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

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

39 (d) Failure of a registered company to report and file with the
40 board the address of any property upon which work was completed

1 pursuant to subdivision (b) of Section 8516 or this section is
2 grounds for disciplinary action and shall subject the registered
3 company to a fine of not more than two thousand five hundred
4 dollars (\$2,500).

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

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

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

16 ~~SEC. 42.~~

17 *SEC. 40.* Section 1348.8 of the Health and Safety Code is
18 amended to read:

19 1348.8. (a) A health care service plan that provides, operates,
20 or contracts for telephone medical advice services to its enrollees
21 and subscribers shall do all of the following:

22 (1) Ensure that the in-state or out-of-state telephone medical
23 advice service complies with the requirements of Chapter 15
24 (commencing with Section 4999) of Division 2 of the Business
25 and Professions Code.

26 (2) Ensure that the staff providing telephone medical advice
27 services for the in-state or out-of-state telephone medical advice
28 service are licensed as follows:

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

35 (B) (i) For specialized health care service plans providing,
36 operating, or contracting with a telephone medical advice service
37 in California, the staff shall be appropriately licensed, registered,
38 or certified as a dentist pursuant to Chapter 4 (commencing with
39 Section 1600) of Division 2 of the Business and Professions Code,
40 as a dental hygienist pursuant to Article 7 (commencing with

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

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

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

35 (4) Ensure that staff members handling enrollee or subscriber
36 calls, who are not licensed, certified, or registered as required by
37 paragraph (2), do not provide telephone medical advice. Those
38 staff members may ask questions on behalf of a staff member who
39 is licensed, certified, or registered as required by paragraph (2),
40 in order to help ascertain the condition of an enrollee or subscriber

1 so that the enrollee or subscriber can be referred to licensed staff.
2 However, under no circumstances shall those staff members use
3 the answers to those questions in an attempt to assess, evaluate,
4 advise, or make any decision regarding the condition of an enrollee
5 or subscriber or determine when an enrollee or subscriber needs
6 to be seen by a licensed medical professional.

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

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

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

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

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

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

1 ~~SEC. 43.~~

2 *SEC. 41.* Section 10279 of the Insurance Code is amended to
3 read:

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

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

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

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

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

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

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

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

1 ~~SEC. 44.~~
2 *SEC. 42.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

O