

AMENDED IN SENATE APRIL 12, 1999

SENATE BILL

No. 1305

**Introduced by Committee on Business and Professions
(Senators Figueroa (Chair), Johannessen, Murray,
O'Connell, Polanco, and Speier)**

March 11, 1999

An act to amend ~~Sections~~ *Section* 473.15 and ~~2450~~ of the Business and Professions Code, relating to healing arts practitioners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, as amended, Committee on Business and Professions. Board of Chiropractic Examiners: Osteopathic Medical Board.

~~(1) Existing law governing healing arts practitioners requires the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California to prepare an analysis and submit to the Joint Legislative Sunset Review Committee, on or before September 1, 1998, a so-called "sunset" report, summarizing its operations to date, in anticipation of the board becoming inoperative by operation of law.~~

Existing law ~~also~~ requires the Joint Legislative Sunset Review Committee to hold, during the interim recess of 1998, certain public hearings regarding regulatory boards and programs scheduled to become inoperative.

This bill would ~~delete references to the year "1998" in each of those provisions and would instead add unspecified dates.~~

~~(2) Existing law creates the Osteopathic Medical Board of California to enforce the provisions of the Osteopathic Act.~~

~~This bill would make a technical, nonsubstantive change to the provision creating the board. *instead provide that the committee hold these public hearings prior to April 1, 2000.*~~

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

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

1 SECTION 1. Section 473.15 of the Business and
2 Professions Code is amended to read:

3 473.15. (a) The Joint Legislative Sunset Review
4 Committee established pursuant to Section 473 shall
5 review the following boards established by initiative
6 measures, as provided in this section:

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

10 (2) The Osteopathic Medical Board of California
11 established by an initiative measure approved June 2,
12 1913, and acts amendatory thereto approved by electors
13 November 7, 1922.

14 (b) The State Board of Chiropractic Examiners and
15 the Osteopathic Medical Board of California shall prepare
16 an analysis and submit a report as described in
17 subdivisions (a) to (e), inclusive, of Section 473.2, to the
18 Joint Legislative Sunset Review Committee on or before
19 September 1, 1998.

20 (c) The Joint Legislative Sunset Review Committee
21 shall, ~~during the interim recess of prior to April~~
22 ~~1, 2000~~, hold public hearings to receive testimony from
23 the Director of Consumer Affairs, the board involved, the
24 public, and the regulated industry. In that hearing, each
25 board shall be prepared to demonstrate a compelling
26 public need for the continued existence of the board or
27 regulatory program, and that its licensing function is the
28 least restrictive regulation consistent with the public
29 health, safety, and welfare.



1 (d) The Joint Legislative Sunset Review Committee
2 shall evaluate and make determinations pursuant to
3 Section 473.4 and shall report its findings and
4 recommendations to the department as provided in
5 Section 473.5.

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

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

19 ~~SEC. 2. Section 2450 of the Business and Professions~~
20 ~~Code is amended to read:~~

21 ~~2450. There is a Board of Osteopathic Examiners of~~
22 ~~the State of California, established by the Osteopathic~~
23 ~~Act, which shall be known as the Osteopathic Medical~~
24 ~~Board of California. The Osteopathic Medical Board of~~
25 ~~California shall enforce this chapter relating to persons~~
26 ~~holding or applying for physician's and surgeon's~~
27 ~~certificates issued by the Osteopathic Medical Board of~~
28 ~~California under the Osteopathic Act.~~

29 ~~Persons who elect to practice using the term of suffix~~
30 ~~"M.D.," as provided in Section 2275, shall not be subject~~
31 ~~to this article, and the Medical Board of California shall~~
32 ~~enforce the provisions of this chapter relating to persons~~
33 ~~who made the election.~~

