

AMENDED IN ASSEMBLY AUGUST 19, 2016

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 655, 1944, 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 add Sections 2746.53 and 3030 to*, 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) 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.~~

Existing law authorizes the State Board of Optometry to issue a citation containing an order of abatement, an order to pay an administrative fine not to exceed \$50,000, or both, as specified, for a violation of a specific section of law governing the permitted relationship of an optometrist with any registered dispensing optician or any optical company.

This bill would make that \$50,000 limit a limit per investigation.

Existing law establishes regulatory fees for the regulation of nonresident contact lens sellers, registered dispensing opticians, spectacle lens dispensers, and contact lens dispensers, 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.

Existing law authorizes the State Board of Optometry to inspect any premises at which the business of a registered dispensing optician is colocated with the practice of an optometrist for the purposes of determining compliance with the aforementioned written lease agreement provisions.

This bill would authorize the State Board of Optometry at any time to inspect the premises registered with the board in which optometry is being practiced or in which spectacle or contact lenses are fitted or dispensed.

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

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

(5) The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. That law prescribes various fees to be paid by licensees and applicants for licensure, and requires all fees

collected on behalf of the board to be credited to the Pharmacy Board Contingent Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would, 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.

(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 states, regularly licensed veterinarians are actually called from other states to attend cases in this state and who do not open an office or appoint a place to do business within the state.~~ *state, or veterinarians employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties.*

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.~~ *conditions, and an exception for veterinarians called into the state by a law enforcement agency or animal control agency. By requiring additional persons to be licensed under the act that were previously exempt, the bill would expand the definition of an existing crime and, therefore, would result in a state-mandated local program.*

(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.

(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.

(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.

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

1 655. (a) For the purposes of this section, the following terms
2 have the following meanings:

3 (1) “Health plan” means a health care service plan licensed
4 pursuant to the Knox-Keene Health Care Service Plan Act of 1975
5 (Chapter 2.2 (commencing with Section 1340) of Division 2 of
6 the Health and Safety Code).

7 (2) “Optical company” means a person or entity that is engaged
8 in the manufacture, sale, or distribution to physicians and surgeons,
9 optometrists, health plans, or dispensing opticians of lenses, frames,
10 optical supplies, or optometric appliances or devices or kindred
11 products.

12 (3) “Optometrist” means a person licensed pursuant to Chapter
13 7 (commencing with Section 3000) or an optometric corporation,
14 as described in Section 3160.

15 (4) “Registered dispensing optician” means a person licensed
16 pursuant to Chapter 5.5 (commencing with Section 2550).

17 (5) “Therapeutic ophthalmic product” means lenses or other
18 products that provide direct treatment of eye disease or visual
19 rehabilitation for diseased eyes.

20 (b) No optometrist may have any membership, proprietary
21 interest, coownership, or any profit-sharing arrangement, either
22 by stock ownership, interlocking directors, trusteeship, mortgage,
23 or trust deed, with any registered dispensing optician or any optical
24 company, except as otherwise permitted under this section.

25 (c) (1) A registered dispensing optician or an optical company
26 may operate, own, or have an ownership interest in a health plan
27 so long as the health plan does not directly employ optometrists
28 to provide optometric services directly to enrollees of the health
29 plan, and may directly or indirectly provide products and services
30 to the health plan or its contracted providers or enrollees or to other
31 optometrists. For purposes of this section, an optometrist may be
32 employed by a health plan as a clinical director for the health plan
33 pursuant to Section 1367.01 of the Health and Safety Code or to
34 perform services related to utilization management or quality
35 assurance or other similar related services that do not require the
36 optometrist to directly provide health care services to enrollees.
37 In addition, an optometrist serving as a clinical director may not
38 employ optometrists to provide health care services to enrollees
39 of the health plan for which the optometrist is serving as clinical
40 director. For the purposes of this section, the health plan’s

1 utilization management and quality assurance programs that are
2 consistent with the Knox-Keene Health Care Service Plan Act of
3 1975 (Chapter 2.2 (commencing with Section 1340) of Division
4 2 of the Health and Safety Code) do not constitute providing health
5 care services to enrollees.

6 (2) The registered dispensing optician or optical company shall
7 not interfere with the professional judgment of the optometrist.

8 (3) The Department of Managed Health Care shall forward to
9 the State Board of Optometry any complaints received from
10 consumers that allege that an optometrist violated the Optometry
11 Practice Act (Chapter 7 (commencing with Section 3000)). The
12 Department of Managed Health Care and the State Board of
13 Optometry shall enter into an Inter-Agency Agreement regarding
14 the sharing of information related to the services provided by an
15 optometrist that may be in violation of the Optometry Practice Act
16 that the Department of Managed Health Care encounters in the
17 course of the administration of the Knox-Keene Health Care
18 Service Plan Act of 1975 (Chapter 2.2 (commencing with Section
19 1340) of Division 2 of the Health and Safety Code).

20 (d) An optometrist, a registered dispensing optician, an optical
21 company, or a health plan may execute a lease or other written
22 agreement giving rise to a direct or indirect landlord-tenant
23 relationship with an optometrist, if all of the following conditions
24 are contained in a written agreement establishing the
25 landlord-tenant relationship:

26 (1) (A) The practice shall be owned by the optometrist and in
27 every phase be under the optometrist’s exclusive control, including
28 the selection and supervision of optometric staff, the scheduling
29 of patients, the amount of time the optometrist spends with patients,
30 fees charged for optometric products and services, the examination
31 procedures and treatment provided to patients and the optometrist’s
32 contracting with managed care organizations.

33 (B) Subparagraph (A) shall not preclude a lease from including
34 commercially reasonable terms that: (i) require the provision of
35 optometric services at the leased space during certain days and
36 hours, (ii) restrict the leased space from being used for the sale or
37 offer for sale of spectacles, frames, lenses, contact lenses, or other
38 ophthalmic products, except that the optometrist shall be permitted
39 to sell therapeutic ophthalmic products if the registered dispensing
40 optician, health plan, or optical company located on or adjacent

1 to the optometrist’s leased space does not offer any substantially
2 similar therapeutic ophthalmic products for sale, (iii) require the
3 optometrist to contract with a health plan network, health plan, or
4 health insurer, or (iv) permit the landlord to directly or indirectly
5 provide furnishings and equipment in the leased space.

6 (2) The optometrist’s records shall be the sole property of the
7 optometrist. Only the optometrist and those persons with written
8 authorization from the optometrist shall have access to the patient
9 records and the examination room, except as otherwise provided
10 by law.

11 (3) The optometrist’s leased space shall be definite and distinct
12 from space occupied by other occupants of the premises, have a
13 sign designating that the leased space is occupied by an
14 independent optometrist or optometrists and be accessible to the
15 optometrist after hours or in the case of an emergency, subject to
16 the facility’s general accessibility. This paragraph shall not require
17 a separate entrance to the optometrist’s leased space.

18 (4) All signs and displays shall be separate and distinct from
19 that of the other occupants and shall have the optometrist's name
20 and the word “optometrist” prominently displayed in connection
21 therewith. This paragraph shall not prohibit the optometrist from
22 advertising the optometrist’s practice location with reference to
23 other occupants or prohibit the optometrist or registered dispensing
24 optician from advertising their participation in any health plan’s
25 network or the health plan’s products in which the optometrist or
26 registered dispensing optician participates.

27 (5) There shall be no signs displayed on any part of the premises
28 or in any advertising indicating that the optometrist is employed
29 or controlled by the registered dispensing optician, health plan or
30 optical company.

31 (6) Except for a statement that an independent doctor of
32 optometry is located in the leased space, in-store pricing signs and
33 as otherwise permitted by this subdivision, the registered
34 dispensing optician or optical company shall not link its advertising
35 with the optometrist's name, practice, or fees.

36 (7) Notwithstanding paragraphs (4) and (6), this subdivision
37 shall not preclude a health plan from advertising its health plan
38 products and associated premium costs and any copayments,
39 coinsurance, deductibles, or other forms of cost sharing, or the
40 names and locations of the health plan’s providers, including any

1 optometrists or registered dispensing opticians that provide
2 professional services, in compliance with the Knox-Keene Health
3 Care Service Plan Act of 1975 (Chapter 2.2 (commencing with
4 Section 1340) of Division 2 of the Health and Safety Code).

5 (8) A health plan that advertises its products and services in
6 accordance with paragraph (7) shall not advertise the optometrist's
7 fees for products and services that are not included in the health
8 plan's contract with the optometrist.

9 (9) The optometrist shall not be precluded from collecting fees
10 for services that are not included in a health plan's products and
11 services, subject to any patient disclosure requirements contained
12 in the health plan's provider agreement with the optometrist or
13 that are not otherwise prohibited by the Knox-Keene Health Care
14 Service Plan Act of 1975 (Chapter 2.2 (commencing with Section
15 1340) of Division 2 of the Health and Safety Code).

16 (10) The term of the lease shall be no less than one year and
17 shall not require the optometrist to contract exclusively with a
18 health plan. The optometrist may terminate the lease according to
19 the terms of the lease. The landlord may terminate the lease for
20 the following reasons:

21 (A) The optometrist's failure to maintain a license to practice
22 optometry or the imposition of restrictions, suspension or
23 revocation of the optometrist's license or if the optometrist or the
24 optometrist's employee is or becomes ineligible to participate in
25 state or federal government-funded programs.

26 (B) Termination of any underlying lease where the optometrist
27 has subleased space, or the optometrist's failure to comply with
28 the underlying lease provisions that are made applicable to the
29 optometrist.

30 (C) If the health plan is the landlord, the termination of the
31 provider agreement between the health plan and the optometrist,
32 in accordance with the Knox-Keene Health Care Service Plan Act
33 of 1975 (Chapter 2.2 (commencing with Section 1340) of Division
34 2 of the Health and Safety Code).

35 (D) Other reasons pursuant to the terms of the lease or permitted
36 under the Civil Code.

37 (11) The landlord shall act in good faith in terminating the lease
38 and in no case shall the landlord terminate the lease for reasons
39 that constitute interference with the practice of optometry.

1 (12) Lease or rent terms and payments shall not be based on
2 number of eye exams performed, prescriptions written, patient
3 referrals or the sale or promotion of the products of a registered
4 dispensing optician or an optical company.

5 (13) The landlord shall not terminate the lease solely because
6 of a report, complaint, or allegation filed by the optometrist against
7 the landlord, a registered dispensing optician or a health plan, to
8 the State Board of Optometry or the Department of Managed
9 Health Care or any law enforcement or regulatory agency.

10 (14) The landlord shall provide the optometrist with written
11 notice of the scheduled expiration date of a lease at least 60 days
12 prior to the scheduled expiration date. This notice obligation shall
13 not affect the ability of either party to terminate the lease pursuant
14 to this section. The landlord may not interfere with an outgoing
15 optometrist's efforts to inform the optometrist's patients, in
16 accordance with customary practice and professional obligations,
17 of the relocation of the optometrist's practice.

18 (15) The State Board of Optometry may inspect, upon request,
19 an individual lease agreement pursuant to its investigational
20 authority, and if such a request is made, the landlord or tenant, as
21 applicable, shall promptly comply with the request. Failure or
22 refusal to comply with the request for lease agreements within 30
23 days of receiving the request constitutes unprofessional conduct
24 and is grounds for disciplinary action by the appropriate regulatory
25 agency. This section shall not affect the Department of Managed
26 Health Care's authority to inspect all books and records of a health
27 plan pursuant to Section 1381 of the Health and Safety Code.

28 Any financial information contained in the lease submitted to a
29 regulatory entity, pursuant to this paragraph, shall be considered
30 confidential trade secret information that is exempt from disclosure
31 under the California Public Records Act (Chapter 3.5 (commencing
32 with Section 6250) of Division 7 of Title 1 of the Government
33 Code).

34 (16) This subdivision shall not be applicable to the relationship
35 between any optometrist employee and the employer medical
36 group, or the relationship between a medical group exclusively
37 contracted with a health plan regulated by the Department of
38 Managed Health Care and that health plan.

39 (e) No registered dispensing optician may have any membership,
40 proprietary interest, coownership, or profit-sharing arrangement

1 either by stock ownership, interlocking directors, trusteeship,
2 mortgage, or trust deed, with an optometrist, except as permitted
3 under this section.

4 (f) Nothing in this section shall prohibit a person licensed under
5 Chapter 5 (commencing with Section 2000) or its professional
6 corporation from contracting with or employing optometrists,
7 ophthalmologists, or optometric assistants and entering into a
8 contract or landlord tenant relationship with a health plan, an
9 optical company, or a registered dispensing optician, in accordance
10 with Sections 650 and 654 of this code.

11 (g) Any violation of this section constitutes a misdemeanor as
12 to such person licensed under Chapter 7 (commencing with Section
13 3000) of this division and as to any and all persons, whether or
14 not so licensed under this division, who participate with such
15 licensed person in a violation of any provision of this section.

16 (h) (1) Notwithstanding any other law and in addition to any
17 action available to the State Board of Optometry, the State Board
18 of Optometry may issue a citation containing an order of
19 abatement, an order to pay an administrative fine, or both, to an
20 optical company, an optometrist, or a registered dispensing optician
21 for a violation of this section. The administrative fine shall not
22 exceed fifty thousand dollars—(~~\$50,000~~): (*\$50,000 per*
23 *investigation*). In assessing the amount of the fine, the board shall
24 give due consideration to all of the following:

25 (A) The gravity of the violation.

26 (B) The good faith of the cited person or entity.

27 (C) The history of previous violations of the same or similar
28 nature.

29 (D) Evidence that the violation was or was not willful.

30 (E) The extent to which the cited person or entity has cooperated
31 with the board's investigation.

32 (F) The extent to which the cited person or entity has mitigated
33 or attempted to mitigate any damage or injury caused by the
34 violation.

35 (G) Any other factors as justice may require.

36 (2) A citation or fine assessment issued pursuant to a citation
37 shall inform the cited person or entity that if a hearing is desired
38 to contest the finding of a violation, that hearing shall be requested
39 by written notice to the board within 30 days of the date of issuance
40 of the citation or assessment. If a hearing is not requested pursuant

1 to this section, payment of any fine shall not constitute an
2 admission of the violation charged. Hearings shall be held pursuant
3 to Chapter 5 (commencing with Section 11500) of Part 1 of
4 Division 3 of Title 2 of the Government Code.

5 (3) The board shall adopt regulations to implement a system for
6 the issuance of citations, administrative fines, and orders of
7 abatement authorized by this section. The regulations shall include
8 provisions for both of the following:

9 (A) The issuance of a citation without an administrative fine.

10 (B) The opportunity for a cited person or entity to have an
11 informal conference with the executive officer of the board in
12 addition to the hearing described in paragraph (2).

13 (4) The failure of a licensee to pay a fine within 30 days of the
14 date of assessment, unless the citation is being appealed, may result
15 in disciplinary action being taken by the board. Where a citation
16 is not contested and a fine is not paid, the full amount of the
17 assessed fine shall be added to the fee for renewal of the license.
18 A license shall not be renewed without payment of the renewal
19 fee and fine.

20 (5) Notwithstanding any other law, if a fine is paid to satisfy an
21 assessment based on the finding of a violation, payment of the fine
22 shall be represented as satisfactory resolution of the matter for
23 purposes of public disclosure.

24 (i) Administrative fines collected pursuant to this section shall
25 be deposited in the Dispensing Opticians Fund. It is the intent of
26 the Legislature that moneys collected as fines and deposited in the
27 fund be used by the board primarily for enforcement purposes.

28 ~~SEC. 2.~~

29 *SEC. 3.* Section 1944 of the Business and Professions Code is
30 amended to read:

31 1944. (a) The committee shall establish by resolution the
32 amount of the fees that relate to the licensing of a registered dental
33 hygienist, a registered dental hygienist in alternative practice, and
34 a registered dental hygienist in extended functions. The fees
35 established by board resolution in effect on June 30, 2009, as they
36 relate to the licensure of registered dental hygienists, registered
37 dental hygienists in alternative practice, and registered dental
38 hygienists in extended functions, shall remain in effect until
39 modified by the committee. The fees are subject to the following
40 limitations:

- 1 (1) The application fee for an original license and the fee for
2 issuance of an original license shall not exceed two hundred fifty
3 dollars (\$250).
- 4 (2) The fee for examination for licensure as a registered dental
5 hygienist shall not exceed the actual cost of the examination.
- 6 (3) The fee for examination for licensure as a registered dental
7 hygienist in extended functions shall not exceed the actual cost of
8 the examination.
- 9 (4) The fee for examination for licensure as a registered dental
10 hygienist in alternative practice shall not exceed the actual cost of
11 administering the examination.
- 12 (5) The biennial renewal fee shall not exceed five hundred
13 dollars (\$500).
- 14 (6) The delinquency fee shall not exceed one-half of the renewal
15 fee. Any delinquent license may be restored only upon payment
16 of all fees, including the delinquency fee, and compliance with all
17 other applicable requirements of this article.
- 18 (7) The fee for issuance of a duplicate license to replace one
19 that is lost or destroyed, or in the event of a name change, shall
20 not exceed twenty-five dollars (\$25) or one-half of the renewal
21 fee, whichever is greater.
- 22 (8) The fee for certification of licensure shall not exceed one-half
23 of the renewal fee.
- 24 (9) The fee for each curriculum review, feasibility study review,
25 and site evaluation for educational programs for dental hygienists
26 who are not accredited by a committee-approved agency shall not
27 exceed two thousand one hundred dollars (\$2,100).
- 28 (10) The fee for each review or approval of course requirements
29 for licensure or procedures that require additional training shall
30 not exceed seven hundred fifty dollars (\$750).
- 31 (11) The initial application and biennial fee for a provider of
32 continuing education shall not exceed five hundred dollars (\$500).
- 33 (12) The amount of fees payable in connection with permits
34 issued under Section 1962 is as follows:
- 35 (A) The initial permit fee is an amount equal to the renewal fee
36 for the applicant's license to practice dental hygiene in effect on
37 the last regular renewal date before the date on which the permit
38 is issued.
- 39 (B) If the permit will expire less than one year after its issuance,
40 then the initial permit fee is an amount equal to 50 percent of the

1 renewal fee in effect on the last regular renewal date before the
2 date on which the permit is issued.

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

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

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

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

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

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

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

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

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

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

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

35 ~~SEC. 3.~~

36 *SEC. 4.* Section 2546.9 of the Business and Professions Code
37 is repealed.

38 ~~SEC. 4.~~

39 *SEC. 5.* Section 2546.9 is added to the Business and Professions
40 Code, to read:

1 2546.9. The amount of fees prescribed in connection with the
2 registration of nonresident contact lens sellers is that established
3 by the following schedule:

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

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

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

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

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

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

20 (g) The fees collected pursuant to this chapter shall be deposited
21 in the Dispensing Opticians Fund, and shall be available, upon
22 appropriation, to the State Board of Optometry for the purposes
23 of this chapter.

24 ~~SEC. 5.~~

25 *SEC. 6.* Section 2565 of the Business and Professions Code is
26 repealed.

27 ~~SEC. 6.~~

28 *SEC. 7.* Section 2565 is added to the Business and Professions
29 Code, to read:

30 2565. The amount of fees prescribed in connection with the
31 registration of dispensing opticians shall be as set forth in this
32 section.

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

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

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

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

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

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

9 ~~SEC. 7.~~

10 *SEC. 8.* Section 2566 of the Business and Professions Code is
11 repealed.

12 ~~SEC. 8.~~

13 *SEC. 9.* Section 2566 is added to the Business and Professions
14 Code, to read:

15 2566. The amount of fees prescribed in connection with
16 certificates for contact lens dispensers is as follows:

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

20 (b) The initial registration fee shall be a minimum of two
21 hundred dollars (\$200) and shall not exceed three hundred dollars
22 (\$300).

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

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

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

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

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

37 ~~SEC. 9.~~

38 *SEC. 10.* Section 2566.1 of the Business and Professions Code
39 is repealed.

1 ~~SEC. 10.~~

2 *SEC. 11.* Section 2566.1 is added to the Business and
3 Professions Code, to read:

4 2566.1. The amount of fees prescribed in connection with
5 certificates for spectacle lens dispensers shall be as set forth in this
6 section:

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

10 (b) The initial registration fee shall be a minimum of two
11 hundred dollars (\$200) and shall not exceed three hundred dollars
12 (\$300).

13 (c) The renewal fee shall be a minimum of two hundred dollars
14 (\$200) and shall not exceed three 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 fee for replacement of a lost, stolen, or destroyed
18 certificate is twenty-five dollars (\$25).

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

23 ~~SEC. 11.~~

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

26 2733. (a) (1) (A) Upon approval of an application filed
27 pursuant to subdivision (b) of Section 2732.1, and upon the
28 payment of the fee prescribed by subdivision (k) of Section 2815,
29 the board may issue a temporary license to practice professional
30 nursing, and a temporary certificate to practice as a certified public
31 health nurse for a period of six months from the date of issuance.

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

37 (C) Upon approval of an application filed pursuant to
38 subdivision (b) of Section 2732.1, and upon the payment of the
39 fee prescribed by subdivision (e) of Section 2815.5, the board may

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

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

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

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

17 (b) Upon written application, the board may reissue a temporary
18 license or temporary certificate to any person who has applied for
19 a regular renewable license pursuant to subdivision (b) of Section
20 2732.1 and who, in the judgment of the board has been excusably
21 delayed in completing his or her application for or the minimum
22 requirements for a regular renewable license, but the board may
23 not reissue a temporary license or temporary certificate more than
24 twice to any one person.

25 ~~SEC. 12.~~

26 *SEC. 13.* Section 2746.51 of the Business and Professions Code
27 is amended to read:

28 2746.51. (a) Neither this chapter nor any other provision of
29 law shall be construed to prohibit a certified nurse-midwife from
30 furnishing or ordering drugs or devices, including controlled
31 substances classified in Schedule II, III, IV, or V under the
32 California Uniform Controlled Substances Act (Division 10
33 (commencing with Section 11000) of the Health and Safety Code),
34 when all of the following apply:

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

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

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

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

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

20 (A) Which certified nurse-midwife may furnish or order drugs
21 or devices.

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

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

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

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

38 (4) The furnishing or ordering of drugs or devices by a certified
39 nurse-midwife occurs under physician and surgeon supervision.
40 For purposes of this section, no physician and surgeon shall

1 supervise more than four certified nurse-midwives at one time.
2 Physician and surgeon supervision shall not be construed to require
3 the physical presence of the physician, but does include all of the
4 following:

5 (A) Collaboration on the development of the standardized
6 procedure or protocol.

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

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

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

23 (2) The board has certified in accordance with paragraph (1)
24 that the certified nurse-midwife has satisfactorily completed a
25 course in pharmacology covering the drugs or devices to be
26 furnished or ordered under this section. The board shall establish
27 the requirements for satisfactory completion of this paragraph.
28 ~~The board may charge the applicant a fee to cover all necessary~~
29 ~~costs to implement this section, that shall be not less than four~~
30 ~~hundred dollars (\$400) nor more than one thousand five hundred~~
31 ~~dollars (\$1,500) for an initial application, nor less than one hundred~~
32 ~~fifty dollars (\$150) nor more than one thousand dollars (\$1,000)~~
33 ~~for an application for renewal. The board may charge a penalty~~
34 ~~fee for failure to renew a furnishing number within the prescribed~~
35 ~~time that shall be not less than seventy-five dollars (\$75) nor more~~
36 ~~than five hundred dollars (\$500).~~

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

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

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

14 (c) Drugs or devices furnished or ordered by a certified
15 nurse-midwife may include Schedule II controlled substances
16 under the California Uniform Controlled Substances Act (Division
17 10 (commencing with Section 11000) of the Health and Safety
18 Code) under the following conditions:

19 (1) The drugs and devices are furnished or ordered in accordance
20 with requirements referenced in paragraphs (2) to (4), inclusive,
21 of subdivision (a) and in paragraphs (1) to (3), inclusive, of
22 subdivision (b).

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

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

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

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

38 (e) “Drug order” or “order” for purposes of this section means
39 an order for medication or for a drug or device that is dispensed
40 to or for an ultimate user, issued by a certified nurse-midwife as

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

11 *SEC. 14. Section 2746.53 is added to the Business and*
12 *Professions Code, to read:*

13 *2746.53. The board may charge the applicant a fee to cover*
14 *all necessary costs to implement Section 2746.51, that shall be not*
15 *less than four hundred dollars (\$400) nor more than one thousand*
16 *five hundred dollars (\$1,500) for an initial application, nor less*
17 *than one hundred fifty dollars (\$150) nor more than one thousand*
18 *dollars (\$1,000) for an application for renewal. The board may*
19 *charge a penalty fee for failure to renew a furnishing number*
20 *within the prescribed time that shall be not less than seventy-five*
21 *dollars (\$75) nor more than five hundred dollars (\$500).*

22 ~~SEC. 13.~~

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

25 2786.5. (a) An institution of higher education or a private
26 postsecondary school of nursing approved by the board pursuant
27 to subdivision (b) of Section 2786 shall remit to the board for
28 deposit in the Board of Registered Nursing Fund the following
29 fees, in accordance with the following schedule:

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

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

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

1 (b) If the board determines that the annual cost of providing
 2 oversight and review of a school of nursing, as required by this
 3 article, is less than the amount of any fees required to be paid by
 4 that institution pursuant to this article, the board may decrease the
 5 fees applicable to that institution to an amount that is proportional
 6 to the board's costs associated with that institution.

7 ~~SEC. 14.~~

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

10 2811. (a) Each person holding a regular renewable license
 11 under this chapter, whether in an active or inactive status, shall
 12 apply for a renewal of his or her license and pay the biennial
 13 renewal fee required by this chapter each two years on or before
 14 the last day of the month following the month in which his or her
 15 birthday occurs, beginning with the second birthday following the
 16 date on which the license was issued, whereupon the board shall
 17 renew the license.

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

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

33 ~~SEC. 15.~~

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

36 2811.5. (a) Each person renewing his or her license under
 37 Section 2811 shall submit proof satisfactory to the board that,
 38 during the preceding two-year period, he or she has been informed
 39 of the developments in the registered nurse field or in any special
 40 area of practice engaged in by the licensee, occurring since the

1 last renewal thereof, either by pursuing a course or courses of
2 continuing education in the registered nurse field or relevant to
3 the practice of the licensee, and approved by the board, or by other
4 means deemed equivalent by the board.

5 (b) For purposes of this section, the board shall, by regulation,
6 establish standards for continuing education. The standards shall
7 be established in a manner to ensure that a variety of alternative
8 forms of continuing education are available to licensees, including,
9 but not limited to, academic studies, in-service education, institutes,
10 seminars, lectures, conferences, workshops, extension studies, and
11 home study programs. The standards shall take cognizance of
12 specialized areas of practice, and content shall be relevant to the
13 practice of nursing and shall be related to the scientific knowledge
14 or technical skills required for the practice of nursing or be related
15 to direct or indirect patient or client care. The continuing education
16 standards established by the board shall not exceed 30 hours of
17 direct participation in a course or courses approved by the board,
18 or its equivalent in the units of measure adopted by the board.

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

23 (d) The board shall encourage continuing education in spousal
24 or partner abuse detection and treatment. In the event the board
25 establishes a requirement for continuing education coursework in
26 spousal or partner abuse detection or treatment, that requirement
27 shall be met by each licensee within no more than four years from
28 the date the requirement is imposed.

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

- 33 (1) Pain and symptom management.
- 34 (2) The psycho-social dynamics of death.
- 35 (3) Dying and bereavement.
- 36 (4) Hospice care.

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

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

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

8 ~~SEC. 16.~~

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

11 2815. Subject to the provisions of Section 128.5, the amount
12 of the fees prescribed by this chapter in connection with the
13 issuance of licenses for registered nurses under its provisions is
14 that fixed by the following schedule:

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

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

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

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

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

37 (c) (1) The fee to be paid for application by a person who is
38 licensed or registered as a nurse in another state, district, or territory
39 of the United States for licensure by endorsement shall be fixed

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

3 (2) The fee to be paid for application by a person who is licensed
4 or registered as a nurse in another country for licensure by
5 endorsement 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 (d) (1) The biennial fee to be paid upon the filing of an
9 application for renewal of the license shall be not less than one
10 hundred eighty dollars (\$180) nor more than seven hundred fifty
11 dollars (\$750). In addition, an assessment of ten dollars (\$10) shall
12 be collected and credited to the Registered Nurse Education Fund,
13 pursuant to Section 2815.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (4) The penalty fee for failure to renew a certificate to practice
29 as a nurse practitioner within the prescribed time shall be not less
30 than seventy-five dollars (\$75) nor more than five hundred dollars
31 (\$500).

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

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

1 (r) The fee to be paid for a letter certifying a license shall be
2 not less than twenty dollars (\$20) nor more than thirty dollars
3 (\$30).

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

6 ~~SEC. 17.~~

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

9 2815.5. The amount of the fees prescribed by this chapter in
10 connection with the issuance of certificates as nurse-midwives is
11 that fixed by the following schedule:

12 (a) The fee to be paid upon the filing of an application for a
13 certificate shall be fixed by the board at not less than five hundred
14 dollars (\$500) nor more than one thousand five hundred dollars
15 (\$1,500).

16 (b) The biennial fee to be paid upon the application for a renewal
17 of a certificate shall be fixed by the board at not less than one
18 hundred fifty dollars (\$150) nor more than one thousand dollars
19 (\$1,000).

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

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

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

31 ~~SEC. 18.~~

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

34 2816. The nonrefundable fee to be paid by a registered nurse
35 for an evaluation of his or her qualifications to use the title “public
36 health nurse” shall be equal to the fees set out in subdivision (o)
37 of Section 2815. The fee to be paid upon the application for
38 renewal of the certificate to practice as a public health nurse shall
39 be fixed by the board at not less than one hundred twenty-five
40 dollars (\$125) and not more than five hundred dollars (\$500). All

1 fees payable under this section shall be collected by and paid to
2 the Registered Nursing Fund. It is the intention of the Legislature
3 that the costs of carrying out the purposes of this article shall be
4 covered by the revenue collected pursuant to this section.

5 ~~SEC. 19.~~

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

8 2830.7. The amount of the fees prescribed by this chapter in
9 connection with the issuance of certificates as nurse anesthetists
10 is that fixed by the following schedule:

11 (a) The fee to be paid upon the filing of an application for a
12 certificate shall be fixed by the board at not less than five hundred
13 dollars (\$500) nor more than one thousand five hundred dollars
14 (\$1,500).

15 (b) The biennial fee to be paid upon the application for a renewal
16 of a certificate shall be fixed by the board at not less than one
17 hundred fifty dollars (\$150) nor more than one thousand dollars
18 (\$1,000).

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

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

26 ~~SEC. 20.~~

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

29 2836.3. (a) The furnishing of drugs or devices by nurse
30 practitioners is conditional on issuance by the board of a number
31 to the nurse applicant who has successfully completed the
32 requirements of subdivision (g) of Section 2836.1. The number
33 shall be included on all transmittals of orders for drugs or devices
34 by the nurse practitioner. The board shall make the list of numbers
35 issued available to the Board of Pharmacy. The board may charge
36 the applicant a fee to cover all necessary costs to implement this
37 section, that shall be not less than four hundred dollars (\$400) nor
38 more than one thousand five hundred dollars (\$1,500) for an initial
39 application, nor less than one hundred fifty dollars (\$150) nor more
40 than one thousand dollars (\$1,000) for an application for renewal.

1 The board may charge a penalty fee for failure to renew a
2 furnishing number within the prescribed time that shall be not less
3 than seventy-five dollars (\$75) nor more than five hundred dollars
4 (\$500).

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

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

10 ~~SEC. 21.~~

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

13 2838.2. (a) A clinical nurse specialist is a registered nurse with
14 advanced education, who participates in expert clinical practice,
15 education, research, consultation, and clinical leadership as the
16 major components of his or her role.

17 (b) The board may establish categories of clinical nurse
18 specialists and the standards required to be met for nurses to hold
19 themselves out as clinical nurse specialists in each category. The
20 standards shall take into account the types of advanced levels of
21 nursing practice that are or may be performed and the clinical and
22 didactic education, experience, or both needed to practice safety
23 at those levels. In setting the standards, the board shall consult
24 with clinical nurse specialists, physicians and surgeons appointed
25 by the Medical Board of California with expertise with clinical
26 nurse specialists, and health care organizations that utilize clinical
27 nurse specialists.

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

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

31 (2) Possession of a master's degree in a clinical field related to
32 nursing with coursework in the components referred to in
33 subdivision (a).

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

35 (A) Current licensure as a registered nurse.

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

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

39 (d) (1) A nonrefundable fee of not less than five hundred dollars
40 (\$500), but not to exceed one thousand five hundred dollars

1 (\$1,500) shall be paid by a registered nurse applying to be a clinical
2 nurse specialist for the evaluation of his or her qualifications to
3 use the title “clinical nurse specialist.”

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

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

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

15 (5) The fees authorized by this subdivision shall not exceed the
16 amount necessary to cover the costs to the board to administer this
17 section.

18 *SEC. 24. Section 3030 is added to the Business and Professions*
19 *Code, to read:*

20 *3030. The board may at any time inspect the premises in which*
21 *optometry is being practiced or in which spectacle or contact*
22 *lenses are fitted or dispensed. The board’s inspection authority*
23 *does not extend to premises that are not registered with the board.*
24 *Nothing in this section shall be construed to affect the board’s*
25 *ability to investigate alleged unlicensed activity or to inspect*
26 *premises for which registration has lapsed or is delinquent.*

27 ~~SEC. 22.~~

28 *SEC. 25. Section 4128.2 of the Business and Professions Code*
29 *is amended to read:*

30 4128.2. (a) In addition to the pharmacy license requirement
31 described in Section 4110, a centralized hospital packaging
32 pharmacy shall obtain a specialty license from the board prior to
33 engaging in the functions described in Section 4128.

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

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

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

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

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

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

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

16 ~~SEC. 23.~~

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

19 4400. The amount of fees and penalties prescribed by this
20 chapter, except as otherwise provided, is that fixed by the board
21 according to the following schedule:

22 (a) The fee for a nongovernmental pharmacy license shall be
23 four hundred dollars (\$400) and may be increased to five hundred
24 twenty dollars (\$520). The fee for the issuance of a temporary
25 nongovernmental pharmacy permit shall be two hundred fifty
26 dollars (\$250) and may be increased to three hundred twenty-five
27 dollars (\$325).

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

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

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

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

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

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

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

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

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

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

31 (j) (1) The application fee for a nonresident wholesaler or
32 third-party logistics provider license issued pursuant to Section
33 4161 shall be seven hundred eighty dollars (\$780) and may be
34 decreased to no less than six hundred dollars (\$600).

35 (2) For nonresident wholesalers or third-party logistics providers
36 that have 21 or more facilities operating nationwide the application
37 fees for the first 20 locations shall be seven hundred eighty dollars
38 (\$780) and may be decreased to no less than six hundred dollars
39 (\$600). The application fee for any additional location after
40 licensure of the first 20 locations shall be three hundred dollars

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

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

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

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

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

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

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

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

32 (q) The fee for any applicant for a nongovernmental clinic
33 license shall be four hundred dollars (\$400) and may be increased
34 to five hundred twenty dollars (\$520) for each license. The annual
35 fee for renewal of the license shall be two hundred fifty dollars
36 (\$250) and may be increased to three hundred twenty-five dollars
37 (\$325) for each license.

38 (r) The fee for the issuance of a pharmacy technician license
39 shall be eighty dollars (\$80) and may be increased to one hundred
40 five dollars (\$105). The fee for renewal of a pharmacy technician

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

3 (s) The fee for a veterinary food-animal drug retailer license
4 shall be four hundred five dollars (\$405) and may be increased to
5 four hundred twenty-five dollars (\$425). The annual renewal fee
6 for a veterinary food-animal drug retailer license shall be two
7 hundred fifty dollars (\$250) and may be increased to three hundred
8 twenty-five dollars (\$325).

9 (t) The fee for issuance of a retired license pursuant to Section
10 4200.5 shall be thirty-five dollars (\$35) and may be increased to
11 forty-five dollars (\$45).

12 (u) The fee for issuance or renewal of a nongovernmental sterile
13 compounding pharmacy license shall be six hundred dollars (\$600)
14 and may be increased to seven hundred eighty dollars (\$780). The
15 fee for a temporary license shall be five hundred fifty dollars (\$550)
16 and may be increased to seven hundred fifteen dollars (\$715).

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

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

34 ~~SEC. 24.~~

35 *SEC. 27.* Section 4400 is added to the Business and Professions
36 Code, to read:

37 4400. The amount of fees and penalties prescribed by this
38 chapter, except as otherwise provided, is that fixed by the board
39 according to the following schedule:

1 (a) The fee for a nongovernmental pharmacy license shall be
2 five hundred twenty dollars (\$520) and may be increased to five
3 hundred seventy dollars (\$570). The fee for the issuance of a
4 temporary nongovernmental pharmacy permit shall be two hundred
5 fifty dollars (\$250) and may be increased to three hundred
6 twenty-five dollars (\$325).

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

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

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

17 (e) The fee for a pharmacist license shall be one hundred
18 ninety-five dollars (\$195) and may be increased to two hundred
19 fifteen dollars (\$215). The fee for a pharmacist biennial renewal
20 shall be three hundred sixty dollars (\$360) and may be increased
21 to five hundred five dollars (\$505).

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

31 (g) The fee for a hypodermic license shall be one hundred
32 seventy dollars (\$170) and may be increased to two hundred forty
33 dollars (\$240). The fee for a hypodermic license renewal shall be
34 two hundred dollars (\$200) and may be increased to two hundred
35 eighty dollars (\$280).

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

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

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

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

14 (j) (1) The application fee for a nonresident wholesaler or
15 third-party logistics provider license issued pursuant to Section
16 4161 shall be seven hundred eighty dollars (\$780) and may be
17 increased to eight hundred twenty dollars (\$820).

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

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

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

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

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

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

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

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

16 (q) The fee for any applicant for a nongovernmental clinic
17 license shall be five hundred twenty dollars (\$520) for each license
18 and may be increased to five hundred seventy dollars (\$570). The
19 annual fee for renewal of the license shall be three hundred
20 twenty-five dollars (\$325) for each license and may be increased
21 to three hundred sixty dollars (\$360).

22 (r) The fee for the issuance of a pharmacy technician license
23 shall be one hundred forty dollars (\$140) and may be increased to
24 one hundred ninety-five dollars (\$195). The fee for renewal of a
25 pharmacy technician license shall be one hundred forty dollars
26 (\$140) and may be increased to one hundred ninety-five dollars
27 (\$195).

28 (s) The fee for a veterinary food-animal drug retailer license
29 shall be four hundred thirty-five dollars (\$435) and may be
30 increased to six hundred ten dollars (\$610). The annual renewal
31 fee for a veterinary food-animal drug retailer license shall be three
32 hundred thirty dollars (\$330) and may be increased to four hundred
33 sixty dollars (\$460).

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

37 (u) The fee for issuance of a nongovernmental sterile
38 compounding pharmacy license shall be one thousand six hundred
39 forty-five dollars (\$1,645) and may be increased to two thousand
40 three hundred five dollars (\$2,305). The fee for a temporary license

1 shall be five hundred fifty dollars (\$550) and may be increased to
2 seven hundred fifteen dollars (\$715). The annual renewal fee of
3 the license shall be one thousand three hundred twenty-five dollars
4 (\$1,325) and may be increased to one thousand eight hundred
5 fifty-five dollars (\$1,855).

6 (v) The fee for the issuance of a nonresident sterile compounding
7 pharmacy license shall be two thousand three hundred eighty
8 dollars (\$2,380) and may be increased to three thousand three
9 hundred thirty-five dollars (\$3,335). The annual renewal of the
10 license shall be two thousand two hundred seventy dollars (\$2,270)
11 and may be increased to three thousand one hundred eighty dollars
12 (\$3,180). In addition to paying that application fee, the nonresident
13 sterile compounding pharmacy shall deposit, when submitting the
14 application, a reasonable amount, as determined by the board,
15 necessary to cover the board's estimated cost of performing the
16 inspection required by Section 4127.2. If the required deposit is
17 not submitted with the application, the application shall be deemed
18 to be incomplete. If the actual cost of the inspection exceeds the
19 amount deposited, the board shall provide to the applicant a written
20 invoice for the remaining amount and shall not take action on the
21 application until the full amount has been paid to the board. If the
22 amount deposited exceeds the amount of actual and necessary
23 costs incurred, the board shall remit the difference to the applicant.

24 (w) *The fee for the issuance of an outsourcing facility license*
25 *shall be two thousand two hundred seventy dollars (\$2,270) and*
26 *may be increased to up to three thousand one hundred eighty*
27 *dollars (\$3,180) by the board. The fee for the renewal of an*
28 *outsourcing facility license shall be one thousand three hundred*
29 *twenty-five dollars (\$1,325) and may be increased to up to one*
30 *thousand eight hundred fifty-five dollars (\$1,855) by the board.*
31 *The fee for a temporary outsourcing facility license shall be seven*
32 *hundred fifteen dollars (\$715).*

33 (x) *The fee for the issuance of a nonresident outsourcing facility*
34 *license shall be two thousand three hundred eighty dollars (\$2,380)*
35 *and may be increased to up to three thousand three hundred*
36 *thirty-five dollars (\$3,335) by the board. The fee for the renewal*
37 *of a nonresident outsourcing facility license shall be two thousand*
38 *two hundred seventy dollars (\$2,270) and may be increased to up*
39 *to three thousand one hundred eighty dollars (\$3,180) by the board.*
40 *In addition to paying that application fee, the nonresident*

1 *outsourcing facility shall deposit, when submitting the application,*
2 *a reasonable amount, as determined by the board, necessary to*
3 *cover the board's estimated cost of performing the inspection*
4 *required by Section 4129.2. If the required deposit is not submitted*
5 *with the application, the application shall be deemed to be*
6 *incomplete. If the actual cost of the inspection exceeds the amount*
7 *deposited, the board shall provide to the applicant a written invoice*
8 *for the remaining amount and shall not take action on the*
9 *application until the full amount has been paid to the board. If the*
10 *amount deposited exceeds the amount of actual and necessary*
11 *costs incurred, the board shall remit the difference to the applicant.*

12 ~~(w)~~

13 (y) The fee for the issuance of a centralized hospital packaging
14 license shall be eight hundred twenty dollars (\$820) and may be
15 increased to one thousand one hundred fifty dollars (\$1,150). The
16 annual renewal of the license shall be eight hundred five dollars
17 (\$805) and may be increased to one thousand one hundred
18 twenty-five dollars (\$1,125).

19 ~~(x)~~

20 (z) This section shall become operative on July 1, 2017.

21 ~~SEC. 25.~~

22 *SEC. 28.* Section 4830 of the Business and Professions Code
23 is amended to read:

24 4830. (a) This chapter does not apply to:

25 (1) Veterinarians while serving in any armed branch of the
26 military service of the United States or the United States
27 Department of Agriculture while actually engaged and employed
28 in their official capacity.

29 (2) Veterinarians holding a current, valid license in good
30 standing in another state or country who provide assistance to a
31 California licensed veterinarian and attend on a specific case. The
32 California licensed veterinarian shall maintain a valid
33 veterinarian-client-patient relationship. The veterinarian providing
34 the assistance shall not establish a veterinarian-client-patient
35 relationship with the client by attending the case or at a future time
36 and shall not practice veterinary medicine, open an office, appoint
37 a place to meet patients, communicate with clients who reside
38 within the limits of this state, give orders, or have ultimate authority
39 over the care or primary diagnosis of a patient that is located within
40 this state.

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

3 ~~(4) Veterinarians employed by the University of California~~
4 ~~while engaged in the performance of duties in connection with the~~
5 ~~College of Agriculture, the Agricultural Experiment Station, the~~
6 ~~School of Veterinary Medicine, or the agricultural extension work~~
7 ~~of the university or employed by the Western University of Health~~
8 ~~Sciences while engaged in the performance of duties in connection~~
9 ~~with the College of Veterinary Medicine or the agricultural~~
10 ~~extension work of the university.~~

11 ~~(5)~~

12 (4) Students in the School of Veterinary Medicine of the
13 University of California or the College of Veterinary Medicine of
14 the Western University of Health Sciences who participate in
15 diagnosis and treatment as part of their educational experience,
16 including those in off-campus educational programs under the
17 direct supervision of a licensed veterinarian in good standing, as
18 defined in paragraph (1) of subdivision (b) of Section 4848,
19 appointed by the University of California, Davis, or the Western
20 University of Health Sciences.

21 ~~(6)~~

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

28 ~~(7)~~

29 (6) Unlicensed personnel employed by the Department of Food
30 and Agriculture or the United States Department of Agriculture
31 when in the course of their duties they are directed by a veterinarian
32 supervisor to conduct an examination, obtain biological specimens,
33 apply biological tests, or administer medications or biological
34 products as part of government disease or condition monitoring,
35 investigation, control, or eradication activities.

36 (b) (1) For purposes of paragraph (3) of subdivision (a), a
37 regularly licensed veterinarian in good standing who is called from
38 another state by a law enforcement agency or animal control
39 agency, as defined in Section 31606 of the Food and Agricultural
40 Code, to attend to cases that are a part of an investigation of an

1 alleged violation of federal or state animal fighting or animal
2 cruelty laws within a single geographic location shall be exempt
3 from the licensing requirements of this chapter if the law
4 enforcement agency or animal control agency determines that it
5 is necessary to call the veterinarian in order for the agency or
6 officer to conduct the investigation in a timely, efficient, and
7 effective manner. In determining whether it is necessary to call a
8 veterinarian from another state, consideration shall be given to the
9 availability of veterinarians in this state to attend to these cases.
10 An agency, department, or officer that calls a veterinarian pursuant
11 to this subdivision shall notify the board of the investigation.

12 (2) Notwithstanding any other provision of this chapter, a
13 regularly licensed veterinarian in good standing who is called from
14 another state to attend to cases that are a part of an investigation
15 described in paragraph (1) may provide veterinary medical care
16 for animals that are affected by the investigation with a temporary
17 shelter facility, and the temporary shelter facility shall be exempt
18 from the registration requirement of Section 4853 if all of the
19 following conditions are met:

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

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

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

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

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

38 (c) For purposes of paragraph (3) of subdivision (a), the board
39 may inspect temporary facilities established pursuant to this
40 section.

1 ~~SEC. 26.~~

2 *SEC. 29.* Section 4999 of the Business and Professions Code
3 is amended to read:

4 4999. “Telephone medical advice service” means any business
5 entity that employs, or contracts or subcontracts, directly or
6 indirectly, with, the full-time equivalent of five or more persons
7 functioning as health care professionals, whose primary function
8 is to provide telephone medical advice, that provides telephone
9 medical advice services to a patient at a California address.
10 “Telephone medical advice service” does not include a medical
11 group that operates in multiple locations in California if no more
12 than five full-time equivalent persons at any one location perform
13 telephone medical advice services and those persons limit the
14 telephone medical advice services to patients being treated at that
15 location.

16 ~~SEC. 27.~~

17 *SEC. 30.* Section 4999.1 of the Business and Professions Code
18 is repealed.

19 ~~SEC. 28.~~

20 *SEC. 31.* Section 4999.2 of the Business and Professions Code
21 is amended to read:

22 4999.2. A telephone medical advice service shall be responsible
23 for complying with the following requirements:

24 (a) (1) Ensuring that all health care professionals who provide
25 medical advice services are appropriately licensed, certified, or
26 registered as a physician and surgeon pursuant to Chapter 5
27 (commencing with Section 2000) or the Osteopathic Initiative Act,
28 as a dentist, dental hygienist, dental hygienist in alternative
29 practice, or dental hygienist in extended functions pursuant to
30 Chapter 4 (commencing with Section 1600), as an occupational
31 therapist pursuant to Chapter 5.6 (commencing with Section 2570),
32 as a registered nurse pursuant to Chapter 6 (commencing with
33 Section 2700), as a psychologist pursuant to Chapter 6.6
34 (commencing with Section 2900), as a naturopathic doctor pursuant
35 to Chapter 8.2 (commencing with Section 3610), as a marriage
36 and family therapist pursuant to Chapter 13 (commencing with
37 Section 4980), as a licensed clinical social worker pursuant to
38 Chapter 14 (commencing with Section 4991), as a licensed
39 professional clinical counselor pursuant to Chapter 16
40 (commencing with Section 4999.10), as an optometrist pursuant

1 to Chapter 7 (commencing with Section 3000), or as a chiropractor
2 pursuant to the Chiropractic Initiative Act, and operating consistent
3 with the laws governing their respective scopes of practice in the
4 state within which they provide telephone medical advice services,
5 except as provided in subdivision (b).

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

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

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

17 (d) Ensuring that no staff member uses a title or designation
18 when speaking to an enrollee, subscriber, or consumer that may
19 cause a reasonable person to believe that the staff member is a
20 licensed, certified, or registered health care professional described
21 in paragraph (1) of subdivision (a), unless the staff member is a
22 licensed, certified, or registered professional.

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

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

30 ~~SEC. 29.~~

31 *SEC. 32.* Section 4999.3 of the Business and Professions Code
32 is repealed.

33 ~~SEC. 30.~~

34 *SEC. 33.* Section 4999.4 of the Business and Professions Code
35 is repealed.

36 ~~SEC. 31.~~

37 *SEC. 34.* Section 4999.5 of the Business and Professions Code
38 is repealed.

1 ~~SEC. 32.~~

2 *SEC. 35.* Section 4999.5 is added to the Business and
3 Professions Code, to read:

4 4999.5. The respective healing arts licensing boards shall be
5 responsible for enforcing this chapter and any other laws and
6 regulations affecting California licensed health care professionals
7 providing telephone medical advice services.

8 ~~SEC. 33.~~

9 *SEC. 36.* Section 4999.6 of the Business and Professions Code
10 is repealed.

11 ~~SEC. 34.~~

12 *SEC. 37.* Section 7137 of the Business and Professions Code
13 is amended to read:

14 7137. The board shall set fees by regulation. These fees shall
15 not exceed the following schedule:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~SEC. 35.~~

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

23 7137. The board may set fees by regulation. These fees shall
24 be set according to the following schedule:

25 (a) (1) The application fee for an original license in a single
26 classification shall be three hundred thirty dollars (\$330) and may
27 be increased to not more than three hundred seventy-five dollars
28 (\$375).

29 (2) The application fee for each additional classification applied
30 for in connection with an original license shall not be more than
31 eighty-five dollars (\$85).

32 (3) The application fee for each additional classification pursuant
33 to Section 7059 shall be one hundred fifty dollars (\$150) and may
34 be increased to not more than one hundred seventy-five dollars
35 (\$175).

36 (4) The application fee to replace a responsible managing officer,
37 responsible managing manager, responsible managing member,
38 or responsible managing employee pursuant to Section 7068.2
39 shall be one hundred fifty dollars (\$150) and may be increased to
40 not more than one hundred seventy-five dollars (\$175).

1 (5) The application fee to add personnel, other than a qualifying
2 individual, to an existing license shall be one hundred dollars
3 (\$100) and may be increased to not more than one hundred fifteen
4 dollars (\$115).

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 seventy dollars (\$70).

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 seventy dollars (\$70).

14 (d) The initial license fee for an active or inactive license shall
15 be two hundred dollars (\$200) and may be increased to not more
16 than two hundred twenty-five dollars (\$225).

17 (e) (1) The renewal fee for an active license shall be four
18 hundred dollars (\$400) and may be increased to not more than four
19 hundred fifty dollars (\$450).

20 (2) The renewal fee for an inactive license shall be two hundred
21 dollars (\$200) and may be increased to not more than two hundred
22 twenty-five dollars (\$225).

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

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

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

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

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

38 (k) In addition to any other fees charged to C-10 and C-7
39 contractors, the board may charge a fee not to exceed twenty dollars

1 (\$20), which shall be used by the board to enforce provisions of
2 the Labor Code related to electrician certification.

3 (l) The board shall, by regulation, establish criteria for the
4 approval of expedited processing of applications. Approved
5 expedited processing of applications for licensure or registration,
6 as required by other provisions of law, shall not be subject to this
7 subdivision.

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

9 ~~SEC. 36.~~

10 *SEC. 39.* Section 7153.3 of the Business and Professions Code
11 is amended to read:

12 7153.3. (a) To renew a home improvement salesperson
13 registration, which has not expired, the registrant shall before the
14 time at which the registration would otherwise expire, apply for
15 renewal on a form prescribed by the registrar and pay a renewal
16 fee prescribed by this chapter. Renewal of an unexpired registration
17 shall continue the registration in effect for the two-year period
18 following the expiration date of the registration, when it shall
19 expire if it is not again renewed.

20 (b) An application for renewal of registration is delinquent if
21 the application is not postmarked or received via electronic
22 transmission as authorized by Section 7156.6 by the date on which
23 the registration would otherwise expire. A registration may,
24 however, still be renewed at any time within three years after its
25 expiration upon the filing of an application for renewal on a form
26 prescribed by the registrar and the payment of the renewal fee
27 prescribed by this chapter and a delinquent renewal penalty in the
28 amount of twenty-five dollars (\$25). If a registration is not renewed
29 within three years, the person shall make a new application for
30 registration pursuant to Section 7153.1.

31 (c) The registrar may refuse to renew a registration for failure
32 by the registrant to complete the application for renewal of
33 registration. If a registrant fails to return the application rejected
34 for insufficiency or incompleteness within 90 days from the
35 original date of rejection, the application and fee shall be deemed
36 abandoned. Any application abandoned may not be reinstated.
37 However, the person may file a new application for registration
38 pursuant to Section 7153.1.

39 The registrar may review and accept the petition of a person who
40 disputes the abandonment of his or her renewal application upon

1 a showing of good cause. This petition shall be received within 90
2 days of the date the application for renewal is deemed abandoned.

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

5 ~~SEC. 37.~~

6 *SEC. 40.* Section 7153.3 is added to the Business and
7 Professions Code, to read:

8 7153.3. (a) To renew a home improvement salesperson
9 registration, which has not expired, the registrant shall before the
10 time at which the registration would otherwise expire, apply for
11 renewal on a form prescribed by the registrar and pay a renewal
12 fee prescribed by this chapter. Renewal of an unexpired registration
13 shall continue the registration in effect for the two-year period
14 following the expiration date of the registration, when it shall
15 expire if it is not again renewed.

16 (b) An application for renewal of registration is delinquent if
17 the application is not postmarked or received via electronic
18 transmission as authorized by Section 7156.6 by the date on which
19 the registration would otherwise expire. A registration may,
20 however, still be renewed at any time within three years after its
21 expiration upon the filing of an application for renewal on a form
22 prescribed by the registrar and the payment of the renewal fee
23 prescribed by this chapter and a delinquent renewal penalty equal
24 to 50 percent of the renewal fee. If a registration is not renewed
25 within three years, the person shall make a new application for
26 registration pursuant to Section 7153.1.

27 (c) (1) The registrar may refuse to renew a registration for
28 failure by the registrant to complete the application for renewal of
29 registration. If a registrant fails to return the application rejected
30 for insufficiency or incompleteness within 90 days from the
31 original date of rejection, the application and fee shall be deemed
32 abandoned. Any application abandoned may not be reinstated.
33 However, the person may file a new application for registration
34 pursuant to Section 7153.1.

35 (2) The registrar may review and accept the petition of a person
36 who disputes the abandonment of his or her renewal application
37 upon a showing of good cause. This petition shall be received
38 within 90 days of the date the application for renewal is deemed
39 abandoned.

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

1 ~~SEC. 38.~~

2 *SEC. 41.* Section 8516 of the Business and Professions Code
3 is amended to read:

4 8516. (a) This section, and Section 8519, apply only to wood
5 destroying pests or organisms.

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

16 Every property inspected pursuant to this subdivision or Section
17 8518 shall be assessed a filing fee pursuant to Section 8674.

18 Failure of a registered company to report and file with the board
19 the address of any property inspected or work completed pursuant
20 to Section 8518 or this section is grounds for disciplinary action
21 and shall subject the registered company to a fine of not more than
22 two thousand five hundred dollars (\$2,500). The address of an
23 inspection report prepared for use by an attorney for litigation
24 purposes shall not be required to be reported to the board and shall
25 not be assessed a filing fee.

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

38 Reports shall be made available for inspection and reproduction
39 to the executive officer of the board or his or her duly authorized
40 representative during business hours. All inspection reports or

1 copies thereof shall be submitted to the board upon demand within
2 two business days. The following shall be set forth in the report:

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

5 (2) The name and address of the person or firm ordering the
6 report.

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

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

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

11 (6) A foundation diagram or sketch of the structure or structures
12 or portions of the structure or structures inspected, including the
13 approximate location of any infested or infected areas evident, and
14 the parts of the structure where conditions that would ordinarily
15 subject those parts to attack by wood destroying pests or organisms
16 exist. Reporting of the infested or infected wood members, or parts
17 of the structure identified, shall be listed in the inspection report
18 to clearly identify them, as is typical in standard construction
19 components, including, but not limited to, siding, studs, rafters,
20 floor joists, fascia, subfloor, sheathing, and trim boards.

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

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

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

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

38 (9) Indication or description of any areas that are inaccessible
39 or not inspected with recommendation for further inspection if
40 practicable. If, after the report has been made in compliance with

1 this section, authority is given later to open inaccessible areas, a
2 supplemental report on conditions in these areas shall be made.

3 (10) Recommendations for corrective measures.

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

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

11 An estimate or bid shall be given separately allocating the costs
12 to perform each and every recommendation for corrective measures
13 as specified in subdivision (c) with the original inspection report
14 if the person who ordered the original inspection report so requests,
15 and if the registered company is regularly in the business of
16 performing each corrective measure.

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

20 A reinspection shall be an inspection of those items previously
21 listed on an original report to determine if the recommendations
22 have been completed. Each reinspection shall be reported on an
23 original inspection report form and shall be labeled "Reinspection."
24 Each reinspection shall also identify the original report by date.

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

27 Any reinspection shall be performed for not more than the price
28 of the registered company's original inspection price and shall be
29 completed within 10 business days after a reinspection has been
30 ordered.

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

33
34 "NOTICE: Reports on this structure prepared by various
35 registered companies should list the same findings (i.e. termite
36 infestations, termite damage, fungus damage, etc.). However,
37 recommendations to correct these findings may vary from company
38 to company. You have a right to seek a second opinion from
39 another company."
40

1 (c) At the time a report is ordered, the registered company or
2 licensee shall inform the person or entity ordering the report, that
3 a separate report is available pursuant to this subdivision. If a
4 separate report is requested at the time the inspection report is
5 ordered, the registered company or licensee shall separately identify
6 on the report each recommendation for corrective measures as
7 follows:

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

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

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

17 (d) When a corrective condition is identified, either as paragraph
18 (1) or (2) of subdivision (c), and the property owner or the property
19 owner's designated agent chooses not to correct those conditions,
20 the registered company or licensee shall not be liable for damages
21 resulting from a failure to correct those conditions or subject to
22 any disciplinary action by the board. Nothing in this subdivision,
23 however, shall relieve a registered company or a licensee of any
24 liability resulting from negligence, fraud, dishonest dealing, other
25 violations pursuant to this chapter, or contractual obligations
26 between the registered company or licensee and the responsible
27 parties.

28 (e) The inspection report form prescribed by the board shall
29 separately identify the infestation or infection that is evident and
30 the conditions that are present that are deemed likely to lead to
31 infestation or infection. If a separate form is requested, the form
32 shall explain the infestation or infection that is evident and the
33 conditions that are present that are deemed likely to lead to
34 infestation or infection and the difference between those conditions.
35 In no event, however, shall conditions deemed likely to lead to
36 infestation or infection be characterized as actual "defects" or as
37 actual "active" infestations or infections or in need of correction
38 as a precondition to issuing a certification pursuant to Section
39 8519.

1 (f) The report and any contract entered into shall also state
2 specifically when any guarantee for the work is made, and if so,
3 the specific terms of the guarantee and the period of time for which
4 the guarantee shall be in effect. If a guarantee extends beyond three
5 years, the registered company shall maintain all original inspection
6 reports, field notes, activity forms, and notices of completion for
7 the duration of the guarantee period and for one year after the
8 guarantee expires.

9 (g) For purposes of this section, “control service agreement”
10 means an agreement, including extended warranties, to have a
11 licensee conduct over a period of time regular inspections and
12 other activities related to the control or eradication of wood
13 destroying pests and organisms. Under a control service agreement
14 a registered company shall refer to the original report and contract
15 in a manner as to identify them clearly, and the report shall be
16 assumed to be a true report of conditions as originally issued,
17 except it may be modified after a control service inspection. A
18 registered company is not required to issue a report as outlined in
19 paragraphs (1) to (11), inclusive, of subdivision (b) after each
20 control service inspection. If after control service inspection, no
21 modification of the original report is made in writing, then it will
22 be assumed that conditions are as originally reported. A control
23 service contract shall state specifically the particular wood
24 destroying pests or organisms and the portions of the buildings or
25 structures covered by the contract.

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

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

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

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

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

37 (D) The structures or buildings, or portions thereof, covered by
38 the agreement, including a statement specifying whether the
39 coverage for purposes of periodic inspections is limited or full.

- 1 Any exclusions from those described in the original report must
- 2 be specifically listed.
- 3 (E) A reference to the original inspection report.
- 4 (F) The frequency of the inspections to be provided, the fee to
- 5 be charged for each renewal, and the duration of the agreement.
- 6 (G) Whether the fee includes structural repairs.
- 7 (H) If the services provided are guaranteed, and, if so, the terms
- 8 of the guarantee.
- 9 (I) A statement that all corrections of infestations or infections
- 10 covered by the control service agreement shall be completed within
- 11 six months of discovery, unless otherwise agreed to in writing by
- 12 both parties.
- 13 (2) The original inspection report, the control service agreement,
- 14 and completion report shall be maintained for three years after the
- 15 cancellation of the control service agreement.
- 16 (3) Inspections made pursuant to a control service agreement
- 17 shall be conducted by a Branch 3 licensee. Section 8506.1 does
- 18 not modify this provision.
- 19 (4) A full inspection of the property covered by the control
- 20 service agreement shall be conducted and a report filed pursuant
- 21 to subdivision (b) at least once every three years from the date that
- 22 the agreement was entered into, unless the consumer cancels the
- 23 contract within three years from the date the agreement was entered
- 24 into.
- 25 (5) Under a control service agreement, a written report shall be
- 26 required for the correction of any infestation or infection unless
- 27 all of the following conditions are met:
- 28 (A) The infestation or infection has been previously reported.
- 29 (B) The infestation or infection is covered by the control service
- 30 agreement.
- 31 (C) There is no additional charge for correcting the infestation
- 32 or infection.
- 33 (D) Correction of the infestation or infection takes place within
- 34 45 days of its discovery.
- 35 (E) Correction of the infestation or infection does not include
- 36 fumigation.
- 37 (6) All notice requirements pursuant to Section 8538 shall apply
- 38 to all pesticide treatments conducted under control service
- 39 agreements.

1 (i) All work recommended by a registered company, where an
2 estimate or bid for making repairs was given with the original
3 inspection report, or thereafter, shall be recorded on this report or
4 a separate work agreement and shall specify a price for each
5 recommendation. This information shall be provided to the person
6 requesting the inspection, and shall be retained by the registered
7 company with the inspection report copy for three years.

8 ~~SEC. 39.~~

9 *SEC. 42.* Section 8518 of the Business and Professions Code
10 is amended to read:

11 8518. (a) When a registered company completes work under
12 a contract, it shall prepare, on a form prescribed by the board, a
13 notice of work completed and not completed, and shall furnish
14 that notice to the owner of the property or the owner's agent within
15 10 business days after completing the work. The notice shall
16 include a statement of the cost of the completed work and estimated
17 cost of work not completed.

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

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

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

30 (e) The registered company shall retain for three years all
31 original notices of work completed, work not completed, and
32 activity forms.

33 (f) Notices of work completed and not completed shall be made
34 available for inspection and reproduction to the executive officer
35 of the board or his or her duly authorized representative during
36 business hours. Original notices of work completed or not
37 completed or copies thereof shall be submitted to the board upon
38 request within two business days.

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

1 ~~SEC. 40.~~

2 *SEC. 43.* Section 1348.8 of the Health and Safety Code is
3 amended to read:

4 1348.8. (a) A health care service plan that provides, operates,
5 or contracts for telephone medical advice services to its enrollees
6 and subscribers shall do all of the following:

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

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

14 (A) For full service health care service plans, the staff hold a
15 valid California license as a registered nurse or a valid license in
16 the state within which they provide telephone medical advice
17 services as a physician and surgeon or physician assistant, and are
18 operating in compliance with the laws governing their respective
19 scopes of practice.

20 (B) (i) For specialized health care service plans providing,
21 operating, or contracting with a telephone medical advice service
22 in California, the staff shall be appropriately licensed, registered,
23 or certified as a dentist pursuant to Chapter 4 (commencing with
24 Section 1600) of Division 2 of the Business and Professions Code,
25 as a dental hygienist pursuant to Article 7 (commencing with
26 Section 1740) of Chapter 4 of Division 2 of the Business and
27 Professions Code, as a physician and surgeon pursuant to Chapter
28 5 (commencing with Section 2000) of Division 2 of the Business
29 and Professions Code or the Osteopathic Initiative Act, as a
30 registered nurse pursuant to Chapter 6 (commencing with Section
31 2700) of Division 2 of the Business and Professions Code, as a
32 psychologist pursuant to Chapter 6.6 (commencing with Section
33 2900) of Division 2 of the Business and Professions Code, as an
34 optometrist pursuant to Chapter 7 (commencing with Section 3000)
35 of Division 2 of the Business and Professions Code, as a marriage
36 and family therapist pursuant to Chapter 13 (commencing with
37 Section 4980) of Division 2 of the Business and Professions Code,
38 as a licensed clinical social worker pursuant to Chapter 14
39 (commencing with Section 4991) of Division 2 of the Business
40 and Professions Code, as a professional clinical counselor pursuant

1 to Chapter 16 (commencing with Section 4999.10) of Division 2
2 of the Business and Professions Code, or as a chiropractor pursuant
3 to the Chiropractic Initiative Act, and operating in compliance
4 with the laws governing their respective scopes of practice.

5 (ii) For specialized health care service plans providing,
6 operating, or contracting with an out-of-state telephone medical
7 advice service, the staff shall be health care professionals, as
8 identified in clause (i), who are licensed, registered, or certified
9 in the state within which they are providing the telephone medical
10 advice services and are operating in compliance with the laws
11 governing their respective scopes of practice. All registered nurses
12 providing telephone medical advice services to both in-state and
13 out-of-state business entities registered pursuant to this chapter
14 shall be licensed pursuant to Chapter 6 (commencing with Section
15 2700) of Division 2 of the Business and Professions Code.

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

20 (4) Ensure that staff members handling enrollee or subscriber
21 calls, who are not licensed, certified, or registered as required by
22 paragraph (2), do not provide telephone medical advice. Those
23 staff members may ask questions on behalf of a staff member who
24 is licensed, certified, or registered as required by paragraph (2),
25 in order to help ascertain the condition of an enrollee or subscriber
26 so that the enrollee or subscriber can be referred to licensed staff.
27 However, under no circumstances shall those staff members use
28 the answers to those questions in an attempt to assess, evaluate,
29 advise, or make any decision regarding the condition of an enrollee
30 or subscriber or determine when an enrollee or subscriber needs
31 to be seen by a licensed medical professional.

32 (5) Ensure that no staff member uses a title or designation when
33 speaking to an enrollee or subscriber that may cause a reasonable
34 person to believe that the staff member is a licensed, certified, or
35 registered professional described in Section 4999.2 of the Business
36 and Professions Code unless the staff member is a licensed,
37 certified, or registered professional.

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

1 (7) Require that the in-state or out-of-state telephone medical
2 advice service makes and maintains records for a period of five
3 years after the telephone medical advice services are provided,
4 including, but not limited to, oral or written transcripts of all
5 medical advice conversations with the health care service plan's
6 enrollees or subscribers in California and copies of all complaints.
7 If the records of telephone medical advice services are kept out of
8 state, the health care service plan shall, upon the request of the
9 director, provide the records to the director within 10 days of the
10 request.

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

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

17 (c) For purposes of this section, "telephone medical advice"
18 means a telephonic communication between a patient and a health
19 care professional in which the health care professional's primary
20 function is to provide to the patient a telephonic response to the
21 patient's questions regarding his or her or a family member's
22 medical care or treatment. "Telephone medical advice" includes
23 assessment, evaluation, or advice provided to patients or their
24 family members.

25 ~~SEC. 41.~~

26 *SEC. 44.* Section 10279 of the Insurance Code is amended to
27 read:

28 10279. (a) Every disability insurer that provides group or
29 individual policies of disability, or both, that provides, operates,
30 or contracts for, telephone medical advice services to its insureds
31 shall do all of the following:

32 (1) Ensure that the in-state or out-of-state telephone medical
33 advice service complies with the requirements of Chapter 15
34 (commencing with Section 4999) of Division 2 of the Business
35 and Professions Code.

36 (2) Ensure that the staff providing telephone medical advice
37 services for the in-state or out-of-state telephone medical advice
38 service hold a valid California license as a registered nurse or a
39 valid license in the state within which they provide telephone
40 medical advice services as a physician and surgeon or physician

1 assistant and are operating consistent with the laws governing their
2 respective scopes of practice.

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

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

9 (5) Require that the in-state or out-of-state telephone medical
10 advice service makes and maintains records for a period of five
11 years after the telephone medical advice services are provided,
12 including, but not limited to, oral or written transcripts of all
13 medical advice conversations with the disability insurer's insureds
14 in California and copies of all complaints. If the records of
15 telephone medical advice services are kept out of state, the insurer
16 shall, upon the request of the director, provide the records to the
17 director within 10 days of the request.

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

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

24 ~~SEC. 42.~~

25 *SEC. 45.* No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

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