

AMENDED IN ASSEMBLY AUGUST 11, 1997

AMENDED IN ASSEMBLY JULY 14, 1997

AMENDED IN ASSEMBLY JULY 7, 1997

AMENDED IN ASSEMBLY JUNE 26, 1997

AMENDED IN SENATE MAY 8, 1997

AMENDED IN SENATE MAY 5, 1997

AMENDED IN SENATE APRIL 8, 1997

SENATE BILL

No. 827

Introduced by Senator Greene

February 26, 1997

An act to amend Sections 101, 128.5, 130, 200.1, 205, 675, 800, 1242.6, 1680, 2071, 2221.1, 2660, 2701, 2708, 2761, 2841, 2842, 2847, 2873.6, 2873.7, 2881, 2890, 2893, 2894, 3527, 3750, 4001, 4003, 4008, 4501, 4503, 4546, 4547, 4800, 4804.5, 4833, 4834, 4835, 4848, 4905, 4955, 5510, 5517, 5526, 5536.27, 8520, and 8528 of, to amend and repeal Sections 5566, 5566.1, and 5566.2 of, ~~and~~ to add Sections 473.15, 473.16, 473.6, ~~4013, and 4808.5~~ and 4832 to, *to amend, repeal, and add Section 4842.2 to*, the Business and Professions Code, relating to licensed professionals, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 827, as amended, Greene. Professional licensing: boards.

(1) Existing law provides for the licensing and regulation of various occupations and professions, each administered by a board, as defined. Under existing law, provisions establishing the Board of Registered Nursing, Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, Board of Pharmacy of the State of California, Veterinary Medical Board, and California Board of Architectural Examiners become inoperative on July 1, 1998, and are repealed on January 1, 1999.

This bill would extend these inoperative and repeal dates to July 1, 2004, and January 1, 2005, respectively. The bill would provide that the repeal of these boards pursuant to this provision shall render the boards subject to the review of the Joint Legislative Sunset Review Committee described in ~~paragraph~~ (12) below. The bill would make conforming changes.

(2) Existing law, by initiative measures, establishes the Board of Chiropractic Examiners that administers licensing and regulation provisions governing practitioners of chiropractic and the Osteopathic Medical Board that administers licensing and regulation provisions governing osteopathy.

This bill would provide that these boards shall be subject to the review of the Joint Legislative Sunset Review Committee.

(3) Existing law requires that the Board of Vocational Nurse and Psychiatric Technician Examiners consists of 11 members, including 3 licensed vocational nurse members and 5 public members.

This bill would instead provide for 2 licensed vocational nurse members and 6 public members. The bill would also change the name of this board to the Board of Vocational Nursing and Psychiatric Technicians and would make related changes, including the name of the Vocational Nurse and Psychiatric Technician Examiners Fund to the Vocational Nursing and Psychiatric Technicians Fund.

(4) Existing law requires the Board of Pharmacy to consist of 10 members, 3 who are public members and 7 who are pharmacists. It authorizes the board to employ inspectors of pharmacy. Existing law requires that these inspectors be pharmacists if their principal duties are the inspection of



pharmacies, and premises operated or conducted by a wholesaler.

This bill would *instead require board inspectors to be pharmacists if their principal duties include the inspection and investigation of pharmacies or pharmacists or the supervision of other board inspectors.* This bill would add one public member to this board. ~~The bill would provide, instead, that the inspectors employed by the board may be pharmacists.~~

(5) Existing law provides for a Veterinary Medical Board in the Department of Consumer Affairs consisting of 6 members, including 2 public members, and provides that the board may appoint a person exempt from civil service as an executive officer. That provision will become inoperative on July 1, 1998, and will be repealed effective January 1, 1999.

This bill would instead provide for the board to consist of 7 members, including 3 public members and would extend that inoperative date until July 1, 2004, and the date of repeal until January 1, 2005.

~~The bill would also authorize the board to establish an advisory committee, which would succeed the Registered Veterinary Technical Examining Committee when it becomes inoperative, to make recommendations on issues pertaining to the practice of veterinary technicians and perform other functions as deemed appropriate by the board.~~

(6) Existing law establishes the Registered Veterinary Technician Examining Committee within the Veterinary Medical Board and provides for certain requirements regarding membership of the committee. Existing law requires the committee to assist the board in the examination of applicants for veterinary technician registration. These provisions will become inoperative July 1, 1998, and will be repealed effective January 1, 1999. Existing law also requires all revenue received by the board to be deposited into the Registered Veterinary Technician Examining Committee Fund.

This bill would require the board to establish an advisory committee on issues pertaining to the practice of veterinary technicians, to be known as the Registered Veterinary Technician Committee. The bill would also authorize, rather



than require, the committee to assist the board in applicant examination. These provisions would become operative July 1, 1998. This bill would also provide that the provisions requiring all revenue received by the board to be deposited into the Registered Veterinary Technician Examining Committee Fund become inoperative July 1, 1998, and repealed effective January 1, 1999, and would require commencing July 1, 1998, all funds in that fund and all funds collected after that date to be deposited in the Veterinary Medical Board Contingent Fund, a continuously appropriated fund. By increasing the funds to be deposited in a continuously appropriated fund, this bill would make an appropriation.

(7) Existing law requires the examination for licensure to practice veterinary medicine to consist of a written and practical examination, with certain exceptions for out-of-state applicants. Existing law authorizes the board to waive the examination requirements and issue a license if the applicant meets certain requirements, including that the applicant has graduated from a veterinary college recognized by the board or possesses a certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association which was issued as prescribed.

This bill would delete reference to the American Veterinary Medical Association for purposes of this provision and would delete the prescriptions related to the basis of issuance of the certificate.

~~(7)~~

(8) Existing law provides that the maximum fee that the board can establish for veterinarians to file an application for examination is \$325 for the national examination and \$250 for the California state board examination. However, if the provisions establishing the board are repealed under existing law, the maximum fee to file an application for the national examination is \$250.

This bill would revise these fee provisions. The bill would establish the maximum fee to file an application for examination at \$100. The bill would establish a maximum fee of \$325 for the licensing examination and a maximum fee of \$150 for the California state board examination.



By increasing the source of moneys in a continuously appropriated fund, this bill would make an appropriation.

~~(8)~~

(9) Existing law establishes the California Board of Architectural Examiners and provides that the board consist of 10 members.

This bill would add one member to the board.

(10) Existing law establishes a procedure for the issuance of a citation to a person if there is probable cause to believe the person violated provisions of the law regarding the practice of architecture. This procedure includes a review and hearing by the board and provides for the assessment of a civil penalty for each citation issued. Existing law generally authorizes the professional licensing boards to establish, by regulation, a system for the issuance to a licensee, or to an unlicensed person who is acting in the capacity of a licensee or registrant, of a citation that may contain an order of abatement or an order to pay an administrative fine assessed by the board.

This bill would make inoperative on July 1, 1998, the provisions that provide a procedure for the issuance of a citation for violations of the law regarding the practice of architecture and would repeal those provisions on January 1, 1999. The bill would require the Board of Architectural Examiners to establish, by regulation, a system for the issuance of citations.

~~(9)~~

(11) Existing law provides certain immunity from liability for architects and engineers who voluntarily, without compensation or expectation of compensation, provide structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity.

This bill would extend this immunity from liability to the services of architects at the scene of a flood, riot, or fire that is a declared emergency under these circumstances.

~~(10)~~



(12) Existing law establishes the Structural Pest Control Board to administer licensing and regulation provisions related to the practice of pest control and its various branches. The provisions establishing the board become inoperative on July 1, 1998, and are repealed on January 1, 1999.

This bill would extend the inoperative and repeal dates of the provisions establishing the Structural Pest Control Board to July 1, 2001, and January 1, 2002, respectively. The bill would declare the intent of the Legislature that the primary mission of the board is consumer protection.

~~(11)~~

(13) Under existing law, the Director of Pesticide Regulation and the Structural Pest Control Board are required to enter into a contract regarding structural pest control operators.

This bill would require the Director of Pesticide Regulation and the Structural Pest Control Board to submit a report to the Legislature no later than February 1, 1998, concerning the terms of their interagency agreement.

~~(12)~~

(14) Existing law creates the Joint Legislative Sunset Review Committee, which is required to determine whether certain boards or regulatory programs have demonstrated a public need and to make recommendations.

This bill would require the Joint Legislative Sunset Review Committee to review the referral of cases to the Licensing ~~Section~~ and Health Quality Enforcement Sections of the Attorney General's office, the performance of ~~that section~~ those sections, and the reimbursement of the Attorney General's office for legal services, and to report its findings to the Legislature by ~~April~~ March 1, 1998.

The bill would also authorize the chairpersons of the appropriate policy committees of the Legislature to refer to the Joint Legislative Sunset Review Committee any legislative issues or proposals to create new licensure categories or create a new licensing board if the issues or proposals are related to the review of a particular board under these provisions.

This bill would also require the Department of Consumer Affairs to submit to the Legislature, on or before October 1,



1998, a report that relates to board licensing examinations and, after conducting a survey of all boards, specifies the extent to which the boards are using cost recovery and cite and fine programs.

By increasing the source of funds for a continuously appropriated fund, the bill would make an appropriation.

This bill would incorporate additional changes in Section 101 of the Business and Professions Code proposed by SB 1346, to be operative only if SB 1346 and this bill are both chaptered and become effective January 1, 1998, and this bill is chaptered last.

This bill would incorporate additional changes in Sections 4001, 4003, and 4008 of the Business and Professions Code, proposed by SB 1349, to be operative only if SB 1349 and this bill are both chaptered and become effective January 1, 1998, and this bill is chaptered last.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 101 of the Business and
- 2 Professions Code is amended to read:
- 3 101. The department is comprised of:
- 4 (a) The Board of Dental Examiners of California.
- 5 (b) The Medical Board of California.
- 6 (c) The State Board of Optometry.
- 7 (d) The California State Board of Pharmacy.
- 8 (e) The Veterinary Medical Board.
- 9 (f) The Board of Accountancy.
- 10 (g) The California State Board of Architectural
- 11 Examiners.
- 12 (h) The State Board of Barbering and Cosmetology.
- 13 (i) The State Board of Registration for Professional
- 14 Engineers and Land Surveyors.
- 15 (j) The Contractors' State License Board.
- 16 (k) The State Board of Funeral Directors and
- 17 Embalmers.
- 18 (l) The Structural Pest Control Board.



- 1 (m) The Bureau of Home Furnishings and Thermal
- 2 Insulation.
- 3 (n) The Board of Registered Nursing.
- 4 (o) The Board of Behavioral Science Examiners.
- 5 (p) The State Athletic Commission.
- 6 (q) The Cemetery Board.
- 7 (r) The State Board of Guide Dogs for the Blind.
- 8 (s) The Bureau of Security and Investigative Services.
- 9 (t) The Court Reporters Board of California.
- 10 (u) The Board of Vocational Nursing and Psychiatric
- 11 Technicians.
- 12 (v) The California State Board of Landscape
- 13 Architects.
- 14 (w) The Bureau of Electronic and Appliance Repair.
- 15 (x) The Division of Investigation.
- 16 (y) The Bureau of Automotive Repair.
- 17 (z) The State Board of Registration for Geologists and
- 18 Geophysicists.
- 19 (aa) The State Board of Nursing Home
- 20 Administrators.
- 21 (ab) The Respiratory Care Examining Committee.
- 22 (ac) The Acupuncture Examining Committee.
- 23 (ad) The Board of Psychology.
- 24 (ae) The California Board of Podiatric Medicine.
- 25 (af) The Physical Therapy Examining Committee.
- 26 (ag) The Arbitration Review Program.
- 27 (ah) The Committee on Dental Auxiliaries.
- 28 (ai) The Hearing Aid Dispensers Examining
- 29 Committee.
- 30 (aj) The Physician Assistant Examining Committee.
- 31 (ak) The Speech-Language Pathology and Audiology
- 32 Examining Committee.
- 33 (al) The Tax Preparers Program.
- 34 (am) Any other boards, offices, or officers subject to its
- 35 jurisdiction by law.
- 36 SEC. 1.5. Section 101 of the Business and Professions
- 37 Code is amended to read:
- 38 101. The department is comprised of:
- 39 (a) The Board of Dental Examiners of California.
- 40 (b) The Medical Board of California.



- 1 (c) The State Board of Optometry.
- 2 (d) The California State Board of Pharmacy.
- 3 (e) The Veterinary Medical Board.
- 4 (f) The Board of Accountancy.
- 5 (g) The California State Board of Architectural
- 6 Examiners.
- 7 (h) The State Board of Barbering and Cosmetology.
- 8 (i) The State Board of Registration for Professional
- 9 Engineers and Land Surveyors.
- 10 (j) The Contractors' State License Board.
- 11 (k) The State Board of Funeral Directors and
- 12 Embalmers.
- 13 (l) The Structural Pest Control Board.
- 14 (m) The Bureau of Home Furnishings and Thermal
- 15 Insulation.
- 16 (n) The Board of Registered Nursing.
- 17 (o) The Board of Behavioral Science Examiners.
- 18 (p) The State Athletic Commission.
- 19 (q) The Cemetery Board.
- 20 (r) The State Board of Guide Dogs for the Blind.
- 21 (s) The Bureau of Security and Investigative Services.
- 22 (t) The Court Reporters Board of California.
- 23 (u) The Board of Vocational Nursing and Psychiatric
- 24 Technicians.
- 25 (v) The California State Board of Landscape
- 26 Architects.
- 27 (w) The Bureau of Electronic and Appliance Repair.
- 28 (x) The Division of Investigation.
- 29 (y) The Bureau of Automotive Repair.
- 30 (z) The State Board of Registration for Geologists and
- 31 Geophysicists.
- 32 (aa) The State Board of Nursing Home
- 33 Administrators.
- 34 (ab) The Respiratory Care Examining Committee.
- 35 (ac) The Acupuncture Examining Committee.
- 36 (ad) The Board of Psychology.
- 37 (ae) The California Board of Podiatric Medicine.
- 38 (af) The Physical Therapy Board.
- 39 (ag) The Arbitration Review Program.
- 40 (ah) The Committee on Dental Auxiliaries.

1 (ai) The Hearing Aid Dispensers Examining
2 Committee.

3 (aj) The Physician Assistant Examining Committee.

4 (ak) The Speech-Language Pathology and Audiology
5 Board.

6 (al) The Tax Preparers Program.

7 (am) Any other boards, offices, or officers subject to its
8 jurisdiction by law.

9 SEC. 2. Section 128.5 of the Business and Professions
10 Code is amended to read:

11 128.5. (a) Notwithstanding any other provision of
12 law, if at the end of any fiscal year, an agency within the
13 Department of Consumer Affairs, except the agencies
14 referred to in subdivision (b), has unencumbered funds
15 in an amount which equals or is more than the agency's
16 operating budget for the next two fiscal years, the agency
17 shall reduce license or other fees, whether the license or
18 other fees be fixed by statute or may be determined by
19 the agency within limits fixed by statute, during the
20 following fiscal year in an amount which will reduce any
21 surplus funds of the agency to an amount less than the
22 agency's operating budget for the next two fiscal years.

23 (b) Notwithstanding any other provision of law, if at
24 the end of any fiscal year, the California Board of
25 Architectural Examiners, the Board of Behavioral
26 Science Examiners, the Veterinary Medical Board, the
27 Court Reporters Board of California, the Medical Board
28 of California, the Board of Vocational Nursing and
29 Psychiatric Technicians, or the Bureau of Security and
30 Investigative Services has unencumbered funds in an
31 amount which equals or is more than the agency's
32 operating budget for the next two fiscal years, the agency
33 shall reduce license or other fees, whether the license or
34 other fees be fixed by statute or may be determined by
35 the agency within limits fixed by statute, during the
36 following fiscal year in an amount which will reduce any
37 surplus funds of the agency to an amount less than the
38 agency's operating budget for the next two fiscal years.

39 SEC. 3. Section 130 of the Business and Professions
40 Code is amended to read:



1 130. (a) Notwithstanding any other provision of law,
2 the term of office of any member of an agency designated
3 in subdivision (b) shall be for a term of four years expiring
4 on June 1.

5 (b) Subdivision (a) applies to the following boards or
6 committees:

7 (1) Medical Board of California.

8 (2) California Board of Podiatric Medicine.

9 (3) Physical Therapy Examining Committee.

10 (4) Board of Registered Nursing.

11 (5) Board of Vocational Nursing and Psychiatric
12 Technicians.

13 (6) State Board of Optometry.

14 (7) California State Board of Pharmacy.

15 (8) Veterinary Medical Board.

16 (9) California Board of Architectural Examiners.

17 (10) California State Board of Landscape Architects.

18 (11) State Board of Barbering and Cosmetology.

19 (12) State Board of Registration for Professional
20 Engineers and Land Surveyors.

21 (13) Contractors' State License Board.

22 (14) State Board of Guide Dogs for the Blind.

23 (15) State Board of Funeral Directors and Embalmers.

24 (16) Board of Behavioral Science Examiners.

25 (17) Structural Pest Control Board.

26 (18) Cemetery Board.

27 (19) Bureau of Electronic and Appliance Repair
28 Advisory Board.

29 (20) Court Reporters Board of California.

30 (21) State Board of Registration for Geologists and
31 Geophysicists.

32 (22) State Athletic Commission.

33 (23) Osteopathic Medical Board of California.

34 (24) The Respiratory Care Board of California.

35 (25) The Acupuncture Examining Committee.

36 (26) The Board of Psychology.

37 SEC. 4. Section 200.1 of the Business and Professions
38 Code is amended to read:

39 200.1. (a) Any accruals that occur on or after
40 September 11, 1993, to any funds or accounts within the



1 Professions and Vocations Fund that realize increased
2 revenues to that fund or account as a result of legislation
3 enacted on or after September 11, 1993, and that have not
4 been transferred pursuant to Sections 13.50, 13.60, and
5 13.70 of the Budget Act of 1993 on the effective date of the
6 act that enacted this section, shall be exempt from the
7 transfers contained in Sections 13.50, 13.60, and 13.70 of
8 the Budget Act of 1993. These funds shall include, but not
9 be limited to, all of the following:

10 (1) Athletic Commission Fund.

11 (2) Bureau of Home Furnishings and Thermal
12 Insulation Fund.

13 (3) Contractors' License Fund.

14 (4) Private Investigator Fund.

15 (5) Respiratory Care Fund.

16 (6) Vocational Nursing and Psychiatric Technicians
17 Fund.

18 (b) Subdivision (a) shall not apply to the Contingent
19 Fund of the Medical Board of California.

20 SEC. 5. Section 205 of the Business and Professions
21 Code is amended to read:

22 205. (a) There is in the State Treasury the Professions
23 and Vocations Fund. The fund shall consist of the
24 following special funds:

25 (1) Accountancy Fund.

26 (2) California Board of Architectural Examiners'
27 Fund.

28 (3) Athletic Commission Fund.

29 (4) Board of Barbering and Cosmetology Contingent
30 Fund.

31 (5) Cemetery Fund.

32 (6) Contractors' License Fund.

33 (7) State Dentistry Fund.

34 (8) State Funeral Directors and Embalmers' Fund.

35 (9) Guide Dogs for the Blind Fund.

36 (10) Bureau of Home Furnishings and Thermal
37 Insulation Fund.

38 (11) State Board of Landscape Architects' Fund.

39 (12) Contingent Fund of the Medical Board of
40 California.



- 1 (13) Optometry Fund.
- 2 (14) Pharmacy Board Contingent Fund.
- 3 (15) Physical Therapy Fund.
- 4 (16) Private Investigator Fund.
- 5 (17) Professional Engineers' and Land Surveyors'
- 6 Fund.
- 7 (18) Consumer Affairs Fund.
- 8 (19) Behavioral Science Examiners Fund.
- 9 (20) Licensed Midwifery Fund.
- 10 (21) Court Reporters' Fund.
- 11 (22) Structural Pest Control Fund.
- 12 (23) Veterinary Medical Board Contingent Fund.
- 13 (24) Vocational Nurses Account of the Vocational
- 14 Nursing and Psychiatric Technicians Fund.
- 15 (25) State Dental Auxiliary Fund.
- 16 (26) Electronic and Appliance Repair Fund.
- 17 (27) Geology and Geophysics Fund.
- 18 (28) Dispensing Opticians Fund.
- 19 (29) Acupuncture Fund.
- 20 (30) Hearing Aid Dispensers Fund.
- 21 (31) Physician Assistant Fund.
- 22 (32) Board of Podiatric Medicine Fund.
- 23 (33) Psychology Fund.
- 24 (34) Respiratory Care Fund.
- 25 (35) Speech-Language Pathology and Audiology
- 26 Fund.
- 27 (36) Board of Registered Nursing Fund.
- 28 (37) Nursing Home Administrator's State License
- 29 Examining Board Fund.
- 30 (38) Psychiatric Technician Examiners Account of the
- 31 Vocational Nurse and Psychiatric Technician Examiners
- 32 Fund.
- 33 (39) Animal Health Technician Examining
- 34 Committee Fund.
- 35 (40) Tax Preparers Fund.
- 36 (41) Structural Pest Control Education and
- 37 Enforcement Fund.
- 38 (42) Structural Pest Control Research Fund.
- 39 (b) For accounting and recordkeeping purposes, the
- 40 Professions and Vocations Fund shall be deemed to be a



1 single special fund, and each of the several special funds
2 therein shall constitute and be deemed to be a separate
3 account in the Professions and Vocations Fund. Each
4 account or fund shall be available for expenditure only for
5 the purposes as are now or may hereafter be provided by
6 law.

7 SEC. 6. Section 473.15 is added to the Business and
8 Professions Code, immediately following Section 473.1, to
9 read:

10 473.15. (a) The Joint Legislative Sunset Review
11 Committee established pursuant to Section 473 shall
12 review the following boards established by initiative
13 measures, as provided in this section:

14 (1) The State Board of Chiropractic Examiners
15 established by an initiative measure approved by electors
16 November 7, 1922.

17 (2) The Osteopathic Medical Board of California
18 established by an initiative measure approved June 2,
19 1913, and acts amendatory thereto approved by electors
20 November 7, 1922.

21 (b) The State Board of Chiropractic Examiners and
22 the Osteopathic Medical Board of California shall prepare
23 an analysis and submit a report as described in
24 subdivisions (a) to (e), inclusive, of Section 473.2, to the
25 Joint Legislative Sunset Review Committee on or before
26 September 1, 1998.

27 (c) The Joint Legislative Sunset Review Committee
28 shall, during the interim recess of 1998, hold public
29 hearings to receive testimony from the Director of
30 Consumer Affairs, the board involved, the public, and the
31 regulated industry. In that hearing, each board shall be
32 prepared to demonstrate a compelling public need for
33 the continued existence of the board or regulatory
34 program, and that its licensing function is the least
35 restrictive regulation consistent with the public health,
36 safety, and welfare.

37 (d) The Joint Legislative Sunset Review Committee
38 shall evaluate and make determinations pursuant to
39 Section 473.4 and shall report its findings and



1 recommendations to the department as provided in
2 Section 473.5.

3 (e) In the exercise of its inherent power to make
4 investigations and ascertain facts to formulate public
5 policy and determine the necessity and expediency of
6 contemplated legislation for the protection of the public
7 health, safety, and welfare, it is the intent of the
8 Legislature that the State Board of Chiropractic
9 Examiners and the Osteopathic Medical Board of
10 California be reviewed pursuant to this section.

11 (f) It is not the intent of the Legislature in requiring
12 a review under this section to amend the initiative
13 measures that established the State Board of Chiropractic
14 Examiners or the Osteopathic Medical Board of
15 California.

16 SEC. 6.5. Section 473.16 is added to the Business and
17 Professions Code, immediately following Section 473.15,
18 to read:

19 473.16. (a) The Joint Legislative Sunset Review
20 Committee shall review the referral of cases to the
21 Licensing ~~Section~~ and Health Quality Enforcement
22 Sections of the Attorney General's office by the boards to
23 which this division applies, the performance of the
24 Licensing ~~Section~~ and Health Quality Enforcement
25 Sections of the Attorney General's office, in handling the
26 cases so referred and the reimbursement of the Attorney
27 General for legal services by those boards. The review
28 shall be conducted in conjunction with the Legislative
29 Analyst's office, and in consultation with the department,
30 the Attorney General's office, and the boards which
31 receive services from the Licensing and Health Quality
32 Enforcement ~~Section~~ Sections. The purpose of the
33 performance review is to ascertain whether the referral
34 of disciplinary cases and their handling by the Attorney
35 General's office are being effectuated in an effective,
36 efficient, and expeditious manner, and whether the
37 billing practices and costs associated with individual
38 cases, and the referring boards' practices with respect to
39 budgeting and reimbursement of the Attorney General's
40 costs are effective and efficient.



1 (b) The Joint Legislative Sunset Review Committee
2 shall evaluate the performance review and make
3 determinations pursuant to this section, and shall report
4 its findings and recommendations to the Legislature by
5 ~~April~~ *March* 1, 1998.

6 SEC. 7. Section 473.6 is added to the Business and
7 Professions Code, to read:

8 473.6. The chairpersons of the appropriate policy
9 committees of the Legislature may refer to the Joint
10 Legislative Sunset Review Committee any legislative
11 issues or proposals to create new licensure categories or
12 create a new licensing board if the issues or proposals are
13 related to the review of a particular board pursuant to this
14 division.

15 SEC. 8. Section 675 of the Business and Professions
16 Code is amended to read:

17 675. Every person, firm, association, partnership, or
18 corporation offering a course of instruction in any type of
19 nursing, including vocational nursing or practical
20 nursing, which course of instruction is not accredited by
21 the Board of Registered Nursing or by the Board of
22 Vocational Nursing and Psychiatric Technicians and
23 completion of which will not qualify a person to take any
24 examination given by either board shall notify an
25 applicant for admission thereto that the course of
26 instruction is not accredited by either board and that
27 completion thereof will not qualify the person to take any
28 examination given by either board.

29 The notice required by this section shall be in writing
30 in at least 12-point boldface type, and in no event less than
31 two points larger than the type in any other portion of the
32 notice or contract, and shall be given to an applicant prior
33 to the signing of any contract by the applicant or, if no
34 contract is signed, prior to the making of any deposit or
35 other payment by the applicant.

36 If an applicant is required to sign a contract in order to
37 enroll in the course of instruction, the notice required by
38 this section shall be contained in the contract directly
39 above the place for the applicant's signature.



1 SEC. 9. Section 800 of the Business and Professions
2 Code is amended to read:

3 800. (a) The Medical Board of California, the Board
4 of Dental Examiners, the Osteopathic Medical Board of
5 California, the Board of Chiropractic Examiners, the
6 California Board of Registered Nursing, the Board of
7 Vocational Nursing and Psychiatric Technicians, the
8 State Board of Optometry, the Veterinary Medical Board,
9 and the State Board of Pharmacy shall each separately
10 create and maintain a central file of the names of all
11 persons who hold a license, certificate, or similar
12 authority from such board. Each central file shall be
13 created and maintained to provide an individual
14 historical record for each licensee with respect to (1) any
15 conviction of a crime in this or any other state which
16 constitutes unprofessional conduct pursuant to the
17 reporting requirements of Section 803; (2) any judgment
18 or settlement requiring the licensee or his or her insurer,
19 to pay any amount of damages in excess of three thousand
20 dollars (\$3,000) for any claim that injury or death was
21 proximately caused by the licensee's negligence, error or
22 omission in practice, or by rendering unauthorized
23 professional services, pursuant to the reporting
24 requirements of Section 801 or 802; (3) any public
25 complaints for which provision is hereinafter made,
26 pursuant to subdivision (b) of this section; (4)
27 disciplinary information reported pursuant to Section
28 805.

29 (b) Each board shall prescribe and promulgate forms
30 on which members of the public and other licensees or
31 certificate holders may file written complaints to the
32 board alleging any act of misconduct in, or connected
33 with, the performance of professional services by the
34 licensee.

35 If a board, or division thereof, a committee, or a panel
36 has failed to act upon a complaint or report within five
37 years, or has found that the complaint or report is without
38 merit, the central file shall be purged of information
39 relating to the complaint or report.



1 Notwithstanding this subdivision, the Board of
2 Psychology and the Respiratory Care Board of California
3 shall maintain complaints or reports as long as each board
4 deems necessary.

5 (c) The contents of any central file which are not
6 public records under any other provision of law shall be
7 confidential except that the licensee involved, or his or
8 her counsel or representative, shall have the right to
9 inspect and have copies made of his or her complete file
10 except for the provision that may disclose the identity of
11 an information source. For the purposes of this section, a
12 board may protect an information source by providing a
13 copy of the material with only those deletions necessary
14 to protect the identity of the source or by providing a
15 comprehensive summary of the substance of the
16 material. Whichever method is used, the board shall
17 ensure that full disclosure is made to the subject of any
18 personal information that could reasonably in any way
19 reflect or convey anything detrimental, disparaging, or
20 threatening to a licensee's reputation, rights, benefits,
21 privileges, or qualifications, or be used by a board to make
22 a determination that would affect a licensee's rights,
23 benefits, privileges, or qualifications.

24 The licensee may, but is not required to, submit any
25 additional exculpatory or explanatory statement or other
26 information which the board shall include in the central
27 file.

28 Each board may permit any law enforcement or
29 regulatory agency when required for an investigation of
30 unlawful activity or for licensing, certification, or
31 regulatory purposes to inspect and have copies made of
32 that licensee's file, unless the disclosure is otherwise
33 prohibited by law.

34 These disclosures shall effect no change in the
35 confidential status of these records.

36 SEC. 10. Section 1242.6 of the Business and
37 Professions Code is amended to read:

38 1242.6. (a) Any registered nurse licensed under the
39 provisions of Chapter 6 (commencing with Section 2700)
40 of Division 2 may perform arterial puncture,



1 venipuncture, or skin puncture for the purposes of
2 withdrawing blood or for test purposes upon
3 authorization from any licensed physician and surgeon or
4 any licensed dentist.

5 (b) Any licensed vocational nurse licensed under the
6 provisions of Chapter 6.5 (commencing with Section
7 2840) of Division 2 may perform arterial puncture,
8 venipuncture, or skin puncture for the purposes of
9 withdrawing blood or for test purposes upon
10 authorization from any licensed physician and surgeon,
11 or any licensed dentist if prior thereto the licensed
12 vocational nurse has been instructed by a physician and
13 surgeon and has demonstrated competence to the
14 physician and surgeon in the proper procedure to be
15 employed when withdrawing blood, or has satisfactorily
16 completed a prescribed course of instruction approved
17 by the Board of Vocational Nursing and Psychiatric
18 Technicians or has demonstrated competence to the
19 satisfaction of that board.

20 (c) Any respiratory care practitioner certified under
21 the provisions of Chapter 8.3 (commencing with Section
22 3700) of Division 2 may perform arterial puncture,
23 venipuncture, or skin puncture for the purposes of
24 withdrawing blood or for test purposes upon
25 authorization from any licensed physician and surgeon.

26 SEC. 11. Section 1680 of the Business and Professions
27 Code is amended to read:

28 1680. Unprofessional conduct by a person licensed
29 under this chapter is defined as, but is not limited to, the
30 violation of any one of the following:

31 (a) The obtaining of any fee by fraud or
32 misrepresentation.

33 (b) The employment directly or indirectly of any
34 student or suspended or unlicensed dentist to practice
35 dentistry as defined in this chapter.

36 (c) The aiding or abetting of any unlicensed person to
37 practice dentistry.

38 (d) The aiding or abetting of a licensed person to
39 practice dentistry unlawfully.

1 (e) The committing of any act or acts of gross
2 immorality substantially related to the practice of
3 dentistry.

4 (f) The use of any false, assumed, or fictitious name,
5 either as an individual, firm, corporation, or otherwise, or
6 any name other than the name under which he or she is
7 licensed to practice, in advertising or in any other manner
8 indicating that he or she is practicing or will practice
9 dentistry, except that name as is specified in a valid
10 permit issued pursuant to Section 1701.5.

11 (g) The practice of accepting or receiving any
12 commission or the rebating in any form or manner of fees
13 for professional services, radiograms, prescriptions, or
14 other services or articles supplied to patients.

15 (h) The making use by the licentiate or any agent of
16 the licentiate of any advertising statements of a character
17 tending to deceive or mislead the public.

18 (i) The advertising of either professional superiority or
19 the advertising of performance of professional services in
20 a superior manner. This subdivision shall not prohibit
21 advertising permitted by subdivision (h) of Section 651.

22 (j) The employing or the making use of solicitors.

23 (k) The advertising in violation of Section 651.

24 (l) The advertising to guarantee any dental service, or
25 to perform any dental operation painlessly. This
26 subdivision shall not prohibit advertising permitted by
27 Section 651.

28 (m) The violation of any of the provisions of law
29 regulating the procurement, dispensing, or
30 administration of dangerous drugs, as defined in Article
31 7 (commencing with Section 4211) of Chapter 9, or
32 controlled substances, as defined in Division 10
33 (commencing with Section 11000) of the Health and
34 Safety Code.

35 (n) The violation of any of the provisions of this
36 division.

37 (o) The permitting of any person to operate dental
38 radiographic equipment who has not met the
39 requirements of Section 1656.



1 (p) The clearly excessive prescribing or administering
2 of drugs or treatment, or the clearly excessive use of
3 diagnostic procedures, or the clearly excessive use of
4 diagnostic or treatment facilities, as determined by the
5 customary practice and standards of the dental
6 profession.

7 Any person who violates this subdivision is guilty of a
8 misdemeanor and shall be punished by a fine of not less
9 than one hundred dollars (\$100) or more than six
10 hundred dollars (\$600), or by imprisonment for a term of
11 not less than 60 days or more than 180 days, or by both a
12 fine and imprisonment.

13 (q) The use of threats or harassment against any
14 patient or licentiate for providing evidence in any
15 possible or actual disciplinary action, or other legal action;
16 or the discharge of an employee primarily based on the
17 employee's attempt to comply with the provisions of this
18 chapter or to aid in the compliance.

19 (r) Suspension or revocation of a license issued, or
20 discipline imposed, by another state or territory on
21 grounds which would be the basis of discipline in this
22 state.

23 (s) The alteration of a patient's record with intent to
24 deceive.

25 (t) Unsanitary or unsafe office conditions, as
26 determined by the customary practice and standards of
27 the dental profession.

28 (u) The abandonment of the patient by the licentiate,
29 without written notice to the patient that treatment is to
30 be discontinued and before the patient has ample
31 opportunity to secure the services of another dentist and
32 provided the health of the patient is not jeopardized.

33 (v) The willful misrepresentation of facts relating to a
34 disciplinary action to the patients of a disciplined
35 licentiate.

36 (w) Use of fraud in the procurement of any license
37 issued pursuant to this chapter.

38 (x) Any action or conduct which would have
39 warranted the denial of the license.



1 (y) The aiding or abetting of a licensed dentist or
2 dental auxiliary to practice dentistry in a negligent or
3 incompetent manner.

4 (z) The failure to report to the board in writing within
5 seven days either: (1) the death of his or her patient
6 during the performance of any dental procedure; or, (2)
7 the discovery of the death of a patient whose death is
8 causally related to a dental procedure performed by him
9 or her.

10 (aa) Participating in or operating any group
11 advertising and referral services which is in violation of
12 Section 650.2.

13 (bb) The failure to use a fail-safe machine with an
14 appropriate exhaust system in the administration of
15 nitrous oxide. The board shall, by regulation, define what
16 constitutes a fail-safe machine.

17 (cc) Engaging in the practice of dentistry with an
18 expired license.

19 (dd) Except for good cause, the knowing failure to
20 protect patients by failing to follow infection control
21 guidelines of the board, thereby risking transmission of
22 blood-borne infectious diseases from dentist or dental
23 auxiliary to patient, from patient to patient, and from
24 patient to dentist or dental auxiliary. In administering this
25 subdivision, the board shall consider referencing the
26 standards, regulations, and guidelines of the State
27 Department of Health Services developed pursuant to
28 Section 1250.11 of the Health and Safety Code and the
29 standards, guidelines, and regulations pursuant to the
30 California Occupational Safety and Health Act of 1973
31 (Part 1 (commencing with Section 6300), Division 5,
32 Labor Code) for preventing the transmission of HIV,
33 hepatitis B, and other blood-borne pathogens in health
34 care settings. As necessary, the board shall consult with
35 the California Medical Board, the Board of Podiatric
36 Medicine, the Board of Registered Nursing, and the
37 Board of Vocational Nursing and Psychiatric Technicians,
38 to encourage appropriate consistency in the
39 implementation of this subdivision.



1 The board shall seek to ensure that licentiates and
2 others regulated by the board are informed of the
3 responsibility of licentiates and others to follow infection
4 control guidelines, and of the most recent scientifically
5 recognized safeguards for minimizing the risk of
6 transmission of blood-borne infectious diseases.

7 (ee) The utilization by a licensed dentist of any person
8 to perform the functions of a registered dental assistant,
9 registered dental assistant in extended functions,
10 registered dental hygienist, or registered dental hygienist
11 in extended functions who, at the time of initial
12 employment, does not possess a current, valid license to
13 perform those functions.

14 SEC. 12. Section 2071 of the Business and Professions
15 Code is amended to read:

16 2071. The Division of Licensing shall adopt and
17 administer regulations that establish standards for
18 technical supportive services that may be performed by
19 a medical assistant. Nothing in this section shall prohibit
20 the board or division from amending or repealing
21 regulations covering medical assistants. The board or
22 division shall, prior to the adoption of any regulations,
23 request recommendations regarding these standards
24 from appropriate public agencies, including, but not
25 limited to, the State Board of Optometry, the Board of
26 Registered Nursing, the Board of Vocational Nursing and
27 Psychiatric Technicians, the Laboratory Field Services
28 division of the State Department of Health Services, those
29 divisions of the State Department of Education that
30 pertain to private postsecondary education and career
31 and vocational preparation, the Chancellor of the
32 California Community Colleges, the California Board of
33 Podiatric Medicine, the Physician Assistant Examining
34 Committee, and the Physical Therapy Examining
35 Committee. The Division of Licensing shall also request
36 recommendations regarding these standards from
37 associations of medical assistants, physicians, nurses,
38 doctors of podiatric medicine, physician assistants,
39 physical therapists, laboratory technologists,
40 optometrists, and others as the board or division finds



1 appropriate, including, but not limited to, the California
2 Optometric Association, the California Nurses
3 Association, the California Medical Association, the
4 California Society of Medical Assistants, the California
5 Medical Assistants' Association, and the California
6 Chapter of the American Physical Therapy Association.
7 Nothing in this section shall be construed to supersede or
8 modify that portion of the Administrative Procedure Act
9 which relates to the procedure for the adoption of
10 regulations and which is set forth in Article 5
11 (commencing with Section 11346) of Chapter 3.5 of Part
12 1 of Division 3 of Title 2 of the Government Code.

13 SEC. 13. Section 2221.1 of the Business and
14 Professions Code is amended to read:

15 2221.1. (a) The board and the Board of Podiatric
16 Medicine shall investigate and may take disciplinary
17 action, including, but not limited to, revocation or
18 suspension of licenses, against physicians and surgeons
19 and all others licensed or regulated by the board, or by the
20 Board of Podiatric Medicine, whichever is applicable,
21 who, except for good cause, knowingly fail to protect
22 patients by failing to follow infection control guidelines of
23 the applicable board, thereby risking transmission of
24 blood-borne infectious diseases from the physician and
25 surgeon or other health care provider licensed or
26 regulated by the applicable board to patients, from
27 patients, and from patient to physician and surgeon or
28 other health care provider regulated by the applicable
29 board. In so doing, the boards shall consider referencing
30 the standards, regulations, and guidelines of the State
31 Department of Health Services developed pursuant to
32 Section 1250.11 of the Health and Safety Code and the
33 standards, guidelines, and regulations pursuant to the
34 California Occupational Safety and Health Act of 1973
35 (Part 1 (commencing with Section 6300), Division 5,
36 Labor Code) for preventing the transmission of HIV,
37 hepatitis B, and other blood-borne pathogens in health
38 care settings. As necessary, the board and the Board of
39 Podiatric Medicine shall consult with the Board of Dental
40 Examiners, the Board of Registered Nursing, and the



1 Board of Vocational Nursing and Psychiatric Technicians,
2 to encourage appropriate consistency in the
3 implementation of this section.

4 (b) The board shall seek to ensure that licentiates and
5 others regulated by the board are informed of the
6 responsibility of licentiates to follow infection control
7 guidelines and of the most recent scientifically
8 recognized safeguards for minimizing the transmission of
9 blood-borne infectious diseases.

10 SEC. 14. Section 2660 of the Business and Professions
11 Code is amended to read:

12 2660. The board may, after the conduct of
13 appropriate proceedings under the Administrative
14 Procedure Act, suspend for not more than 12 months, or
15 revoke, or impose probationary conditions upon, or issue
16 subject to terms and conditions any license, certificate, or
17 approval issued under this chapter for any of the
18 following causes:

19 (a) Advertising in violation of Section 17500.

20 (b) Fraud in the procurement of any license under this
21 chapter.

22 (c) Procuring or aiding or offering to procure or aid in
23 criminal abortion.

24 (d) Conviction of a crime which substantially relates
25 to the qualifications, functions, or duties of a physical
26 therapist. The record of conviction or a certified copy
27 thereof shall be conclusive evidence of that conviction.

28 (e) Impersonating or acting as a proxy for an applicant
29 in any examination given under this chapter.

30 (f) Habitual intemperance.

31 (g) Addiction to the excessive use of any habit-forming
32 drug.

33 (h) Gross negligence in his or her practice as a physical
34 therapist.

35 (i) Conviction of a violation of any of the provisions of
36 this chapter or of the State Medical Practice Act, or
37 violating, or attempting to violate, directly or indirectly,
38 or assisting in or abetting the violating of, or conspiring
39 to violate any provision or term of this chapter or of the
40 State Medical Practice Act.



1 (j) The aiding or abetting of any person to violate this
2 chapter or any regulations duly adopted under this
3 chapter.

4 (k) The aiding or abetting of any person to engage in
5 the unlawful practice of physical therapy.

6 (l) The commission of any fraudulent, dishonest, or
7 corrupt act which is substantially related to the
8 qualifications, functions, or duties of a physical therapist.

9 (m) Except for good cause, the knowing failure to
10 protect patients by failing to follow infection control
11 guidelines of the board, thereby risking transmission of
12 blood-borne infectious diseases from licensee to patient,
13 from patient to patient, and from patient to licensee. In
14 administering this subdivision, the board shall consider
15 referencing the standards, regulations, and guidelines of
16 the State Department of Health Services developed
17 pursuant to Section 1250.11 of the Health and Safety Code
18 and the standards, regulations, and guidelines pursuant to
19 the California Occupational Safety and Health Act of 1973
20 (Part 1 (commencing with Section 6300) of Division 5 of
21 the Labor Code) for preventing the transmission of HIV,
22 hepatitis B, and other blood-borne pathogens in health
23 care settings. As necessary, the board shall consult with
24 the Medical Board of California, the California Board of
25 Podiatric Medicine, the Board of Dental Examiners of
26 California, the Board of Registered Nursing, and the
27 Board of Vocational Nursing and Psychiatric Technicians,
28 to encourage appropriate consistency in the
29 implementation of this subdivision.

30 The board shall seek to ensure that licensees are
31 informed of the responsibility of licensees and others to
32 follow infection control guidelines, and of the most recent
33 scientifically recognized safeguards for minimizing the
34 risk of transmission of blood-borne infectious diseases.

35 SEC. 15. Section 2701 of the Business and Professions
36 Code is amended to read:

37 2701. There is in the Department of Consumer Affairs
38 the Board of Registered Nursing consisting of nine
39 members.



1 Within the meaning of this chapter, board, or the
2 board, refers to the Board of Registered Nursing. Any
3 reference in state law to the Board of Nurse Examiners of
4 the State of California or California Board of Nursing
5 Education and Nurse Registration shall be construed to
6 refer to the Board of Registered Nursing.

7 This section shall become inoperative on July 1, 2004,
8 and, as of January 1, 2005, is repealed, unless a later
9 enacted statute, that becomes operative on or before
10 January 1, 2005, deletes or extends the dates on which it
11 becomes inoperative and is repealed. The repeal of this
12 section renders the board subject to the review required
13 by Division 1.2 (commencing with Section 473).

14 SEC. 16. Section 2708 of the Business and Professions
15 Code is amended to read:

16 2708. The board shall appoint an executive officer
17 who shall perform the duties delegated by the board and
18 who shall be responsible to it for the accomplishment of
19 those duties.

20 The executive officer shall be a nurse currently
21 licensed under this chapter and shall possess other
22 qualifications as determined by the board.

23 The executive officer shall not be a member of the
24 board.

25 This section shall become inoperative on July 1, 2004,
26 and, as of January 1, 2005, is repealed, unless a later
27 enacted statute, which becomes effective on or before
28 January 1, 2005, deletes or extends the dates on which it
29 becomes inoperative and is repealed.

30 SEC. 17. Section 2761 of the Business and Professions
31 Code is amended to read:

32 2761. The board may take disciplinary action against
33 a certified or licensed nurse or deny an application for a
34 certificate or license for any of the following:

35 (a) Unprofessional conduct, which includes, but is not
36 limited to, the following:

37 (1) Incompetence, or gross negligence in carrying out
38 usual certified or licensed nursing functions.

39 (2) A conviction of practicing medicine without a
40 license in violation of Chapter 5 (commencing with



1 Section 2000), in which event the record of conviction
2 shall be conclusive evidence thereof.

3 (3) The use of advertising relating to nursing which
4 violates Section 17500.

5 (4) Denial of licensure, revocation, suspension,
6 restriction, or any other disciplinary action against a
7 health care professional license or certificate by another
8 state or territory of the United States, by any other
9 government agency, or by another California health care
10 professional licensing board. A certified copy of the
11 decision or judgment shall be conclusive evidence of that
12 action.

13 (b) Procuring his or her certificate or license by fraud,
14 misrepresentation, or mistake.

15 (c) Procuring, or aiding, or abetting, or attempting, or
16 agreeing, or offering to procure or assist at a criminal
17 abortion.

18 (d) Violating or attempting to violate, directly or
19 indirectly, or assisting in or abetting the violating of, or
20 conspiring to violate any provision or term of this chapter
21 or regulations adopted pursuant to it.

22 (e) Making or giving any false statement or
23 information in connection with the application for
24 issuance of a certificate or license.

25 (f) Conviction of a felony or of any offense
26 substantially related to the qualifications, functions, and
27 duties of a registered nurse, in which event the record of
28 the conviction shall be conclusive evidence thereof.

29 (g) Impersonating any applicant or acting as proxy for
30 an applicant in any examination required under this
31 chapter for the issuance of a certificate or license.

32 (h) Impersonating another certified or licensed
33 practitioner, or permitting or allowing another person to
34 use his or her certificate or license for the purpose of
35 nursing the sick or afflicted.

36 (i) Aiding or assisting, or agreeing to aid or assist any
37 person or persons, whether a licensed physician or not, in
38 the performance of, or arranging for, a violation of any of
39 the provisions of Article 12 (commencing with Section
40 2221) of Chapter 5.



1 (j) Holding oneself out to the public or to any
2 practitioner of the healing arts as a “nurse practitioner”
3 or as meeting the standards established by the board for
4 a nurse practitioner unless meeting the standards
5 established by the board pursuant to Article 8
6 (commencing with Section 2834) or holding oneself out
7 to the public as being certified by the board as a nurse
8 anesthetist, nurse midwife, or public health nurse unless
9 the person is at the time so certified by the board.

10 (k) Except for good cause, the knowing failure to
11 protect patients by failing to follow infection control
12 guidelines of the board, thereby risking transmission of
13 blood-borne infectious diseases from licensed or certified
14 nurse to patient, from patient to patient, and from patient
15 to licensed or certified nurse. In administering this
16 subdivision, the board shall consider referencing the
17 standards, regulations, and guidelines of the State
18 Department of Health Services developed pursuant to
19 Section 1250.11 of the Health and Safety Code and the
20 standards, guidelines, and regulations pursuant to the
21 California Occupational Safety and Health Act of 1973
22 (Part 1 (commencing with Section 6300), Division 5,
23 Labor Code) for preventing the transmission of HIV,
24 hepatitis B, and other blood-borne pathogens in health
25 care settings. As necessary, the board shall consult with
26 the Medical Board of California, the Board of Podiatric
27 Medicine, the Board of Dental Examiners, and the Board
28 of Vocational Nursing and Psychiatric Technicians, to
29 encourage appropriate consistency in the
30 implementation of this subdivision.

31 The board shall seek to ensure that licentiates and
32 others regulated by the board are informed of the
33 responsibility of licentiates to minimize the risk of
34 transmission of blood-borne infectious diseases from
35 health care provider to patient, from patient to patient,
36 and from patient to health care provider, and of the most
37 recent scientifically recognized safeguards for
38 minimizing the risks of transmission.

39 SEC. 18. Section 2841 of the Business and Professions
40 Code is amended to read:



1 2841. There is in the Department of Consumer Affairs
2 a Board of Vocational Nursing and Psychiatric
3 Technicians of the State of California, consisting of 11
4 members.

5 Within the meaning of this chapter, board, or the
6 board, refers to the Board of Vocational Nursing and
7 Psychiatric Technicians of the State of California.

8 This section shall become inoperative on July 1, 2004,
9 and, as of January 1, 2005, is repealed, unless a later
10 enacted statute, which becomes effective on or before
11 January 1, 2005, deletes or extends the dates on which it
12 becomes inoperative and is repealed. The repeal of this
13 section renders the board subject to the review required
14 by Division 1.2 (commencing with Section 473).

15 SEC. 19. Section 2842 of the Business and Professions
16 Code is amended to read:

17 2842. (a) Each member of the board shall be a citizen
18 of the United States and a resident of the State of
19 California. The board shall have the following
20 composition:

21 (1) Two members shall be duly licensed vocational
22 nurses who have been licensed for a period of not less than
23 three years prior to appointment.

24 (2) Two members shall be licensed psychiatric
25 technicians, each of whom shall have had not less than
26 five years' experience in a psychiatric hospital, or in a
27 psychiatric unit of a hospital licensed by the State
28 Department of Health Services, or a private institution
29 licensed by the State Department of Health Services.

30 (3) One member shall be a licensed vocational nurse
31 or registered nurse who shall have had not less than five
32 years' experience as a teacher or administrator in an
33 accredited school of vocational nursing.

34 (4) Six members shall be public members who are not
35 licentiates of the board or any other board under this
36 division or of any board referred to in Sections 1000 and
37 3600.

38 (b) No person may serve as a member of the board for
39 more than two consecutive terms.



1 (c) Per diem and expenses of members of the board
2 who are licensed psychiatric technicians shall be paid
3 solely from revenues received pursuant to Chapter 10
4 (commencing with Section 4500) of Division 2.

5 SEC. 20. Section 2847 of the Business and Professions
6 Code is amended to read:

7 2847. (a) The board shall select an executive officer
8 who shall perform duties as are delegated by the board
9 and who shall be responsible to it for the accomplishment
10 of those duties.

11 (b) The person selected to be the executive officer of
12 the board shall be a duly licensed vocational nurse under
13 this chapter, a duly licensed professional nurse as defined
14 in Section 2725, or a duly licensed psychiatric technician.
15 The executive officer shall not be a member of the board.

16 (c) With the approval of the Director of Finance, the
17 board shall fix the salary of the executive officer.

18 (d) The executive officer shall be entitled to traveling
19 and other necessary expenses in the performance of his
20 or her duties. He or she shall make a statement, certified
21 before some duly authorized person, that the expenses
22 have been actually incurred.

23 (e) This section shall become inoperative on July 1,
24 2004, and, as of January 1, 2005, is repealed, unless a later
25 enacted statute, which becomes effective on or before
26 January 1, 2005, deletes or extends the dates on which it
27 becomes inoperative and is repealed.

28 SEC. 21. Section 2873.6 of the Business and
29 Professions Code is amended to read:

30 2873.6. (a) Any person who on the effective date of
31 this section is employed as a medical technical assistant or
32 as a senior medical technical assistant by the Department
33 of Corrections or the Department of the Youth Authority,
34 who served on active duty in the medical corps of any of
35 the armed forces of the United States or who served in the
36 United States Public Health Service, in which no less than
37 an aggregate of 12 months was spent in rendering patient
38 care, who completed the basic course of instruction in
39 nursing required by the United States Public Health
40 Service, or by his or her particular branch of the armed



1 forces, and who was honorably discharged therefrom,
2 shall be granted an employment restricted license upon
3 proof that he or she possesses the necessary qualifications
4 of this section as set forth in his or her service and
5 discharge records. An employment restricted license
6 issued pursuant to this subdivision shall authorize the
7 holder thereof to practice vocational nursing only within
8 a facility of the Department of Corrections or the
9 Department of the Youth Authority and shall be valid
10 only for the period of employment. In order to obtain a
11 nonrestricted license as a vocational nurse, a medical
12 technical assistant shall apply and take the examination as
13 required and normally administered by the Board of
14 Vocational Nursing and Psychiatric Technicians.

15 (b) On and after the effective date of this section, no
16 person shall be appointed as a medical technical assistant
17 by the Department of Corrections or the Department of
18 the Youth Authority unless the person complies with one
19 of the following:

20 (1) Is a licensed vocational nurse or a registered nurse.

21 (2) Has served on active duty in the medical corps of
22 any of the armed forces of the United States or who served
23 in the United States Public Health Service, in which no
24 less than an aggregate of 12 months was spent in
25 rendering patient care, who completed the basic course
26 of instruction in nursing required by the United States
27 Public Health Service, or by his or her particular branch
28 of the armed forces, and who has been honorably
29 discharged therefrom. The Department of Corrections
30 and the Department of the Youth Authority are
31 authorized only to hire persons who are eligible for
32 licensure, and as a condition of employment shall require
33 that those persons obtain a license as a vocational nurse
34 within six months of employment. He or she shall be
35 supervised by a registered nurse or physician and surgeon
36 and shall not administer medications until licensed.

37 (c) Notwithstanding subdivision (a), any person who
38 was granted a restricted vocational nurse's license
39 pursuant to that subdivision and who was employed in the
40 psychiatric unit of the California Medical Facility at the



1 time of the unit's transfer from the Department of
2 Corrections to the State Department of Mental Health on
3 July 1, 1988, shall continue to hold his or her license.

4 SEC. 22. Section 2873.7 of the Business and
5 Professions Code is amended to read:

6 2873.7. The Department of Corrections and the
7 Department of the Youth Authority shall jointly study, in
8 consultation with the Board of Registered Nurses, the
9 Board of Vocational Nursing and Psychiatric Technicians,
10 the State Department of Health Services, the Emergency
11 Medical Services Authority, and the professional
12 associations representing registered nurses, medical
13 technical assistants, licensed vocational nurses, and
14 emergency medical technicians, the difficulties in
15 recruitment and retention of medical technical assistants
16 and registered nurses.

17 The study shall be completed on or before January 1,
18 1989.

19 SEC. 23. Section 2881 of the Business and Professions
20 Code is amended to read:

21 2881. An accredited school of vocational nursing is
22 one which has been approved by the Board of Vocational
23 Nursing and Psychiatric Technicians, gives a course of
24 instruction in vocational nursing of not less than 1530
25 hours or 50 semester units approved by the board
26 pursuant to Section 2882 whether the same be established
27 by the State Board of Education, other educational
28 institutions, or other public or private agencies or
29 institutions and is affiliated or conducted in connection
30 with one or more hospitals.

31 One hour of instruction for purposes of computing the
32 total hours of instruction or for calculating semester units
33 as specified in this section shall consist of not less than 50
34 minutes of actual class time.

35 SEC. 24. Section 2890 of the Business and Professions
36 Code is amended to read:

37 2890. The Vocational Nursing and Psychiatric
38 Technicians Fund is hereby created in the State Treasury.

39 SEC. 25. Section 2893 of the Business and Professions
40 Code is amended to read:



1 2893. At least once in every calendar month, the
2 board shall furnish the ~~State~~ Controller a detailed
3 statement of all moneys collected by the board under this
4 chapter or from any other source, and, at the same time,
5 shall pay the amount thereof to the ~~State~~ Treasurer. On
6 order of the ~~State~~ Controller, the amount so paid shall be
7 deposited in the State Treasury to the credit of the
8 Vocational Nursing and Psychiatric Technicians Fund.

9 SEC. 25.5. Section 2894 of the Business and
10 Professions Code is amended to read:

11 2894. All money in the Vocational Nursing and
12 Psychiatric Technicians Fund is hereby continuously
13 appropriated to the Board of Vocational Nursing and
14 Psychiatric Technicians, without regard to fiscal years, for
15 expenditure in carrying out the provisions of this chapter,
16 including the promotion of nursing education in this
17 state, and for the refund, in accordance with law, of
18 license fees or other moneys paid into the Vocational
19 Nursing and Psychiatric Technicians Fund under the
20 provisions of this chapter.

21 Claims against the Vocational Nursing and Psychiatric
22 Technicians Fund shall be audited by the Controller, and
23 shall be paid by the Treasurer upon warrants drawn by
24 the Controller.

25 SEC. 26. Section 3527 of the Business and Professions
26 Code is amended to read:

27 3527. (a) The committee may order the denial of an
28 application for, or the issuance subject to terms and
29 conditions of, or the suspension or revocation of, or the
30 imposition of probationary conditions upon a physician's
31 assistant license after a hearing as required in Section 3528
32 for unprofessional conduct which includes, but is not
33 limited to, a violation of this chapter, a violation of the
34 Medical Practice Act, or a violation of the regulations
35 adopted by the committee or the board.

36 (b) The committee may order the denial of an
37 application for, or the suspension or revocation of, or the
38 imposition of probationary conditions upon, an approved
39 program after a hearing as required in Section 3528 for a



1 violation of this chapter or the regulations adopted
2 pursuant thereto.

3 (c) The board may order the denial of an application
4 for, or the issuance subject to terms and conditions of, or
5 the suspension or revocation of, or the imposition of
6 probationary conditions upon, an approval to supervise a
7 physician's assistant, after a hearing as required in Section
8 3528, for unprofessional conduct, which includes, but is
9 not limited to, a violation of this chapter, a violation of the
10 Medical Practice Act, or a violation of the regulations
11 adopted by the committee or the board.

12 (d) Notwithstanding subdivision (c), the Division of
13 Medical Quality of the Medical Board of California, in
14 conjunction with an action it has commenced against a
15 physician and surgeon, may, in its own discretion and
16 without the concurrence of the board, order the
17 suspension or revocation of, or the imposition of
18 probationary conditions upon, an approval to supervise a
19 physician's assistant, after a hearing as required in Section
20 3528, for unprofessional conduct, which includes, but is
21 not limited to, a violation of this chapter, a violation of the
22 Medical Practice Act, or a violation of the regulations
23 adopted by the committee or the board.

24 (e) The committee may order the denial of an
25 application for, or the suspension or revocation of, or the
26 imposition of probationary conditions upon, a physician's
27 assistant license, after a hearing as required in Section
28 3528 for unprofessional conduct which includes, except
29 for good cause, the knowing failure of a licensee to protect
30 patients by failing to follow infection control guidelines of
31 the committee, thereby risking transmission of
32 blood-borne infectious diseases from licensee to patient,
33 from patient to patient, and from patient to licensee. In
34 administering this subdivision, the committee shall
35 consider referencing the standards, regulations, and
36 guidelines of the State Department of Health Services
37 developed pursuant to Section 1250.11 of the Health and
38 Safety Code and the standards, regulations, and
39 guidelines pursuant to the California Occupational Safety
40 and Health Act of 1973 (Part 1 (commencing with Section



1 6300) of Division 5 of the Labor Code) for preventing the
2 transmission of HIV, hepatitis B, and other blood-borne
3 pathogens in health care settings. As necessary, the
4 committee shall consult with the California Medical
5 Board, the Board of Podiatric Medicine, the Board of
6 Dental Examiners, the Board of Registered Nursing, and
7 the Board of Vocational Nursing and Psychiatric
8 Technicians, to encourage appropriate consistency in the
9 implementation of this subdivision.

10 The committee shall seek to ensure that licensees are
11 informed of the responsibility of licensees and others to
12 follow infection control guidelines, and of the most recent
13 scientifically recognized safeguards for minimizing the
14 risk of transmission of blood-borne infectious diseases.

15 SEC. 27. Section 3750 of the Business and Professions
16 Code is amended to read:

17 3750. The board may order the suspension or
18 revocation of, or the imposition of probationary
19 conditions upon, a license issued under this chapter, for
20 any of the following causes:

21 (a) Advertising in violation of Section 651 or Section
22 17500.

23 (b) Fraud in the procurement of any license under this
24 chapter.

25 (c) Knowingly employing unlicensed persons who
26 present themselves as licensed respiratory care
27 practitioners.

28 (d) Conviction of a crime that substantially relates to
29 the qualifications, functions, or duties of a respiratory care
30 practitioner. The record of conviction or a certified copy
31 thereof shall be conclusive evidence of the conviction.

32 (e) Impersonating or acting as a proxy for an applicant
33 in any examination given under this chapter.

34 (f) Negligence in his or her practice as a respiratory
35 care practitioner.

36 (g) Conviction of a violation of any of the provisions of
37 this chapter or of any provision of Division 2
38 (commencing with Section 500), or violating, or
39 attempting to violate, directly or indirectly, or assisting in
40 or abetting the violation of, or conspiring to violate any



1 provision or term of this chapter or of any provision of
2 Division 2 (commencing with Section 500).

3 (h) The aiding or abetting of any person to violate this
4 chapter or any regulations duly adopted under this
5 chapter.

6 (i) The aiding or abetting of any person to engage in
7 the unlawful practice of respiratory care.

8 (j) The commission of any fraudulent, dishonest, or
9 corrupt act which is substantially related to the
10 qualifications, functions, or duties of a respiratory care
11 practitioner.

12 (k) Falsifying, or making grossly incorrect, grossly
13 inconsistent, or unintelligible entries in any patient,
14 hospital, or other record.

15 (l) Changing the prescription of a physician and
16 surgeon, or falsifying verbal or written orders for
17 treatment or a diagnostic regime received, whether or
18 not that action resulted in actual patient harm.

19 (m) Denial, suspension, or revocation of any license to
20 practice by another agency, state, or territory of the
21 United States for any act or omission that would
22 constitute grounds for the denial, suspension, or
23 revocation of a license in this state.

24 (n) Except for good cause, the knowing failure to
25 protect patients by failing to follow infection control
26 guidelines of the board, thereby risking transmission of
27 blood-borne infectious diseases from licensee to patient,
28 from patient to patient, and from patient to licensee. In
29 administering this subdivision, the board shall consider
30 referencing the standards, regulations, and guidelines of
31 the State Department of Health Services developed
32 pursuant to Section 1250.11 of the Health and Safety Code
33 and the standards, regulations, and guidelines pursuant to
34 the California Occupational Safety and Health Act of 1973
35 (Part 1 (commencing with Section 6300) of Division 5 of
36 the Labor Code) for preventing the transmission of HIV,
37 hepatitis B, and other blood-borne pathogens in health
38 care settings. As necessary, the board shall consult with
39 the California Medical Board, the Board of Podiatric
40 Medicine, the Board of Dental Examiners, the Board of



1 Registered Nursing, and the Board of Vocational Nursing
2 and Psychiatric Technicians, to encourage appropriate
3 consistency in the implementation of this subdivision.

4 The board shall seek to ensure that licensees are
5 informed of the responsibility of licensees and others to
6 follow infection control guidelines, and of the most recent
7 scientifically recognized safeguards for minimizing the
8 risk of transmission of blood-borne infectious diseases.

9 SEC. 28.3. Section 4001 of the Business and
10 Professions Code is amended to read:

11 4001. (a) There is in the Department of Consumer
12 Affairs a Board of Pharmacy of the State of California in
13 which the administration and enforcement of this
14 chapter is vested. The board consists of 11 members.

15 (b) The Governor shall appoint seven competent
16 pharmacists, residing in different parts of the state, to
17 serve as members of the board. The Governor shall
18 appoint two public members and the Senate Committee
19 on Rules and the Speaker of the Assembly shall each
20 appoint a public member who shall not be licentiates of
21 the board or of any other board under this division or of
22 any board referred to in Section 1000 or 3600.

23 (c) At least five of the seven pharmacist appointees to
24 the board shall be pharmacists who are actively engaged
25 in the practice of pharmacy. Additionally, the
26 membership of the board shall include at least one
27 pharmacist representative from each of the following
28 practice settings: an acute care hospital, a community
29 pharmacy, and a long-term health care or skilled nursing
30 facility.

31 (d) Members of the board shall be appointed for a
32 term of four years. No person shall serve as a member of
33 the board for more than two consecutive terms. Each
34 member shall hold office until the appointment and
35 qualification of his or her successor or until one year shall
36 have elapsed since the expiration of the term for which
37 the member was appointed, whichever first occurs.
38 Vacancies occurring shall be filled by appointment for the
39 unexpired term.



1 (e) Each member of the board shall receive a per diem
2 and expenses as provided in Section 103.

3 (f) Each member shall receive one per diem for the
4 rating of each 20 examination papers or fraction thereof.

5 (g) In accordance with Sections 101.1 and 473.1, this
6 section shall become inoperative on July 1, 2004, and, as
7 of January 1, 2005, is repealed, unless a later enacted
8 statute, that becomes effective on or before January 1,
9 2005, deletes or extends the dates on which it becomes
10 inoperative and is repealed. The repeal of this section
11 renders the board subject to the review required by
12 Division 1.2 (commencing with Section 473).

13 SEC. 28.5. Section 4001 of the Business and
14 Professions Code is amended to read:

15 4001. (a) There is in the Department of Consumer
16 Affairs a California State Board of Pharmacy in which the
17 administration and enforcement of this chapter is vested.
18 The board consists of 11 members.

19 (b) The Governor shall appoint seven competent
20 pharmacists, residing in different parts of the state, to
21 serve as members of the board. The Governor shall
22 appoint two public members and the Senate Committee
23 on Rules and the Speaker of the Assembly shall each
24 appoint a public member who shall not be a licensee of
25 the board, any other board under this division, or any
26 board referred to in Section 1000 or 3600.

27 (c) At least five of the seven pharmacist appointees to
28 the board shall be pharmacists who are actively engaged
29 in the practice of pharmacy. Additionally, the
30 membership of the board shall include at least one
31 pharmacist representative from each of the following
32 practice settings: an acute care hospital, a community
33 pharmacy, and a long-term health care or skilled nursing
34 facility.

35 (d) Members of the board shall be appointed for a
36 term of four years. No person shall serve as a member of
37 the board for more than two consecutive terms. Each
38 member shall hold office until the appointment and
39 qualification of his or her successor or until one year shall
40 have elapsed since the expiration of the term for which



1 the member was appointed, whichever first occurs.
2 Vacancies occurring shall be filled by appointment for the
3 unexpired term.

4 (e) Each member of the board shall receive a per diem
5 and expenses as provided in Section 103.

6 (f) In accordance with Sections 101.1 and 473.1, this
7 section shall become inoperative on July 1, 2004, and, as
8 of January 1, 2005, is repealed, unless a later enacted
9 statute, that becomes effective on or before January 1,
10 2005, deletes or extends the dates on which it becomes
11 inoperative and is repealed. The repeal of this section
12 renders the board subject to the review required by
13 Division 1.2 (commencing with Section 473).

14 SEC. 28.7. Section 4003 of the Business and
15 Professions Code is amended to read:

16 4003. (a) The board may appoint a person exempt
17 from civil service who shall be designated as an executive
18 officer and who shall exercise the powers and perform the
19 duties delegated by the board and vested in him or her by
20 this chapter.

21 (b) The executive officer shall receive the
22 compensation as established by the board with the
23 approval of the Director of Finance. The executive officer
24 shall also be entitled to travel and other expenses
25 necessary in the performance of his or her duties.

26 (c) The executive officer shall maintain and update in
27 a timely fashion records containing the names, titles,
28 qualifications, and places of business of all persons subject
29 to this chapter.

30 (d) The executive officer shall give receipts for all
31 money received by him or her and pay it to the
32 Department of Consumer Affairs, taking its receipt
33 therefor. Besides the duties required by this chapter, the
34 executive officer shall perform other duties pertaining to
35 the office as may be required of him or her by the board.

36 (e) In accordance with Sections 101.1 and 473.1, this
37 section shall become inoperative on July 1, 2004, and, as
38 of January 1, 2005, is repealed, unless a later enacted
39 statute, that becomes effective on or before January 1,



1 2005, deletes or extends the dates on which it becomes
2 inoperative and is repealed.

3 SEC. 28.9. Section 4003 of the Business and
4 Professions Code is amended to read:

5 4003. (a) The board may appoint a person exempt
6 from civil service who shall be designated as an executive
7 officer and who shall exercise the powers and perform the
8 duties delegated by the board and vested in him or her by
9 this chapter. The executive officer may or may not be a
10 member of the board as the board may determine.

11 (b) The executive officer shall receive the
12 compensation as established by the board with the
13 approval of the Director of Finance. The executive officer
14 shall also be entitled to travel and other expenses
15 necessary in the performance of his or her duties.

16 (c) The executive officer shall maintain and update in
17 a timely fashion records containing the names, titles,
18 qualifications, and places of business of all persons subject
19 to this chapter.

20 (d) The executive officer shall give receipts for all
21 money received by him or her and pay it to the
22 Department of Consumer Affairs, taking its receipt
23 therefor. Besides the duties required by this chapter, the
24 executive officer shall perform other duties pertaining to
25 the office as may be required of him or her by the board.

26 (e) In accordance with Sections 101.1 and 473.1, this
27 section shall become inoperative on July 1, 2004, and, as
28 of January 1, 2005, is repealed, unless a later enacted
29 statute, that becomes effective on or before January 1,
30 2005, deletes or extends the dates on which it becomes
31 inoperative and is repealed.

32 SEC. 29. Section 4008 of the Business and Professions
33 Code is amended to read:

34 4008. (a) Except as provided by Section 159.5, the
35 board may employ inspectors of pharmacy. The members
36 of the board and inspectors of pharmacy, whether the
37 inspectors are employed by the board or are in the
38 department's Division of Investigation, may inspect,
39 during business hours, all pharmacies, medical device
40 retailers, dispensaries, stores, or places in which drugs are



1 compounded, dispensed, or sold. ~~Inspectors of pharmacy~~
2 ~~whose principal duties are the inspection of pharmacies,~~
3 ~~and premises operated or conducted by a wholesaler,~~
4 ~~may be pharmacists. An inspector of pharmacy shall be a~~
5 ~~pharmacist if his or her principal duties include either (1)~~
6 ~~the investigation of pharmacists for alleged violations of~~
7 ~~law, or (2) the supervision of other inspectors of~~
8 ~~pharmacy.~~ Any board inspector of pharmacy whose
9 principal duties include either (1) the inspection and
10 investigation of pharmacies or pharmacists for alleged
11 violations of this act, or (2) the supervision of other
12 inspectors of pharmacy, shall be a pharmacist. For
13 purposes of inspecting or investigating nonpharmacies or
14 nonpharmacists pursuant to this chapter, a board
15 inspector of pharmacy is not required to be a pharmacist.

16 (b) (1) The supervising pharmacy inspector and any
17 pharmacy inspector employed by the board or in the
18 department's Division of Investigation shall have the
19 authority, as a public officer, to arrest, without warrant,
20 any person whenever the officer has reasonable cause to
21 believe that the person to be arrested has, in his or her
22 presence, violated any provision of this chapter or of
23 Division 10 (commencing with Section 11000) of the
24 Health and Safety Code, the violation of which is declared
25 to be a public offense. If the violation is a felony, or if the
26 arresting officer has reasonable cause to believe that the
27 person to be arrested has violated any provision that is
28 declared to be a felony, although no felony has in fact
29 been committed, he or she may make an arrest although
30 the violation or suspected violation did not occur in his or
31 her presence.

32 (2) In any case in which an arrest authorized by this
33 subdivision is made for an offense declared to be a
34 misdemeanor, and the person arrested does not demand
35 to be taken before a magistrate, the arresting inspector
36 may, instead of taking the person before a magistrate,
37 follow the procedure prescribed by Chapter 5C
38 (commencing with Section 853.5) of Title 3 of Part 2 of
39 the Penal Code. That chapter shall thereafter apply with



1 reference to any proceeding based upon the issuance of
2 a citation pursuant to this authority.

3 (c) There shall be no civil liability on the part of, and
4 no cause of action shall arise against, any person, acting
5 pursuant to subdivision (a) and within the scope of his or
6 her authority, for false arrest or false imprisonment
7 arising out of any arrest that is lawful, or that the arresting
8 officer, at the time of the arrest, had reasonable cause to
9 believe was lawful. No inspector shall be deemed an
10 aggressor or lose his or her right to self-defense by the use
11 of reasonable force to effect the arrest or to prevent
12 escape or to overcome resistance.

13 (d) Any inspector may serve all processes and notices
14 throughout the state.

15 SEC. 30. Section 4008 of the Business and Professions
16 Code is amended to read:

17 4008. (a) Except as provided by Section 159.5, the
18 board may employ inspectors of pharmacy. The
19 inspectors, whether the inspectors are employed by the
20 board or the department's Division of Investigation, may
21 inspect during business hours all pharmacies, medical
22 device retailers, dispensaries, stores, or places in which
23 drugs or devices are compounded, prepared, furnished,
24 dispensed, or stored. ~~Inspectors whose principal duties~~
25 ~~are the inspection of pharmacies, and premises operated~~
26 ~~or conducted by a wholesaler, may be pharmacists. An~~
27 ~~inspector of pharmacy shall be a pharmacist if his or her~~
28 ~~principal duties include either (1) the investigation of~~
29 ~~pharmacists for alleged violations of law, or (2) the~~
30 ~~supervision of other inspectors of pharmacy. Any board~~
31 *inspector of pharmacy whose principal duties include*
32 *either (1) the inspection and investigation of pharmacies*
33 *or pharmacists for alleged violations of this act, or (2) the*
34 *supervision of other inspectors of pharmacy, shall be a*
35 *pharmacist. For purposes of inspecting or investigating*
36 *nonpharmacies or nonpharmacists pursuant to this*
37 *chapter, a board inspector of pharmacy is not required to*
38 *be a pharmacist.*

39 (b) (1) Any pharmacy inspector employed by the
40 board or in the department's Division of Investigation



1 shall have the authority, as a public officer, to arrest,
2 without warrant, any person whenever the officer has
3 reasonable cause to believe that the person to be arrested
4 has, in his or her presence, violated any provision of this
5 chapter or of Division 10 (commencing with Section
6 11000) of the Health and Safety Code. If the violation is
7 a felony, or if the arresting officer has reasonable cause to
8 believe that the person to be arrested has violated any
9 provision that is declared to be a felony, although no
10 felony has in fact been committed, he or she may make
11 an arrest although the violation or suspected violation did
12 not occur in his or her presence.

13 (2) In any case in which an arrest authorized by this
14 subdivision is made for an offense declared to be a
15 misdemeanor, and the person arrested does not demand
16 to be taken before a magistrate, the arresting inspector
17 may, instead of taking the person before a magistrate,
18 follow the procedure prescribed by Chapter 5C
19 (commencing with Section 853.5) of Title 3 of Part 2 of
20 the Penal Code. That chapter shall thereafter apply with
21 reference to any proceeding based upon the issuance of
22 a citation pursuant to this authority.

23 (c) There shall be no civil liability on the part of, and
24 no cause of action shall arise against, any person, acting
25 pursuant to subdivision (a) and within the scope of his or
26 her authority, for false arrest or false imprisonment
27 arising out of any arrest that is lawful, or that the arresting
28 officer, at the time of the arrest, had reasonable cause to
29 believe was lawful. No inspector shall be deemed an
30 aggressor or lose his or her right to self-defense by the use
31 of reasonable force to effect the arrest or to prevent
32 escape or to overcome resistance.

33 (d) Any inspector may serve all processes and notices
34 throughout the state.

35 SEC. 31. Section 4501 of the Business and Professions
36 Code is amended to read:

37 4501. (a) "Board," as used in this chapter, means the
38 Board of Vocational Nursing and Psychiatric Technicians.

39 (b) This section shall become inoperative on July 1,
40 2004, and, as of January 1, 2005, is repealed, unless a later



1 enacted statute, which becomes effective on or before
2 January 1, 2005, deletes or extends the dates on which it
3 becomes inoperative and is repealed.

4 SEC. 32. Section 4503 of the Business and Professions
5 Code is amended to read:

6 4503. (a) The board shall administer and enforce this
7 chapter.

8 (b) This section shall become inoperative on July 1,
9 2004, and, as of January 1, 2005, is repealed, unless a later
10 enacted statute, which becomes effective on or before
11 January 1, 2005, deletes or extends the dates on which it
12 becomes inoperative and is repealed.

13 SEC. 32.5. Section 4546 of the Business and
14 Professions Code is amended to read:

15 4546. The board shall report each month to the
16 Controller the amount and source of all revenue received
17 by it pursuant to this chapter and at the same time pay the
18 entire amount thereof into the State Treasury for credit
19 to the Vocational Nursing and Psychiatric Technicians
20 Fund. The board shall not maintain a reserve balance
21 greater than three months of the appropriated operating
22 expenditures of the board in any fiscal year.

23 SEC. 32.6. Section 4547 of the Business and
24 Professions Code is amended to read:

25 4547. All expenses incurred in the operation of this
26 chapter shall be paid out of the Vocational Nursing and
27 Psychiatric Technicians Fund from the revenue received
28 by the board under this chapter and deposited in the
29 Vocational Nursing and Psychiatric Technicians Fund.
30 No part of the expenses shall be charged against any funds
31 which are derived from any functions of the board
32 provided for in other chapters of this code.

33 SEC. 33. Section 4800 of the Business and Professions
34 Code is amended to read:

35 4800. There is in the Department of Consumer Affairs
36 a Veterinary Medical Board in which the administration
37 of this chapter is vested. The board consists of seven
38 members, three of whom shall be public members.

39 This section shall become inoperative on July 1, 2004,
40 and, as of January 1, 2005, is repealed, unless a later



1 enacted statute, which becomes effective on or before
2 January 1, 2005, deletes or extends the dates on which it
3 becomes inoperative and is repealed.

4 The repeal of this section renders the board subject to
5 the review provided for by Division 1.2 (commencing
6 with Section 473).

7 SEC. 34. Section 4804.5 of the Business and
8 Professions Code is amended to read:

9 4804.5. The board may appoint a person exempt from
10 civil service who shall be designated as an executive
11 officer and who shall exercise the powers and perform the
12 duties delegated by the board and vested in him or her by
13 this chapter.

14 This section shall become inoperative on July 1, 2004,
15 and, as of January 1, 2005, is repealed, unless a later
16 enacted statute, which becomes effective on or before
17 January 1, 2005, deletes or extends the dates on which it
18 becomes inoperative and is repealed.

19 ~~SEC. 35. Section 4808.5 is added to the Business and~~
20 ~~Professions Code, to read:~~

21 ~~4808.5. (a) The board may establish an advisory~~
22 ~~committee on issues pertaining to the practice of~~
23 ~~veterinary technicians.~~

24 ~~(b) An advisory committee established pursuant to~~
25 ~~this section may make recommendations concerning the~~
26 ~~training, education, examination, and practice of~~
27 ~~registered veterinary technicians and perform other~~
28 ~~functions as deemed appropriate by the board.~~

29 ~~(c) Notwithstanding Section 101.1, an advisory~~
30 ~~committee established pursuant to this section shall~~
31 ~~succeed to and be vested with all duties, powers,~~
32 ~~purposes, responsibilities, and jurisdiction of the~~
33 ~~Registered Veterinary Technical Examining Committee~~
34 ~~established by Section 4832. This section shall become~~
35 ~~operative on July 1, 1998.~~

36 ~~SEC. 36.—~~

37 *SEC. 35. Section 4832 is added to the Business and*
38 *Professions Code, to read:*

39 *4832. (a) The board shall establish an advisory*
40 *committee on issues pertaining to the practice of*



1 *veterinary technicians, known as the Registered*
2 *Veterinary Technician Committee, hereafter referred to*
3 *as the committee.*

4 *(b) This section shall become operative on July 1, 1998.*

5 *SEC. 35.3. Section 4833 of the Business and*
6 *Professions Code is amended to read:*

7 4833. (a) The ~~examining~~ committee ~~shall~~ *may* assist
8 the board in the examination of applicants for veterinary
9 technician registration. The examination shall be held at
10 least once a year at the times and places designated by the
11 board.

12 (b) As directed by the board, the ~~examining~~
13 committee may investigate and evaluate each applicant
14 applying for registration as a registered veterinary
15 technician and may recommend to the board for final
16 determination the admission of the applicant to the
17 examination and eligibility for registration.

18 (c) The ~~examining~~ committee ~~shall~~ *may* make
19 recommendations to the board regarding the
20 establishment and operation of the continuing education
21 requirements authorized by Section 4838 of this article.

22 (d) The ~~examining~~ committee ~~shall~~ *may* assist the
23 board in the inspection and approval of all schools or
24 institutions offering a curriculum for training registered
25 veterinary technicians.

26 *SEC. 35.5. Section 4834 of the Business and*
27 *Professions Code is amended to read:*

28 4834. The board has the power to remove from office
29 at any time any member of the ~~examining~~ committee for
30 continued neglect of any duty required by this article, for
31 incompetency, or for unprofessional conduct.

32 *SEC. 35.7. Section 4835 of the Business and*
33 *Professions Code is amended to read:*

34 4835. Each member of the ~~examining~~ committee shall
35 receive a per diem and expenses, as provided in Section
36 103.

37 *SEC. 35.9. Sections 35.3, 35.5, and 35.7 of this bill shall*
38 *not become operative until July 1, 1998.*

39 *SEC. 36. Section 4842.2 of the Business and*
40 *Professions Code is amended to read:*



1 4842.2. The board shall certify to the State Controller
2 at the beginning of each month for the month preceding,
3 the amount and source of all revenue received by it
4 pursuant to this chapter, and shall pay the entire amount
5 thereof to the State Treasurer for deposit in the
6 Registered Veterinary Technician Examining
7 Committee Fund, which fund is hereby created and is
8 continuously appropriated to carry out the purposes of
9 this chapter. *This provision shall become inoperative July*
10 *1, 1998, and, as of January 1, 1999, is repealed, unless a later*
11 *enacted statute, that becomes operative on or before*
12 *January 1, 1999, deletes or extends the dates on which it*
13 *becomes inoperative and is repealed.*

14 SEC. 37. Section 4842.2 is added to the Business and
15 Professions Code, to read:

16 (a) Commencing July 1, 1998, all funds collected by the
17 board under this article shall be deposited in the
18 Veterinary Medical Board Contingent Fund.

19 (b) All funds existing in the Registered Veterinary
20 Technician Examining Committee Fund on July 1, 1998,
21 shall be transferred to the Veterinary Medical Board
22 Contingent Fund.

23 (c) This section shall become operative July 1, 1998.

24 SEC. 38. Section 4848 of the Business and Professions
25 Code is amended to read:

26 4848. (a) (1) The board shall, by means of
27 examination, ascertain the professional qualifications of
28 all applicants for licenses to practice veterinary medicine
29 in this state and shall issue a license to every person whom
30 it finds to be qualified. No license shall be issued to anyone
31 who has not demonstrated his or her competency by
32 examination.

33 (2) The examination shall consist of both of the
34 following:

35 (A) A licensing examination consisting of both of the
36 following:

37 (i) An examination in basic veterinary science.

38 (ii) An examination of clinical competency.

39 (B) A California state board examination. The
40 examinations may be given at the same time or at



1 different times as determined by the board. For
2 examination purposes, the board may make contractual
3 arrangements on a sole source basis with organizations
4 furnishing examination material as it may deem desirable
5 and shall be exempt from Section 10115 of the Public
6 Contract Code.

7 (3) The licensing examination may be waived by the
8 board in any case in which it determines that the
9 applicant has taken and passed an examination for
10 licensure in another state substantially equivalent in
11 scope and subject matter to the licensing examination last
12 given in California before the determination is made, and
13 has achieved a score on the out-of-state examination at
14 least equal to the score required to pass the licensing
15 examination administered in California.

16 (4) Nothing in this chapter shall preclude the board
17 from permitting a person who has completed a portion of
18 his or her educational program, as determined by the
19 board, in a veterinary college, recognized by the board
20 under Section 4846, to take any examination or any part
21 thereof prior to satisfying the requirements for
22 application for a license established by Section 4846.

23 (b) The board may waive the examination
24 requirements of subdivision (a), and issue a license to an
25 applicant to practice veterinary medicine, if the
26 applicant meets all of the following requirements and
27 would not be denied issuance of a license by any other
28 provision of this code:

29 (1) The applicant is licensed in one or more other
30 states in which the board has determined that he or she
31 has taken and passed a licensing examination, and a
32 written practical or written practice examination,
33 equivalent in scope and subject matter to the California
34 state board examination.

35 (2) The applicant has been lawfully and continuously
36 engaged in the practice of veterinary medicine for four
37 years or more in one or more states immediately
38 preceding filing his or her application for licensure in this
39 state.



1 (3) The applicant has graduated from a veterinary
2 college recognized by the board under Section 4846. In
3 the case of an applicant who is not a graduate of a
4 veterinary college recognized by the board, he or she
5 shall possess a certificate issued by the Educational
6 Commission for Foreign Veterinary Graduates.

7 (4) The board determines that no disciplinary action
8 has been taken against the applicant by any public agency
9 concerned with the practice of veterinary medicine and
10 that the applicant has not been the subject of adverse
11 judgments resulting from the practice of veterinary
12 medicine which the board determines constitutes
13 evidence of a pattern of incompetence or negligence.

14 (5) The applicant passes a practicing veterinarian
15 examination administered by the board or a committee
16 or organization authorized by the board. It may be oral
17 or practical or clinical in nature and full consideration
18 shall be given to the duration and character of the
19 applicant's practice.

20 SEC. 39. Section 4905 of the Business and Professions
21 Code is amended to read:

22 4905. The following fees shall be collected by the
23 board and shall be credited to the Veterinary Medical
24 Board Contingent Fund:

25 (a) The fee for filing an application for examination
26 shall be set by the board in an amount it determines is
27 reasonably necessary to provide sufficient funds to carry
28 out the purpose of this chapter, but not to exceed one
29 hundred dollars (\$100).

30 (b) The fee for the licensing examination shall be set
31 by the board in an amount it determines is reasonably
32 necessary to provide sufficient funds to carry out the
33 purpose of this chapter, not to exceed three hundred
34 twenty-five dollars (\$325).

35 (c) The fee for the California state board examination
36 shall be set by the board in an amount it determines is
37 reasonably necessary to provide sufficient funds to carry
38 out the purpose of this chapter, not to exceed one
39 hundred fifty dollars (\$150).

40 ~~(e)~~



1 (d) The initial license fee shall be set by the board at
2 not more than two hundred fifty dollars (\$250) except
3 that, if the license is issued less than one year before the
4 date on which it will expire, then the fee shall be set by
5 the board at not more than one hundred twenty-five
6 dollars (\$125). The board may, by appropriate regulation,
7 provide for the waiver or refund of the initial license fee
8 where the license is issued less than 45 days before the
9 date on which it will expire.

10 ~~(e)~~

11 (e) The renewal fee shall be set by the board for each
12 biennial renewal period in an amount it determines is
13 reasonably necessary to provide sufficient funds to carry
14 out the purpose of this chapter, but not to exceed two
15 hundred fifty dollars (\$250).

16 ~~(g)~~

17 (f) The delinquency fee shall not exceed twenty-five
18 dollars (\$25).

19 ~~(h)~~

20 (g) The fee for issuance of a duplicate license is ten
21 dollars (\$10).

22 ~~(i)~~

23 (h) The board may make a charge for records,
24 transcripts, and other official documents pertaining to
25 the affairs of the board.

26 ~~(j)~~

27 (i) The fee for failure to report a change in the mailing
28 address is fifteen dollars (\$15).

29 ~~(k)~~

30 (j) The initial and annual renewal fees for registration
31 of veterinary premises shall be set by the board in an
32 amount not to exceed one hundred dollars (\$100)
33 annually.

34 ~~(l)~~

35 (k) If the money transferred from the Veterinary
36 Medical Board Contingent Fund to the General Fund
37 pursuant to the Budget Act of 1991 is redeposited into the
38 Veterinary Medical Board Contingent Fund, the fees
39 assessed by the board shall be reduced correspondingly.
40 However, the reduction shall not be so great as to cause



1 the Veterinary Medical Board Contingent Fund to have
2 a reserve of less than three months of annual authorized
3 board expenditures. The fees set by the board shall not
4 result in a Veterinary Medical Board Contingent Fund
5 reserve of more than 10 months of annual authorized
6 board expenditures.

7 SEC. 40. Section 4955 of the Business and Professions
8 Code is amended to read:

9 4955. The committee may deny, suspend, or revoke,
10 or impose probationary conditions upon, the license of
11 any acupuncturist if he or she is guilty of unprofessional
12 conduct which has endangered or is likely to endanger
13 the health, safety, or welfare of the public.

14 Unprofessional conduct shall include the following:

15 (a) Securing a license by fraud or deceit.

16 (b) Committing a fraudulent or dishonest act as an
17 acupuncturist resulting in substantial injury to another.

18 (c) Using any controlled substance as defined in
19 Division 10 (commencing with Section 11000) of the
20 Health and Safety Code, or dangerous drug or alcoholic
21 beverage to an extent or in a manner dangerous to
22 himself or herself, or to any other person, or to the public,
23 and to an extent that the use impairs his or her ability to
24 engage in the practice of acupuncture with safety to the
25 public.

26 (d) Conviction of a crime substantially related to the
27 qualifications, functions, or duties of an acupuncturist, the
28 record of conviction being conclusive evidence thereof.

29 (e) Improper advertising.

30 (f) Violating or conspiring to violate the terms of this
31 chapter.

32 (g) Gross negligence.

33 (h) Repeated negligent acts.

34 (i) Incompetence.

35 (j) Except for good cause, the knowing failure to
36 protect patients by failing to follow infection control
37 guidelines of the committee, thereby risking transmission
38 of blood-borne infectious diseases from licensee to
39 patient, from patient to patient, and from patient to
40 licensee. In administering this subdivision, the committee



1 shall consider referencing the standards, regulations, and
2 guidelines of the State Department of Health Services
3 developed pursuant to Section 1250.11 of the Health and
4 Safety Code and the standards, regulations, and
5 guidelines pursuant to the California Occupational Safety
6 and Health Act of 1973 (Part 1 (commencing with Section
7 6300) of Division 5 of the Labor Code) for preventing the
8 transmission of HIV, hepatitis B, and other blood-borne
9 pathogens in health care settings. As necessary, the
10 committee shall consult with the Medical Board of
11 California, the California Board of Podiatric Medicine,
12 the Board of Dental Examiners of the State of California,
13 the Board of Registered Nursing, and the Board of
14 Vocational Nursing and Psychiatric Technicians, to
15 encourage appropriate consistency in the
16 implementation of this subdivision.

17 The committee shall seek to ensure that licensees are
18 informed of the responsibility of licensees and others to
19 follow infection control guidelines, and of the most recent
20 scientifically recognized safeguards for minimizing the
21 risk of transmission of blood-borne infectious diseases.

22 SEC. 41. Section 5510 of the Business and Professions
23 Code is amended to read:

24 5510. There is in the Department of Consumer Affairs
25 a California Board of Architectural Examiners which
26 consists of ~~nine~~ 10 members.

27 This section shall become inoperative on July 1, 2004,
28 and, as of January 1, 2005, is repealed, unless a later
29 enacted statute, which becomes effective on or before
30 January 1, 2005, deletes or extends the dates on which it
31 becomes inoperative and is repealed. The repeal of this
32 section renders the board subject to the review required
33 by Division 1.2 (commencing with Section 473).

34 SEC. 42. Section 5517 of the Business and Professions
35 Code is amended to read:

36 5517. The board may appoint a person exempt from
37 civil service who shall be designated as an executive
38 officer and who shall exercise the powers and perform the
39 duties delegated by the board and vested in him or her by
40 this chapter.

1 This section shall become inoperative on July 1, 2004,
2 and, as of January 1, 2005, is repealed, unless a later
3 enacted statute, which becomes effective on or before
4 January 1, 2005, deletes or extends the dates on which it
5 becomes inoperative and is repealed.

6 SEC. 43. Section 5526 of the Business and Professions
7 Code is amended to read:

8 5526. (a) The board shall adopt rules and regulations
9 governing the examination of applicants for licenses to
10 practice architecture in this state.

11 (b) The board may, by rule or regulation, adopt rules
12 of professional conduct that are not inconsistent with
13 state or federal law. Every person who holds a license
14 issued by the board shall be governed and controlled by
15 these rules.

16 (c) The board may adopt other rules and regulations
17 as may be necessary and proper.

18 (d) The board may, from time to time, repeal, amend,
19 or modify rules and regulations adopted under this
20 section. No rule or regulation shall be inconsistent with
21 this chapter.

22 (e) The board shall adopt, by regulation, a system as
23 described in Section 125.9 for the issuance to a licensee of
24 a citation and a system as described in Section 148 for the
25 issuance of an administrative citation to an unlicensed
26 person who is acting in the capacity of a licensee or
27 registrant under the jurisdiction of the board.

28 (f) The adoption, repeal, amendment, or modification
29 of these rules and regulations shall be made in accordance
30 with Chapter 3.5 (commencing with Section 11340) of
31 Part 1 of Division 3 of Title 2 of the Government Code.

32 SEC. 44. Section 5536.27 of the Business and
33 Professions Code is amended to read:

34 5536.27. (a) An architect who voluntarily, without
35 compensation or expectation of compensation, provides
36 structural inspection services at the scene of a declared
37 national, state, or local emergency caused by a major
38 earthquake, flood, riot, or fire at the request of a public
39 official, public safety officer, or city or county building
40 inspector acting in an official capacity shall not be liable



1 in negligence for any personal injury, wrongful death, or
2 property damage caused by the architect's good faith but
3 negligent inspection of a structure used for human
4 habitation or a structure owned by a public entity for
5 structural integrity or nonstructural elements affecting
6 life and safety.

7 The immunity provided by this section shall apply only
8 for an inspection that occurs within 30 days of the
9 declared emergency.

10 Nothing in this section shall provide immunity for gross
11 negligence or willful misconduct.

12 (b) As used in this section:

13 (1) "Architect" has the meaning given by Section
14 5500.

15 (2) "Public safety officer" has the meaning given in
16 Section 3301 of the Government Code.

17 (3) "Public official" means a state or local elected
18 officer.

19 SEC. 45. Section 5566 of the Business and Professions
20 Code is amended to read:

21 5566. (a) If, upon completion of an investigation, the
22 executive officer has probable cause to believe that a
23 licensee or an unlicensed individual acting in the capacity
24 of an architect has violated provisions of this chapter, he
25 or she may issue a citation to the licensee or individual, as
26 provided in this section. Each citation shall be in writing
27 and shall describe with particularity the nature of the
28 violation, including a reference to the provision of this
29 chapter alleged to have been violated. In addition, each
30 citation may contain an assessment of a civil penalty. The
31 citation shall be served upon the licensee or unlicensed
32 individual personally or through registered mail. Before
33 any citation may be issued, the executive officer shall
34 submit the alleged violation for review and investigation
35 to at least one designee of the board who is a certificate
36 holder or a staff architect. The review shall include
37 attempts to contact the licensee or unlicensed individual
38 to discuss and resolve the alleged violation. Upon
39 conclusion of the board designee's review, the designee
40 shall prepare a finding of fact and a recommendation. If



1 the board designee concludes that probable cause exists
2 that a licensee or unlicensed individual has violated any
3 provisions of this chapter, a citation shall be issued to the
4 licensee or unlicensed individual.

5 (b) This section shall become inoperative on July 1,
6 1998, and, as of January 1, 1999, is repealed, unless a later
7 enacted statute, that becomes operative on or before
8 January 1, 1999, deletes or extends the dates on which it
9 becomes inoperative and is repealed.

10 SEC. 46. Section 5566.1 of the Business and
11 Professions Code is amended to read:

12 5566.1. (a) The board shall promulgate regulations
13 covering the assessment of civil penalties under this
14 article which give due consideration to the
15 appropriateness of the penalty with respect to the
16 following factors:

17 (1) The gravity of the violation.

18 (2) The good faith of the individual being charged.

19 (3) The history of previous violations.

20 (b) In no event shall the civil penalty for each violation
21 listed in the citation issued be assessed in an amount
22 greater than two thousand dollars (\$2,000).

23 (c) This section shall become inoperative on July 1,
24 1998, and, as of January 1, 1999, is repealed, unless a later
25 enacted statute, that becomes operative on or before
26 January 1, 1999, deletes or extends the dates on which it
27 becomes inoperative and is repealed.

28 SEC. 47. Section 5566.2 of the Business and
29 Professions Code is amended to read:

30 5566.2. (a) If a licensee or an unlicensed individual
31 desires to contest a citation or the proposed assessment of
32 a civil penalty therefor, he or she shall, within 10 business
33 days after service of the citation, notify the executive
34 officer in writing of his or her request for an informal
35 conference with the executive officer or his or her
36 designee. The executive officer or his or her designee
37 shall hold, within 60 days from the receipt of the request,
38 an informal conference. At the conclusion of the informal
39 conference the executive officer may affirm, modify, or
40 dismiss the citation or proposed assessment of a civil



1 penalty, and he or she shall state with particularity in
2 writing his or her reasons for the action, and shall
3 immediately transmit a copy thereof to the board, the
4 licensee or unlicensed individuals, and the person who
5 submitted the verified complaint. If the licensee or
6 unlicensed individual desires to contest a decision made
7 after the informal conference, he or she shall inform the
8 executive officer in writing within five business days after
9 he or she receives the decision resulting from the
10 informal conference.

11 If the licensee or unlicensed individual fails to notify
12 the executive officer in writing that he or she intends to
13 contest the citation or the proposed assessment of a civil
14 penalty therefor or the decision made after an informal
15 conference within the time specified in this subdivision,
16 the citation or the proposed assessment of a civil penalty
17 or the decision made after an informal conference shall
18 be deemed a final order of the board and shall not be
19 subject to further administrative review.

20 (b) A licensee or an unlicensed individual may, in lieu
21 of contesting a citation pursuant to this section, transmit
22 to the board the amount assessed in the citation as a civil
23 penalty, within 10 business days after service of the
24 citation.

25 (c) If a licensee or an unlicensed individual has
26 notified the executive officer in a timely manner that he
27 or she intends to contest the decision made after the
28 informal conference, the executive officer shall arrange
29 a hearing before the board. After the hearing, the board
30 shall issue a decision, based on findings of fact, affirming,
31 modifying, or vacating the citation, or directing other
32 appropriate relief which shall include, but need not be
33 limited to, a notice that the failure of a licensee or
34 unlicensed individual to comply with any provision of the
35 board's decision constitutes grounds for suspension, or
36 denial of licensure, or both. The proceedings under this
37 section shall be conducted in accordance with the
38 provisions of Chapter 5 (commencing with Section
39 11500) of Part 1 of Division 3 of Title 2 of the Government



1 Code, and the board shall have all the powers granted
2 therein.

3 (d) After the exhaustion of the review procedures
4 provided for in this section, the board may apply to the
5 appropriate superior court for a judgment in the amount
6 of the civil penalty and an order compelling the cited
7 person to comply with the order of abatement. The
8 application, which shall include a certified copy of the
9 final order of the board, shall constitute a sufficient
10 showing to warrant the issuance of the judgment and
11 order.

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

20 (f) Any civil penalties received under this chapter
21 shall be deposited in the California Board of Architectural
22 Examiners Fund.

23 (g) This section shall become inoperative on July 1,
24 1998, and, as of January 1, 1999, is repealed, unless a later
25 enacted statute, that becomes operative on or before
26 January 1, 1999, deletes or extends the dates on which it
27 becomes inoperative and is repealed.

28 SEC. 48. Section 8520 of the Business and Professions
29 Code is amended to read:

30 8520. (a) There is in the Department of Consumer
31 Affairs a Structural Pest Control Board, which consists of
32 seven members.

33 (b) Subject to the jurisdiction conferred upon the
34 director by Division 1 (commencing with Section 100) of
35 this code, the board is vested with the power to and shall
36 administer the provisions of this chapter.

37 (c) It is the intent of the Legislature that consumer
38 protection is the primary mission of the board.

39 (d) This section shall become inoperative on July 1,
40 2001, and, as of January 1, 2002, is repealed, unless a later



1 enacted statute, which becomes effective on or before
2 January 1, 2002, deletes or extends the dates on which it
3 becomes inoperative and is repealed. The repeal of this
4 section renders the board subject to the review required
5 by Division 1.2 (commencing with Section 473).

6 SEC. 49. Section 8528 of the Business and Professions
7 Code is amended to read:

8 8528. With the approval of the director, the board
9 shall appoint a registrar, fix his or her compensation and
10 prescribe his or her duties.

11 The registrar is the executive officer and secretary of
12 the board.

13 This section shall become inoperative on July 1, 2001,
14 and, as of January 1, 2002, is repealed, unless a later
15 enacted statute, which becomes effective on or before
16 January 1, 2002, deletes or extends the dates on which it
17 becomes inoperative and is repealed.

18 SEC. 51. The Director of Pesticide Regulation and the
19 Structural Pest Control Board shall review and revise, if
20 necessary, the terms of the interagency agreement
21 developed pursuant to Section 8616 of the Business and
22 Professions Code and shall report to the Legislature on
23 the terms of that agreement no later than February 1,
24 1998.

25 SEC. 52. The Department of Consumer Affairs shall
26 submit to the Legislature, on or before October 1, 1998,
27 a report that identifies which board licensing
28 examinations have been validated and which ones have
29 had performed on them an occupational analysis and,
30 after conducting a survey of all boards, specifies the
31 extent to which the boards are using cost recovery and
32 cite and fine programs.

33 SEC. 52.5. Section 1.5 of this bill incorporates
34 amendments to Section 101 of the Business and
35 Professions Code proposed by both this bill and SB 1346.
36 It shall only become operative if (1) both bills are enacted
37 and become effective on January 1, 1998, (2) each bill
38 amends Section 101 of the Business and Professions Code,
39 and (3) this bill is enacted after SB 1346, in which case
40 Section 1 of this bill shall not become operative.



1 SEC. 53. Section 28.5 of this bill incorporates
2 amendments to Section 4001 of the Business and
3 Professions Code proposed by both this bill and SB 1349.
4 It shall only become operative if (1) both bills are enacted
5 and become effective on January 1, 1998, and (2) each bill
6 amends Section 4001 of the Business and Professions
7 Code, and (3) this bill is enacted after SB 1349, in which
8 case Section 28.3 of this bill shall not become operative.

9 SEC. 54. Section 28.9 of this bill incorporates
10 amendments to Section 4003 of the Business and
11 Professions Code proposed by both this bill and SB 1349.
12 It shall only become operative if (1) both bills are enacted
13 and become effective on January 1, 1998, and (2) each bill
14 amends Section 4003 of the Business and Professions
15 Code, and (3) this bill is enacted after SB 1349, in which
16 case Section 28.7 of this bill shall not become operative.

17 SEC. 55. Section 30 of this bill incorporates
18 amendments to Section 4008 of the Business and
19 Professions Code proposed by both this bill and SB 1349.
20 It shall only become operative if (1) both bills are enacted
21 and become effective on January 1, 1998, and (2) each bill
22 amends Section 4008 of the Business and Professions
23 Code, and (3) this bill is enacted after SB 1349, in which
24 case Section 29 of this bill shall not become operative.

