

AMENDED IN ASSEMBLY AUGUST 25, 2016
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 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 regularly licensed veterinarians in actual consultation from other states, regularly licensed veterinarians actually called from other states to attend cases in this state who do not open an office or appoint a place to do business within the 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, 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:
- 8 655. (a) For the purposes of this section, the following terms
- 9 have the following meanings:
- 10 (1) “Health plan” means a health care service plan licensed
- 11 pursuant to the Knox-Keene Health Care Service Plan Act of 1975

1 (Chapter 2.2 (commencing with Section 1340) of Division 2 of
2 the Health and Safety Code).

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

8 (3) “Optometrist” means a person licensed pursuant to Chapter
9 7 (commencing with Section 3000) or an optometric corporation,
10 as described in Section 3160.

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

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

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

21 (c) (1) A registered dispensing optician or an optical company
22 may operate, own, or have an ownership interest in a health plan
23 so long as the health plan does not directly employ optometrists
24 to provide optometric services directly to enrollees of the health
25 plan, and may directly or indirectly provide products and services
26 to the health plan or its contracted providers or enrollees or to other
27 optometrists. For purposes of this section, an optometrist may be
28 employed by a health plan as a clinical director for the health plan
29 pursuant to Section 1367.01 of the Health and Safety Code or to
30 perform services related to utilization management or quality
31 assurance or other similar related services that do not require the
32 optometrist to directly provide health care services to enrollees.
33 In addition, an optometrist serving as a clinical director may not
34 employ optometrists to provide health care services to enrollees
35 of the health plan for which the optometrist is serving as clinical
36 director. For the purposes of this section, the health plan’s
37 utilization management and quality assurance programs that are
38 consistent with the Knox-Keene Health Care Service Plan Act of
39 1975 (Chapter 2.2 (commencing with Section 1340) of Division

1 2 of the Health and Safety Code) do not constitute providing health
2 care services to enrollees.

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

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

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

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

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

1 health insurer, or (iv) permit the landlord to directly or indirectly
2 provide furnishings and equipment in the leased space.

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

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

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

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

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

33 (7) Notwithstanding paragraphs (4) and (6), this subdivision
34 shall not preclude a health plan from advertising its health plan
35 products and associated premium costs and any copayments,
36 coinsurance, deductibles, or other forms of cost sharing, or the
37 names and locations of the health plan's providers, including any
38 optometrists or registered dispensing opticians that provide
39 professional services, in compliance with the Knox-Keene Health

1 Care Service Plan Act of 1975 (Chapter 2.2 (commencing with
2 Section 1340) of Division 2 of the Health and Safety Code).

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

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

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

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

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

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

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

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

38 (12) Lease or rent terms and payments shall not be based on
39 number of eye exams performed, prescriptions written, patient

1 referrals or the sale or promotion of the products of a registered
2 dispensing optician or an optical company.

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

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

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

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

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

37 (e) No registered dispensing optician may have any membership,
38 proprietary interest, coownership, or profit-sharing arrangement
39 either by stock ownership, interlocking directors, trusteeship,

1 mortgage, or trust deed, with an optometrist, except as permitted
2 under this section.

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

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

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

- 24 (A) The gravity of the violation.
- 25 (B) The good faith of the cited person or entity.
- 26 (C) The history of previous violations of the same or similar
27 nature.
- 28 (D) Evidence that the violation was or was not willful.
- 29 (E) The extent to which the cited person or entity has cooperated
30 with the board’s investigation.
- 31 (F) The extent to which the cited person or entity has mitigated
32 or attempted to mitigate any damage or injury caused by the
33 violation.
- 34 (G) Any other factors as justice may require.

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

1 admission of the violation charged. Hearings shall be held pursuant
2 to Chapter 5 (commencing with Section 11500) of Part 1 of
3 Division 3 of Title 2 of the Government Code.

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

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

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

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

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

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

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

29 1944. (a) The committee shall establish by resolution the
30 amount of the fees that relate to the licensing of a registered dental
31 hygienist, a registered dental hygienist in alternative practice, and
32 a registered dental hygienist in extended functions. The fees
33 established by board resolution in effect on June 30, 2009, as they
34 relate to the licensure of registered dental hygienists, registered
35 dental hygienists in alternative practice, and registered dental
36 hygienists in extended functions, shall remain in effect until
37 modified by the committee. The fees are subject to the following
38 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. 4. Section 2546.9 of the Business and Professions Code
36 is repealed.

37 SEC. 5. Section 2546.9 is added to the Business and Professions
38 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. 6. Section 2565 of the Business and Professions Code is
25 repealed.

26 SEC. 7. Section 2565 is added to the Business and Professions
27 Code, to read:

28 2565. The amount of fees prescribed in connection with the
29 registration of dispensing opticians shall be as set forth in this
30 section.

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

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

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

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

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

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

7 SEC. 8. Section 2566 of the Business and Professions Code is
8 repealed.

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

11 2566. The amount of fees prescribed in connection with
12 certificates for contact lens dispensers is as follows:

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

16 (b) The initial registration fee shall be a minimum of two
17 hundred dollars (\$200) and shall not exceed three hundred dollars
18 (\$300).

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

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

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

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

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

33 SEC. 10. Section 2566.1 of the Business and Professions Code
34 is repealed.

35 SEC. 11. Section 2566.1 is added to the Business and
36 Professions Code, to read:

37 2566.1. The amount of fees prescribed in connection with
38 certificates for spectacle lens dispensers shall be as set forth in this
39 section:

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

4 (b) The initial registration fee shall be a minimum of two
5 hundred dollars (\$200) and shall not exceed three hundred dollars
6 (\$300).

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

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

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

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

17 SEC. 12. Section 2733 of the Business and Professions Code
18 is amended to read:

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

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

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

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

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

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

10 (b) Upon written application, the board may reissue a temporary
11 license or temporary certificate to any person who has applied for
12 a regular renewable license pursuant to subdivision (b) of Section
13 2732.1 and who, in the judgment of the board has been excusably
14 delayed in completing his or her application for or the minimum
15 requirements for a regular renewable license, but the board may
16 not reissue a temporary license or temporary certificate more than
17 twice to any one person.

18 ~~SEC. 13. Section 2746.51 of the Business and Professions~~
19 ~~Code is amended to read:~~

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

27 ~~(1) The drugs or devices are furnished or ordered incidentally~~
28 ~~to the provision of any of the following:~~

29 ~~(A) Family planning services, as defined in Section 14503 of~~
30 ~~the Welfare and Institutions Code.~~

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

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

1 and Safety Code, or a special hospital specified as a maternity
2 hospital in subdivision (f) of Section 1250 of the Health and Safety
3 Code.

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

12 (A) ~~Which certified nurse-midwife may furnish or order drugs~~
13 ~~or devices.~~

14 (B) ~~Which drugs or devices may be furnished or ordered and~~
15 ~~under what circumstances.~~

16 (C) ~~The extent of physician and surgeon supervision.~~

17 (D) ~~The method of periodic review of the certified~~
18 ~~nurse-midwife's competence, including peer review, and review~~
19 ~~of the provisions of the standardized procedure.~~

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

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

37 (A) ~~Collaboration on the development of the standardized~~
38 ~~procedure or protocol.~~

39 (B) ~~Approval of the standardized procedure or protocol.~~

1 ~~(C) Availability by telephonic contact at the time of patient~~
2 ~~examination by the certified nurse-midwife.~~

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

16 ~~(2) The board has certified in accordance with paragraph (1)~~
17 ~~that the certified nurse-midwife has satisfactorily completed a~~
18 ~~course in pharmacology covering the drugs or devices to be~~
19 ~~furnished or ordered under this section. The board shall establish~~
20 ~~the requirements for satisfactory completion of this paragraph.~~

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

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

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

37 ~~(e) Drugs or devices furnished or ordered by a certified~~
38 ~~nurse-midwife may include Schedule II controlled substances~~
39 ~~under the California Uniform Controlled Substances Act (Division~~

1 ~~10 (commencing with Section 11000) of the Health and Safety~~
2 ~~Code) under the following conditions:~~

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

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

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

18 ~~(1) The ordering of a drug or device in accordance with the~~
19 ~~standardized procedure or protocol.~~

20 ~~(2) Transmitting an order of a supervising physician and~~
21 ~~surgeon.~~

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

35 ~~SEC. 14.~~

36 *SEC. 13.* Section 2746.53 is added to the Business and
37 Professions Code, to read:

38 2746.53. The board may charge the applicant a fee to cover all
39 necessary costs to implement Section 2746.51, that shall be not
40 less than four hundred dollars (\$400) nor more than one thousand

1 five hundred dollars (\$1,500) for an initial application, nor less
2 than one hundred fifty dollars (\$150) nor more than one thousand
3 dollars (\$1,000) for an application for renewal. The board may
4 charge a penalty fee for failure to renew a furnishing number within
5 the prescribed time that shall be not less than seventy-five dollars
6 (\$75) nor more than five hundred dollars (\$500).

7 ~~SEC. 15.~~

8 *SEC. 14.* Section 2786.5 of the Business and Professions Code
9 is amended to read:

10 2786.5. (a) An institution of higher education or a private
11 postsecondary school of nursing approved by the board pursuant
12 to subdivision (b) of Section 2786 shall remit to the board for
13 deposit in the Board of Registered Nursing Fund the following
14 fees, in accordance with the following schedule:

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

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

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

26 (b) If the board determines that the annual cost of providing
27 oversight and review of a school of nursing, as required by this
28 article, is less than the amount of any fees required to be paid by
29 that institution pursuant to this article, the board may decrease the
30 fees applicable to that institution to an amount that is proportional
31 to the board's costs associated with that institution.

32 ~~SEC. 16.~~

33 *SEC. 15.* Section 2811 of the Business and Professions Code
34 is amended to read:

35 2811. (a) Each person holding a regular renewable license
36 under this chapter, whether in an active or inactive status, shall
37 apply for a renewal of his or her license and pay the biennial
38 renewal fee required by this chapter each two years on or before
39 the last day of the month following the month in which his or her
40 birthday occurs, beginning with the second birthday following the

1 date on which the license was issued, whereupon the board shall
2 renew the license.

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

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

18 ~~SEC. 17.~~

19 *SEC. 16.* Section 2811.5 of the Business and Professions Code
20 is amended to read:

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

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

1 standards established by the board shall not exceed 30 hours of
2 direct participation in a course or courses approved by the board,
3 or its equivalent in the units of measure adopted by the board.

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

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

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

- 18 (1) Pain and symptom management.
- 19 (2) The psycho-social dynamics of death.
- 20 (3) Dying and bereavement.
- 21 (4) Hospice care.

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

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

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

31 ~~SEC. 18.~~

32 *SEC. 17.* Section 2815 of the Business and Professions Code
33 is amended to read:

34 2815. Subject to the provisions of Section 128.5, the amount
35 of the fees prescribed by this chapter in connection with the
36 issuance of licenses for registered nurses under its provisions is
37 that fixed by the following schedule:

38 (a) (1) The fee to be paid upon the filing by a graduate of an
39 approved school of nursing in this state of an application for a
40 licensure by examination shall be fixed by the board at not less

1 than three hundred dollars (\$300) nor more than one thousand
2 dollars (\$1,000).

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

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

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

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

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

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

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

- 1 (e) The penalty fee for failure to renew a license within the
2 prescribed time shall be fixed by the board at not more than 50
3 percent of the regular renewal fee, but not less than ninety dollars
4 (\$90) nor more than three hundred seventy-five dollars (\$375).
- 5 (f) The fee to be paid for approval of a continuing education
6 provider shall be fixed by the board at not less than five hundred
7 dollars (\$500) nor more than one thousand dollars (\$1,000).
- 8 (g) The biennial fee to be paid upon the filing of an application
9 for renewal of provider approval shall be fixed by the board at not
10 less than seven hundred fifty dollars (\$750) nor more than one
11 thousand dollars (\$1,000).
- 12 (h) The penalty fee for failure to renew provider approval within
13 the prescribed time shall be fixed at not more than 50 percent of
14 the regular renewal fee, but not less than one hundred twenty-five
15 dollars (\$125) nor more than five hundred dollars (\$500).
- 16 (i) The penalty for submitting insufficient funds or fictitious
17 check, draft or order on any bank or depository for payment of
18 any fee to the board shall be fixed at not less than fifteen dollars
19 (\$15) nor more than thirty dollars (\$30).
- 20 (j) The fee to be paid for an interim permit shall be fixed by the
21 board at not less than one hundred dollars (\$100) nor more than
22 two hundred fifty dollars (\$250).
- 23 (k) The fee to be paid for a temporary license shall be fixed by
24 the board at not less than one hundred dollars (\$100) nor more
25 than two hundred fifty dollars (\$250).
- 26 (l) The fee to be paid for processing endorsement papers to other
27 states shall be fixed by the board at not less than one hundred
28 dollars (\$100) nor more than two hundred dollars (\$200).
- 29 (m) The fee to be paid for a certified copy of a school transcript
30 shall be fixed by the board at not less than fifty dollars (\$50) nor
31 more than one hundred dollars (\$100).
- 32 (n) (1) The fee to be paid for a duplicate pocket license shall
33 be fixed by the board at not less than fifty dollars (\$50) nor more
34 than seventy-five dollars (\$75).
- 35 (2) The fee to be paid for a duplicate wall certificate shall be
36 fixed by the board at not less than sixty dollars (\$60) nor more
37 than one hundred dollars (\$100).
- 38 (o) (1) The fee to be paid by a registered nurse for an evaluation
39 of his or her qualifications to use the title “nurse practitioner” shall

1 be fixed by the board at not less than five hundred dollars (\$500)
2 nor more than one thousand five hundred dollars (\$1,500).

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

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

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

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

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

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

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

28 ~~SEC. 19.~~

29 *SEC. 18.* Section 2815.5 of the Business and Professions Code
30 is amended to read:

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

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

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

1 hundred fifty dollars (\$150) nor more than one thousand dollars
2 (\$1,000).

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

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

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

14 ~~SEC. 20.~~

15 *SEC. 19.* Section 2816 of the Business and Professions Code
16 is amended to read:

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

28 ~~SEC. 21.~~

29 *SEC. 20.* Section 2830.7 of the Business and Professions Code
30 is amended to read:

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

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

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

1 hundred fifty dollars (\$150) nor more than one thousand dollars
2 (\$1,000).

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

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

10 ~~SEC. 22.~~

11 *SEC. 21.* Section 2836.3 of the Business and Professions Code
12 is amended to read:

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

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

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

34 ~~SEC. 23.~~

35 *SEC. 22.* Section 2838.2 of the Business and Professions Code
36 is amended to read:

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

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

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

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

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

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

19 (A) Current licensure as a registered nurse.

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

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

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

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

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

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

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

4 ~~SEC. 24.~~

5 *SEC. 23.* Section 3030 is added to the Business and Professions
6 Code, to read:

7 3030. The board may at any time inspect the premises in which
8 optometry is being practiced or in which spectacle or contact lenses
9 are fitted or dispensed. The board's inspection authority does not
10 extend to premises that are not registered with the board. Nothing
11 in this section shall be construed to affect the board's ability to
12 investigate alleged unlicensed activity or to inspect premises for
13 which registration has lapsed or is delinquent.

14 ~~SEC. 25.~~

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

17 4128.2. (a) In addition to the pharmacy license requirement
18 described in Section 4110, a centralized hospital packaging
19 pharmacy shall obtain a specialty license from the board prior to
20 engaging in the functions described in Section 4128.

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

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

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

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

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

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

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

1 ~~SEC. 26.~~

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

4 4400. The amount of fees and penalties prescribed by this
5 chapter, except as otherwise provided, is that fixed by the board
6 according to the following schedule:

7 (a) The fee for a nongovernmental pharmacy license shall be
8 four hundred dollars (\$400) and may be increased to five hundred
9 twenty dollars (\$520). The fee for the issuance of a temporary
10 nongovernmental pharmacy permit shall be two hundred fifty
11 dollars (\$250) and may be increased to three hundred twenty-five
12 dollars (\$325).

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

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

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

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

26 (f) The fee for a nongovernmental wholesaler or third-party
27 logistics provider license and annual renewal shall be seven
28 hundred eighty dollars (\$780) and may be decreased to no less
29 than six hundred dollars (\$600). The application fee for any
30 additional location after licensure of the first 20 locations shall be
31 three hundred dollars (\$300) and may be decreased to no less than
32 two hundred twenty-five dollars (\$225). A temporary license fee
33 shall be seven hundred fifteen dollars (\$715) and may be decreased
34 to no less than five hundred fifty dollars (\$550).

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

38 (h) (1) The fee for application, investigation, and issuance of
39 a license as a designated representative pursuant to Section 4053,
40 or as a designated representative-3PL pursuant to Section 4053.1,

1 shall be three hundred thirty dollars (\$330) and may be decreased
2 to no less than two hundred fifty-five dollars (\$255).

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

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

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

16 (j) (1) The application fee for a nonresident wholesaler or
17 third-party logistics provider license issued pursuant to Section
18 4161 shall be seven hundred eighty dollars (\$780) and may be
19 decreased to no less than six hundred dollars (\$600).

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

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

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

37 (l) The fee for an intern pharmacist license shall be ninety dollars
38 (\$90) and may be increased to one hundred fifteen dollars (\$115).
39 The fee for transfer of intern hours or verification of licensure to

1 another state shall be twenty-five dollars (\$25) and may be
2 increased to thirty dollars (\$30).

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

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

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

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

18 (q) The fee for any applicant for a nongovernmental clinic
19 license shall be four hundred dollars (\$400) and may be increased
20 to five hundred twenty dollars (\$520) for each license. The annual
21 fee for renewal of the license shall be two hundred fifty dollars
22 (\$250) and may be increased to three hundred twenty-five dollars
23 (\$325) for each license.

24 (r) The fee for the issuance of a pharmacy technician license
25 shall be eighty dollars (\$80) and may be increased to one hundred
26 five dollars (\$105). The fee for renewal of a pharmacy technician
27 license shall be one hundred dollars (\$100) and may be increased
28 to one hundred thirty dollars (\$130).

29 (s) The fee for a veterinary food-animal drug retailer license
30 shall be four hundred five dollars (\$405) and may be increased to
31 four hundred twenty-five dollars (\$425). The annual renewal fee
32 for a veterinary food-animal drug retailer license shall be two
33 hundred fifty dollars (\$250) and may be increased to three hundred
34 twenty-five dollars (\$325).

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

38 (u) The fee for issuance or renewal of a nongovernmental sterile
39 compounding pharmacy license shall be six hundred dollars (\$600)
40 and may be increased to seven hundred eighty dollars (\$780). The

1 fee for a temporary license shall be five hundred fifty dollars (\$550)
2 and may be increased to seven hundred fifteen dollars (\$715).

3 (v) The fee for the issuance or renewal of a nonresident sterile
4 compounding pharmacy license shall be seven hundred eighty
5 dollars (\$780). In addition to paying that application fee, the
6 nonresident sterile compounding pharmacy shall deposit, when
7 submitting the application, a reasonable amount, as determined by
8 the board, necessary to cover the board's estimated cost of
9 performing the inspection required by Section 4127.2. If the
10 required deposit is not submitted with the application, the
11 application shall be deemed to be incomplete. If the actual cost of
12 the inspection exceeds the amount deposited, the board shall
13 provide to the applicant a written invoice for the remaining amount
14 and shall not take action on the application until the full amount
15 has been paid to the board. If the amount deposited exceeds the
16 amount of actual and necessary costs incurred, the board shall
17 remit the difference to the applicant.

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

20 ~~SEC. 27:~~

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

23 4400. The amount of fees and penalties prescribed by this
24 chapter, except as otherwise provided, is that fixed by the board
25 according to the following schedule:

26 (a) The fee for a nongovernmental pharmacy license shall be
27 five hundred twenty dollars (\$520) and may be increased to five
28 hundred seventy dollars (\$570). The fee for the issuance of a
29 temporary nongovernmental pharmacy permit shall be two hundred
30 fifty dollars (\$250) and may be increased to three hundred
31 twenty-five dollars (\$325).

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

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

38 (d) The fee for regrading an examination shall be ninety dollars
39 (\$90) and may be increased to one hundred fifteen dollars (\$115).

1 If an error in grading is found and the applicant passes the
2 examination, the regrading fee shall be refunded.

3 (e) The fee for a pharmacist license shall be one hundred
4 ninety-five dollars (\$195) and may be increased to two hundred
5 fifteen dollars (\$215). The fee for a pharmacist biennial renewal
6 shall be three hundred sixty dollars (\$360) and may be increased
7 to five hundred five dollars (\$505).

8 (f) The fee for a nongovernmental wholesaler or third-party
9 logistics provider license and annual renewal shall be seven
10 hundred eighty dollars (\$780) and may be increased to eight
11 hundred twenty dollars (\$820). The application fee for any
12 additional location after licensure of the first 20 locations shall be
13 three hundred dollars (\$300) and may be decreased to no less than
14 two hundred twenty-five dollars (\$225). A temporary license fee
15 shall be seven hundred fifteen dollars (\$715) and may be decreased
16 to no less than five hundred fifty dollars (\$550).

17 (g) The fee for a hypodermic license shall be one hundred
18 seventy dollars (\$170) and may be increased to two hundred forty
19 dollars (\$240). The fee for a hypodermic license renewal shall be
20 two hundred dollars (\$200) and may be increased to two hundred
21 eighty dollars (\$280).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (q) The fee for any applicant for a nongovernmental clinic
4 license shall be five hundred twenty dollars (\$520) for each license
5 and may be increased to five hundred seventy dollars (\$570). The
6 annual fee for renewal of the license shall be three hundred
7 twenty-five dollars (\$325) for each license and may be increased
8 to three hundred sixty dollars (\$360).

9 (r) The fee for the issuance of a pharmacy technician license
10 shall be one hundred forty dollars (\$140) and may be increased to
11 one hundred ninety-five dollars (\$195). The fee for renewal of a
12 pharmacy technician license shall be one hundred forty dollars
13 (\$140) and may be increased to one hundred ninety-five dollars
14 (\$195).

15 (s) The fee for a veterinary food-animal drug retailer license
16 shall be four hundred thirty-five dollars (\$435) and may be
17 increased to six hundred ten dollars (\$610). The annual renewal
18 fee for a veterinary food-animal drug retailer license shall be three
19 hundred thirty dollars (\$330) and may be increased to four hundred
20 sixty dollars (\$460).

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

24 (u) The fee for issuance of a nongovernmental sterile
25 compounding pharmacy license shall be one thousand six hundred
26 forty-five dollars (\$1,645) and may be increased to two thousand
27 three hundred five dollars (\$2,305). The fee for a temporary license
28 shall be five hundred fifty dollars (\$550) and may be increased to
29 seven hundred fifteen dollars (\$715). The annual renewal fee of
30 the license shall be one thousand three hundred twenty-five dollars
31 (\$1,325) and may be increased to one thousand eight hundred
32 fifty-five dollars (\$1,855).

33 (v) The fee for the issuance of a nonresident sterile compounding
34 pharmacy license shall be two thousand three hundred eighty
35 dollars (\$2,380) and may be increased to three thousand three
36 hundred thirty-five dollars (\$3,335). The annual renewal of the
37 license shall be two thousand two hundred seventy dollars (\$2,270)
38 and may be increased to three thousand one hundred eighty dollars
39 (\$3,180). In addition to paying that application fee, the nonresident
40 sterile compounding pharmacy shall deposit, when submitting the

1 application, a reasonable amount, as determined by the board,
2 necessary to cover the board's estimated cost of performing the
3 inspection required by Section 4127.2. If the required deposit is
4 not submitted with the application, the application shall be deemed
5 to be incomplete. If the actual cost of the inspection exceeds the
6 amount deposited, the board shall provide to the applicant a written
7 invoice for the remaining amount and shall not take action on the
8 application until the full amount has been paid to the board. If the
9 amount deposited exceeds the amount of actual and necessary
10 costs incurred, the board shall remit the difference to the applicant.

11 (w) The fee for the issuance of an outsourcing facility license
12 shall be two thousand two hundred seventy dollars (\$2,270) and
13 may be increased to up to three thousand one hundred eighty
14 dollars (\$3,180) by the board. The fee for the renewal of an
15 outsourcing facility license shall be one thousand three hundred
16 twenty-five dollars (\$1,325) and may be increased to up to one
17 thousand eight hundred fifty-five dollars (\$1,855) by the board.
18 The fee for a temporary outsourcing facility license shall be seven
19 hundred fifteen dollars (\$715).

20 (x) The fee for the issuance of a nonresident outsourcing facility
21 license shall be two thousand three hundred eighty dollars (\$2,380)
22 and may be increased to up to three thousand three hundred
23 thirty-five dollars (\$3,335) by the board. The fee for the renewal
24 of a nonresident outsourcing facility license shall be two thousand
25 two hundred seventy dollars (\$2,270) and may be increased to up
26 to three thousand one hundred eighty dollars (\$3,180) by the board.
27 In addition to paying that application fee, the nonresident
28 outsourcing facility shall deposit, when submitting the application,
29 a reasonable amount, as determined by the board, necessary to
30 cover the board's estimated cost of performing the inspection
31 required by Section 4129.2. If the required deposit is not submitted
32 with the application, the application shall be deemed to be
33 incomplete. If the actual cost of the inspection exceeds the amount
34 deposited, the board shall provide to the applicant a written invoice
35 for the remaining amount and shall not take action on the
36 application until the full amount has been paid to the board. If the
37 amount deposited exceeds the amount of actual and necessary
38 costs incurred, the board shall remit the difference to the applicant.

39 (y) The fee for the issuance of a centralized hospital packaging
40 license shall be eight hundred twenty dollars (\$820) and may be

1 increased to one thousand one hundred fifty dollars (\$1,150). The
2 annual renewal of the license shall be eight hundred five dollars
3 (\$805) and may be increased to one thousand one hundred
4 twenty-five dollars (\$1,125).

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

6 ~~SEC. 28.~~

7 *SEC. 27.* Section 4830 of the Business and Professions Code
8 is amended to read:

9 4830. (a) This chapter does not apply to:

10 (1) Veterinarians while serving in any armed branch of the
11 military service of the United States or the United States
12 Department of Agriculture while actually engaged and employed
13 in their official capacity.

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

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

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

37 (5) A veterinarian who is employed by the Meat and Poultry
38 Inspection Branch of the California Department of Food and
39 Agriculture while actually engaged and employed in his or her
40 official capacity. A person exempt under this paragraph shall not

1 otherwise engage in the practice of veterinary medicine unless he
2 or she is issued a license by the board.

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

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

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

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

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

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

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

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

13 (c) For purposes of paragraph (3) of subdivision (a), the board
14 may inspect temporary facilities established pursuant to this
15 section.

16 ~~SEC. 29.~~

17 *SEC. 28.* Section 4999 of the Business and Professions Code
18 is amended to read:

19 4999. “Telephone medical advice service” means any business
20 entity that employs, or contracts or subcontracts, directly or
21 indirectly, with, the full-time equivalent of five or more persons
22 functioning as health care professionals, whose primary function
23 is to provide telephone medical advice, that provides telephone
24 medical advice services to a patient at a California address.
25 “Telephone medical advice service” does not include a medical
26 group that operates in multiple locations in California if no more
27 than five full-time equivalent persons at any one location perform
28 telephone medical advice services and those persons limit the
29 telephone medical advice services to patients being treated at that
30 location.

31 ~~SEC. 30.~~

32 *SEC. 29.* Section 4999.1 of the Business and Professions Code
33 is repealed.

34 ~~SEC. 31.~~

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

37 4999.2. A telephone medical advice service shall be responsible
38 for complying with the following requirements:

39 (a) (1) Ensuring that all health care professionals who provide
40 medical advice services are appropriately licensed, certified, or

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

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

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

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

32 (d) Ensuring that no staff member uses a title or designation
33 when speaking to an enrollee, subscriber, or consumer that may
34 cause a reasonable person to believe that the staff member is a
35 licensed, certified, or registered health care professional described
36 in paragraph (1) of subdivision (a), unless the staff member is a
37 licensed, certified, or registered professional.

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

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

6 ~~SEC. 32.~~

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

9 ~~SEC. 33.~~

10 *SEC. 32.* Section 4999.4 of the Business and Professions Code
11 is repealed.

12 ~~SEC. 34.~~

13 *SEC. 33.* Section 4999.5 of the Business and Professions Code
14 is repealed.

15 ~~SEC. 35.~~

16 *SEC. 34.* Section 4999.5 is added to the Business and
17 Professions Code, to read:

18 4999.5. The respective healing arts licensing boards shall be
19 responsible for enforcing this chapter and any other laws and
20 regulations affecting California licensed health care professionals
21 providing telephone medical advice services.

22 ~~SEC. 36.~~

23 *SEC. 35.* Section 4999.6 of the Business and Professions Code
24 is repealed.

25 ~~SEC. 37.~~

26 *SEC. 36.* Section 7137 of the Business and Professions Code
27 is amended to read:

28 7137. The board shall set fees by regulation. These fees shall
29 not exceed the following schedule:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 ~~SEC. 38.~~

34 *SEC. 37.* Section 7137 is added to the Business and Professions
35 Code, to read:

36 7137. The board may set fees by regulation. These fees shall
37 be set according to the following schedule:

38 (a) (1) The application fee for an original license in a single
39 classification shall be three hundred thirty dollars (\$330) and may

1 be increased to not more than three hundred seventy-five dollars
2 (\$375).

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

6 (3) The application fee for each additional classification pursuant
7 to Section 7059 shall be one hundred fifty dollars (\$150) and may
8 be increased to not more than one hundred seventy-five dollars
9 (\$175).

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

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

19 (b) The fee for rescheduling an examination for an applicant
20 who has applied for an original license, additional classification,
21 a change of responsible managing officer, responsible managing
22 manager, responsible managing member, or responsible managing
23 employee, or for an asbestos certification or hazardous substance
24 removal certification, shall not be more than seventy dollars (\$70).

25 (c) The fee for scheduling or rescheduling an examination for
26 a licensee who is required to take the examination as a condition
27 of probation shall not be more than seventy dollars (\$70).

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

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

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

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

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

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

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

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

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

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

24 ~~SEC. 39.~~

25 *SEC. 38.* Section 7153.3 of the Business and Professions Code
26 is amended to read:

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

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

1 prescribed by the registrar and the payment of the renewal fee
2 prescribed by this chapter and a delinquent renewal penalty in the
3 amount of twenty-five dollars (\$25). If a registration is not renewed
4 within three years, the person shall make a new application for
5 registration pursuant to Section 7153.1.

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

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

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

20 ~~SEC. 40.~~

21 *SEC. 39.* Section 7153.3 is added to the Business and
22 Professions Code, to read:

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

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

1 within three years, the person shall make a new application for
2 registration pursuant to Section 7153.1.

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

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

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

17 ~~SEC. 41.~~

18 *SEC. 40.* Section 8516 of the Business and Professions Code
19 is amended to read:

20 8516. (a) This section, and Section 8519, apply only to wood
21 destroying pests or organisms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (10) Recommendations for corrective measures.

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

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

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

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

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

1 original inspection report form and shall be labeled “Reinspection.”
2 Each reinspection shall also identify the original report by date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (G) Whether the fee includes structural repairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 ~~SEC. 42.~~

24 *SEC. 41.* Section 8518 of the Business and Professions Code
25 is amended to read:

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

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

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

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

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

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

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

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

16 ~~SEC. 43.~~

17 *SEC. 42.* Section 1348.8 of the Health and Safety Code is
18 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~SEC. 44.~~

2 *SEC. 43.* Section 10279 of the Insurance Code is amended to
3 read:

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

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

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

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

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

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

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

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

1 ~~SEC. 45.~~

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

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