



1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



Members of the Board

Dr. Amy Matecki,
M.D., L.Ac., President
Kitman Chan,
C.P.A., Vice President
John Harabedian, Esq.
Ruben Osorio
Bradley Cimino,
M.A., L.Ac.
Hyun “Francisco” Kim,
M.S., L.Ac.
Shu Dong Li, Ph.D.

**ACUPUNCTURE BOARD AND
COMMITTEE MEETINGS**

June 13 & 14, 2019

**LOCATION:
Board ‘A’ Room
‘A’ Building
Southern California University
of Health Sciences
16200 Amber Valley Drive
Whittier, California 90604**

*Action may be taken on any item
listed on the full board meeting
agenda.*

EDUCATION AND RESEARCH COMMITTEE MEETING

**Thursday, June 13, 2019
9:30 a.m. to 10:30 a.m.
(or until the close of business)**

**Education and Research Committee Members
John Harabedian, Esq., Chair
Hyun “Francisco” Kim, M.S., L.Ac.**

- 1. Call to Order, Roll Call, and Establishment of Quorum (Harabedian, Chair)**
- 2. Chair’s Remarks (Harabedian, Chair)**
 - Welcoming message and meeting information
- 3. Public Comment on Items Not on the Agenda (Harabedian, Chair)**
- 4. Review and Possible Approval of the March 28, 2019 Education and Research Committee Meeting Minutes (Harabedian, Chair)**
- 5. Discussion on Recommendation to Amend Title 16, CCR §§ 1399.415, 1399.416, 1399.435, 1399.437, 1399.438, 1399.439 (Curriculum Oversight Authority) (Jay Herdt, Licensing Manager)**
- 6. Discussion on Recommendation to Amend Title 16, CCR §§ 1399.434 (Clinical Supervision) (Jay Herdt, Licensing Manager)**
- 7. Future Meeting Dates and Agenda Items (Harabedian, Chair)**
- 8. Adjournment (Harabedian, Chair)**

LICENSING AND EXAMINATION COMMITTEE MEETING

**Thursday, June 13, 2019
10:45 a.m. to 11:45 a.m.
(or until the close of business)**

**Licensing and Examination Committee Members
Kitman Chan, C.P.A., Chair
Bradley Cimino, M.A., L.Ac.**

- 1. Call to Order, Roll Call, and Establishment of Quorum (Chan, Chair)**
- 2. Chair's Remarks (Chan, Chair)**
 - Welcoming message and meeting information
- 3. Public Comment on Items Not on the Agenda (Chan, Chair)**
- 4. Discussion on Test of English as a Foreign Language (TOEFL) Requirements for International Applicants (Jay Herdt, Licensing Manager)**
- 5. Discussion on Retired Licensing Status Designation (Jay Herdt, Licensing Manager)**
- 6. Future Meeting Dates and Agenda Items (Chan, Chair)**
- 7. Adjournment (Chan, Chair)**

DAY ONE AGENDA

**FULL BOARD MEETING
Thursday, June 13, 2019
1:00 p.m. to 5:00 p.m.
(or until the close of business)**

- 1. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki, President)**
- 2. President's Remarks (Dr. Matecki)**
 - Welcoming message and meeting information
- 3. Public Comment on Items Not on the Agenda (Dr. Matecki)**

The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code §§ 11125, 11125.7(a).)
- 4. Review and Possible Approval of the March 28-29, 2019 Board Meeting Minutes (Dr. Matecki)**

5. Executive Officer's Report (Ben Bodea, Executive Officer)

(A) Staff Update Regarding Vacancies

(B) Budget Update

- (i) Fund Condition
- (ii) Fee Study
- (iii) Architecture Revolving Fund
- (iv) Budget Change Proposals (BCP)
 - a) Business Modernization Plan
 - b) Facilities (rent)
 - c) DCA-Wide Administration

(C) Outreach Update Regarding Acupuncture Day

6. Legislative Update (Kristine Brothers, Policy Coordinator)

- Items Introduced in the 2019 Legislative Session Pertinent to Acupuncture
 - (i) **AB 193**, as amended, Patterson. Professions and vocations.
 - (ii) **AB 544**, as amended, Brough. Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
 - (iii) **AB 613**, as introduced, Low. Professions and vocations: regulatory fees.
 - (iv) **AB 778**, as introduced, Low. Acupuncture: continuing education.
 - (v) **AB 779**, as amended, Low. Acupuncture: place of practice: wall license.
 - (vi) **AB 888**, as amended, Low. Opioid prescriptions: information: nonpharmacological treatments for pain.
 - (vii) **AB 1076**, as amended, Ting. Criminal records: automatic relief.
 - (viii) **AB 1245**, as amended, Low. Political Reform Act of 1974: contribution prohibitions.
 - (ix) **SB 53**, as amended, Wilk. Open meetings.
 - (x) **SB 425**, as amended, Hill. Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.
 - (xi) **SB 601**, as amended, Morrell. State agencies: licenses: fee waiver.

7. Regulations Update (Kristine Brothers, Policy Coordinator)

(A) **AB 2138 (2018 Chiu and Low)**

Licensing Boards: Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction

(B) **SB 1441 (2008 Ridley-Thomas) and Update of Acupuncture Board Disciplinary Guidelines**

Healing arts practitioners: substance abuse

(C) **SB 1448 (2018 Hill)**

Healing arts licensees: probation status: disclosure

(D) **SB 1246 (2014 Lieu)**

Acupuncture

(E) **AB 2190 (2016 Salas)**

Acupuncture Board: Executive officer: Education

8. Enforcement Report (Ben Bodea, Executive Officer)

- Q3, FY 18-19 Enforcement Report

9. Licensing Report (Jay Herdt, Licensing Manager)

- (A) Status of Curriculum Reviews
- (B) Tutorial Program Report
- (C) Continuing Education Report
- (D) Continuing Education Audit Report
- (E) Examination Statistics

10. Recess Until Friday, June 14, 2019

DAY TWO AGENDA

FULL BOARD MEETING

Friday, June 14, 2019

9:00 a.m. to 5:00 p.m.

(or until the close of business)

11. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki, President)

12. President's Remarks (Dr. Matecki)

- Opening message and meeting information

13. CLOSED SESSION

Pursuant to Government Code section 11126, subdivision (c)(1), the Board will convene in closed session to discuss and take possible action on the preparation, approval, and administration of examinations.

RECONVENE OPEN SESSION

- 14. Public Comment on Items Not on the Agenda (Dr. Matecki)**
The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code §§ 11125, 11125.7(a).)
- 15. Report from Education and Research Committee Chair on June 13, 2019 Committee Meeting and Possible Action on any Recommendations (John Harabedian, Committee Chair)**
- 16. Report from Licensing and Examination Committee Chair on June 13, 2019 Committee Meeting and Possible Action on any Recommendations (Kitman Chan, Committee Chair)**
- 17. Strategic Plan Update (Ben Bodea, Executive Officer)**
- 18. Updates from Acupuncture Professional Associations**
- 19. Presentation on Dry Needling/Trigger Point Therapy (California Acupuncture and Traditional Medicine Association (CalATMA))**
- 20. Presentation on Manual Therapy (CalATMA)**
- 21. Presentation on Open and Closed Session Protocols, the Adjudication Process, and Conflicts of Interest (Salwa Bojack, Legal Counsel)**
- 22. Future Agenda Items and Meeting Dates (Dr. Matecki, President)**
- 23. Adjournment (Dr. Matecki, President)**

Informational Notes:

Discussion and action may be taken on any item on the full board meeting agenda. The agenda, as well as any available Board meeting minutes and materials, can be found on the California Acupuncture Board website: www.acupuncture.ca.gov. The time and order of agenda items are approximate and subject to change at the discretion of the Board President; agenda items scheduled for a particular day may be moved or continued to an earlier or later noticed meeting day to facilitate the effective transaction of business.

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting at: <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, regarding the full Board meeting agenda, the Board cannot discuss or take official action on these items during the same meeting. (Gov. Code §§ 11125, 11125.7(a)).

Board meetings are open to the public and are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, please contact Beck Untalasco, Licensing Analyst – Exam Desk at (916) 515-5205; Fax: (916) 928-2204. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting. You may also dial a voice TTY/TDD Communications Assistant at (800) 322-1700 or 7-1-1.

**BOARD MEETING
DRAFT Meeting Minutes
March 28 & 29, 2019**



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BOARD MEETING
DRAFT Meeting Minutes
March 28 & 29, 2019

LOCATION:
Department of Consumer Affairs
Hearing Room, Suite 186
1747 North Market Blvd.
Sacramento, CA 95834

Board Members Present

Dr. Amy Matecki, M.D., L.Ac, President, Licensed Member
John Harabedian, Public Member
Bradley Cimino, L.Ac., Licensed Member
Hyun “Francisco” Kim, L.Ac., Licensed Member
Shu Dong Li, Ph.D., Public Member

Staff Present

Benjamin Bodea, Executive Officer
Salwa Bojack, Legal Counsel
Jay Herdt, Licensing Manager
Matt Nishimine, Central Services Manager
Kristine Brothers, Policy Coordinator
Cricket Borges, Enforcement Coordinator

Guest List on File

Full Board Meeting – Thursday, March 28, 2019

1. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki)

Board President, Dr. Amy Matecki (Matecki) called the meeting to order at 9:40 a.m.
Policy Coordinator, Kristine Brothers (Brothers) called the roll.

Members Present:

5 Present – Matecki, Harabedian, Cimino, Kim, and Li.
2 Absent – Chan, Osorio.
5-2 Quorum established.



2. President's Remarks (Dr. Amy Matecki)

President Matecki welcomed new Board members, Bradley Cimino, Hyun "Francisco" Kim, and Shu Dong Li, and provided a brief introduction of each.

President Matecki announced agenda items from Day 2 of the meeting would be moved to Day 1 as follows: agenda item 5 - Executive Officer's Report, agenda item 7 – Regulation Update, and agenda item 9 – Education Report. President Matecki also announced that agenda items from Day 1 of the meeting would be moved to Day 2 as follows: agenda items 12 and 13 – Closed Session related to the Executive Officer Evaluation.

3. Public Comment on Items Not on the Agenda (Dr. Amy Matecki)

No comments.

4. Update on the Board's Business Modernization Plan (Sean O'Connor, Project Manager, Office of Information Services, Department of Consumer Affairs (DCA))

Sean O'Connor appeared on behalf of DCA to provide a presentation on the Board's business modernization initiative. O'Connor explained his role as project director and how he provides Board staff IT consultation guidance during the selection of a new IT system. O'Connor provided a background on the business modernization initiative and the different stages of the California Department of Technology's Project Approval Life Cycle project. The presentation was concluded by pointing out that the Board has completed stage two, and stages three and four will be completed soon with project implementation mode beginning in fiscal year 2019/20.

5. Update from the DCA (Patrick Le, Assistant Deputy Director, Board and Bureau Services, DCA)

Patrick Le provided the Board with an update from DCA and highlighted some accomplishments from 2018, including holding licensing and enforcement work groups, Substance Abuse Coordination Committee meetings, Director quarterly meetings, and Leadership teleconferences. Lee also provided a look ahead to 2019 and went over the new administration, the Governor's budget, Assembly Bill 2138, changes to the Uniform Standards Related to Substance Abusing Licensees, and reminders for Board Member training and requirements.

6. Presentation on the Administrative Procedure Act Affecting Administrative



Adjudication Process (John Gatschet, Deputy Attorney General, Office of the Attorney General)

John Gatschet, the Board's Deputy Attorney General Liaison, presented an informative overview of the administrative disciplinary process, including the role of the Office of the Attorney General (OAG) and its constitution, what kinds of cases and allegations the OAG represents, and the disciplinary process that starts with the drafting of a pleading that can either be resolved through a settlement or going to an administrative hearing. Gatschet also explained the role the Board has in their decision-making related to the different disciplinary actions that can be taken.

Public Comment:

The following comments were made:

- The first commenter commented on his exposure to licensees not knowing about specific instances of unprofessional conduct, like not having a bell or intercom. He indicated that he would like to be able to communicate these kinds of things to CalATMA's members for prevention.
- The second commenter asked a question related to the application of AB 2138 and whether it provided more leniency in taking away licenses from practitioners. Gatschet responded that AB 2138 just addresses license applications and limits the timeline to seven years.

7. Review and Approval of the October 25-26, 2018 Board Meeting Minutes (Benjamin Bodea, Executive Officer)

EO, Benjamin Bodea presented the October 25-26, 2018 meeting minutes. There were no changes made.

MOTION:

Member Harabedian motioned to approve the October 25-26, 2018 Board Meeting Minutes. President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Absent; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Absent.

5 - 0 motion passes. 2 absent.

8. Board Committees and Member Assignments (Dr. Amy Matecki)



President, Matecki announced the 2019 Committee assignments:

- Education and Research Committee – Chair, John Harabedian and Member, Hyun “Francisco” Kim, L.Ac.
- Licensing and Examination Committee – Chair, Kitman Chan and Member, Bradley Cimino, L.Ac.
- Executive and Legislative Committee – Chair, Ruben Osorio and Member, Dr. Amy Matecki, MD, L.Ac.
- Enforcement Committee – Chair, Hyun “Francisco” Kim, L.Ac. and Member, Shu Dong Li

9. Executive Officer’s Report (Benjamin Bodea)

Originally agendized as item 5 of Day 2.

(A) Staff Update

EO Bodea announced the two new managers that were recently hired: Jay Herdt, Licensing Manager and Matt Nishimine, Central Services Manager. He also explained staff has several vacancies: Seasonal Clerk, Administrative Technician, and an Education, as well as an Enforcement analyst. It was also announced Kristine Brothers is the new Policy Coordinator.

(B) Budget Update

Central Services Manager, Matt Nishimine provided a summary of the Board’s current FY 2018/19 budget and proposed budget for FY 2019/20. He also went over the Governor’s Budget highlighting the different parts and explained what each line item means. Nishimine explained that the Board did not submit a Budget Change Proposal (BCP) for FY 2019/20 during the fall process; however, DCA submitted a DCA-wide BCP, which was included in the Board materials and indicates the Board’s contribution at \$44,000.

It was summarized that in FY 2018/19, the Board is scheduled to collect \$23,000 in reimbursement authority and the Board’s net appropriation is \$3,409. Nishimine also reported that staffing indicates a three-year average of 10.5 authorized, plus temporary help staff, which is an authorized 12 positions. This points to an average vacancy of one-and-a-half positions over the last three years.

Member Harabedian asked if the twelve positions the Board is authorized for are also budgeted for as well. Nishimine explained that the Board is budgeted for the positions’ salaries and benefits.



The Board's fund condition was also presented, which acts like a checkbook, showing the Board's revenues coming into our account, minus the Board's expenditures. Nishimine pointed out that the Board will be repaid one million dollars from its 2011 general fund loan in the FY 2019/20 year. He also pointed out that it has been estimated that the Board's expenditures were \$2.8 million last fiscal year.

It was explained that the budget's months in reserve are declining showing a structural imbalance. Nishimine segued into an update on the Board's fee audit and announced the Board entered into a contract with a third-party vendor. The fee audit should begin in May 2019 and should take two-to-three months to complete. The license renewal fees and other costs, such as enforcement, will all be taken under consideration to ultimately eliminate the structural imbalance.

Nishimine went over the Budget Report provided by DCA which shows historical expenditures. The current FY 2018/19 year shows \$1.2 million for the Board's personal services budget. Additionally, he provided the Board an introduction to an Architecture Revolving Fund (ARF) that shows \$250,000 that acts as a savings. He explained that these funds will be put towards tenant improvements in the staff's office suite. The budget report was concluded by noting the Board is projected to have a savings of \$91,000, putting the Board under budget.

Lastly, Nishimine presented the DCA-wide BCP and went over the Department's different requests of five different units to familiarize the Board with the whole BCP process.

(C) Outreach Update

EO Bodea noted he and Jay Herdt, Licensing Manager (Herdt), attended Chinese Medicine Day on March 17th, 2019, celebrating its 90th anniversary with other members of the Chinese medicine community.

EO Bodea indicated he and Herdt met with the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) where they discussed the linkage study that is coming out of the NCCAOM. The timing of the Board's occupational analysis was also discussed which allows the Board and NCCAOM to compare proper psychometrics and equivalency. EO Bodea also noted that the NCCAOM certification route for California licensees was also reviewed. He recapped that NCCAOM has put the route provided to California licensees before each of the participating states, and each of these states are currently determining whether or not the certification will be accepted as opposed to requiring an examination of all four modules. It was noted that Washington state will not accept NCCAOM certification, instead requiring the taking of all four NCCAOM examination modules. He further stated that NCCAOM will update their website as states make their determination.



The last item under the outreach update was an introduction to the Board's new booklet designed with the help of DCA's Office of Public Affairs and Office of Publication Editing and Design which explains to the public what the Board does and how the Board does it. The Board approved the release of the publication.

Public Comment:

The following comments were made:

- The first commenter noted New Mexico will have a meeting in May 2019 on the issue of the national exam for reciprocity. He indicated a ruling hasn't been made but as of now they want the exam.
- The second commenter asked if the California Acupuncture Licensing Exam (CALE) and national exam were psychometrically equal and EO Bodea referred the commenter to the 2015 Audit Report available on the Board's website.

10. Regulation Update (Kristine Brothers, Policy Coordinator)

Originally agendized as item 7 of Day 2.

Brothers provided an update on the regulations the Board is currently working on during the 2019 calendar year. It was explained that the list may not be complete and is subject to change, depending on the legislative or executive action.

- AB 2138:
Involves the denial of applications and revocation or suspension of licensure for a criminal conviction. It was explained that proposed regulatory text for discussion and possible adoption would be brought to the Board later in the Board meeting. The projected filing date with Office of Administrative Law (OAL) is August 2019.
- SB 1441:
Involves the implementation of Uniform Standards related to Substance Abusing Licensees and the Board's update of its Disciplinary Guidelines. Brothers noted that proposed regulatory text and amendments to the Disciplinary Guidelines for the Board's review and possible adoption would be brought to the Board later in the meeting. The projected filing date with OAL is August 2019.
- SB 1448:
Brothers explained this law is effective July 1, 2019 and requires licensees on probation to disclose the licensee's probation status to patients. It was noted the implementation of this law would be done through the Board's Disciplinary



Guidelines as a probation condition which would be reviewed later in the meeting. The projected filing date with OAL is August 2019.

- **SB 1246:**

The Board already passed some regulations to move to approving curriculum as opposed to the programs itself. The current regulatory package set for work in 2019 is to align the regulations with the statutes and do some clean up with the terminology for curriculum approval versus training programs. Staff has identified some of the problematic language and amendments are being drafted. The projected filing date is December 2019.

- **AB 2190:**

Involves the implementation of developing an application process criteria and procedures for approval of a credentialing evaluation service. An update was provided indicating that staff has developed proposed regulatory language and applications relating to it, which is under review. The projected filing date is December 2019.

EO Bodea further clarified staff has been communicating with evaluation services, seeking to develop standards that the bill requires.

Lastly, Brothers noted the DCA-wide BCP requested new attorneys within the Legal Affairs Division for the development of a new regulation unit where they will work with Boards in establishing a more comprehensive rulemaking calendar and timelines for staff to meet.

11. Education Report (Jay Herdt, Licensing Manager)

Originally agendized as item 9 of Day 2.

- *Status of Curriculum Reviews*

Herdt started his report with an overview of the Board's oversight of acupuncture training programs. He noted there are currently 35 approved acupuncture training programs as defined by Business and Professions Code section 4927.5, subdivision (a). It was explained that the Board does compliance reviews on the current schools who can qualify people for the licensing exam. The Board has completed 28 program reviews who are in full compliance. The remaining seven training programs that require review have submitted curriculum to the Board and clinical corrective actions in response to past site visits. These are pending staff's review. All of these reviews are for out-of-state schools.



Herdt noted there are three first professional doctorate program curriculums that have been approved by the Board that met the Board's requirements, the Bureau of Private Post-secondary Education's (BPPE) requirements and have an approved Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) accreditation status.

It was also noted that Southern California University School of Oriental Medicine and Acupuncture of Los Angeles lost Board approval and ceased operations in December 2018. This was due to struggles the school had with completed accreditation. Two applications for Board approval of curriculum were received in the second quarter of FY 2018/19, which are currently under review.

Herdt explained those training programs that wish to change their curriculum, must complete an application for Board approval of curriculum to make such changes.

- *Continuing Education (CE) Audit Report*

Herdt provided an update of the CE audit and indicated the Education desk is progressing through the 2015/16 fiscal year CE audit process. Sixteen months of the CE audit letters have been processed through November 30, 2016. Herdt explained that staff will be auditing two months' volume of licensees to address the back log. Then going forward, CE audits will be conducted on a monthly basis.

- *Continuing Education Report*

Herdt highlighted that in quarter one and two of 2018/19, 1,595 CE course applications were processed. There are currently 588 approved CE providers.

- *Tutorial Program Report*

Herdt reported the Board currently has 45 approved active tutorial programs in progress. Five tutorial programs were completed, an additional five tutorial programs were approved, and two tutorial programs were terminated in quarter one and two of FY 2018/19.

Dr. Matecki asked if students at White Water Institute in Cupertino, California, who only has Board curriculum approval, not BPPE approval or ACAOM accreditation, are currently treating patients. Herdt indicated the Board does not do site visits, which is a concern, but the school indicates students are not treating patients. Herdt further elaborated that ACAOM does introductory site visits so they will be able to see what is going on.

Harabedian asked if there are some out-of-state training programs that the Board does not conduct curriculum reviews. Herdt pointed to Business and Professions Code section 4927.5 which ensures applicants accepted for the licensing exam are from



schools with approval from BPPE or the state's equivalency, ACAOM accreditation, and curriculum approval from the Board. Harabedian voiced concern regarding the transparency of which schools have approved curriculum and Herdt noted there is a list of schools with approved curriculum on the Board's website.

Public Comment:

The following comments were made:

- A commenter voiced some concern over out-of-state continuing education providers who falsely advertise courses are Board approved. He felt there was no recourse for those licensees who take these unapproved courses and wanted to see approved courses listed on the Board's website. He requested this issue of CE courses being offered just as a money maker be set for a future agenda item. It was also requested the Board's oversight and discussion of standards of doctorate programs be set for a future agenda item as well.
- A commenter stated a concern over the quality of CE courses and requested the Education Committee establish standards and fees to establish qualified providers in the future.
- A commenter commended the Board's CE process and efficiency of approval. He also conveyed his concern over audited licensees being fully aware of the 50% maximum requirement for distance CE. He also wanted to be sure licensees were aware of the enforcement over these kinds of CE compliances.
- A commenter stated concerns over what constitutes distance learning, and whether or not hands-on training could not be offered online or through distance learning. She also voiced her concerns with the quality of CE courses.

12. Review and Discussion of the Board's Continuing Education Process (Jay Herdt, Licensing Manager)

Originally agendized as item 9 of Day 1.

Herdt presented an overview of the Board's CE process, including the requirements for licensees, parts of the provider application, and how a course is approved. President Matecki asked if patients can receive treatment during a course to which Herdt clarified that CE instructors can demonstrate. Herdt also explained the provisions of being a guest acupuncturist in response to President Matecki's concern with out-of-country practitioners who lecture during a course and then see patients in a clinic.

Member Kim asked if other healing arts boards have similar category requirements as the Board regarding the categorization of CE in two different groups based on subject



matter. Herdt was not familiar with other Boards having a similar requirement but assured these boards have other specific areas where there are certain criteria.

Member Harabedian questioned the Board's authority over CE non-compliance and Herdt explained the Board's enforcement and citation process over such violations. Herdt went on to explain that staffing resources are challenging to proactively audit providers or courses; however, some audits are being performed on distance courses. EO Bodea further clarified that audits of licensees' CE compliance are conducted regularly. The presentation was concluded with a recommendation for licensees to check the Board's list of approved courses on the Board's website.

13. Discussion and Possible Action to Initiate a Rulemaking to Adopt Section 1399.469.4 Substantial Relationship Criteria Under Title 16, California Code of Regulations (Salwa Bojack, Legal Counsel)

Originally agendized as item 12 of Day 2.

EO Bodea provided a brief introduction to Assembly Bill (AB) 2138 and explained the bill deals with new applications for licensure. He further noted that the Board cannot consider a criminal act that is not substantially related, nor can the Board consider a crime that happened more than seven years ago as a basis for denying a license.

Counsel Salwa Bojack introduced the first memo in the meeting materials that explained the implementation of substantial relationship criteria. Prior to AB 2138, Business and Professions Code section 481 stated boards shall develop substantial relationship criteria; however, the Board does not have a regulation on substantial relationship criteria. She further pointed out that staff has brought two separate options for implementing substantial relationship criteria.

Counsel Bojack explained the differences between both options presented. She noted that option 1 text is modeled after what other boards already have in regulation for substantial relationship criteria. Option 1 is the more simple and straightforward implementation of AB 2138 that responds to the three criteria required by AB 2138.

She noted that option 2 is a bit longer because it gives examples of crimes or professional misconduct or acts that might be substantially related. The eight examples of crimes and acts weren't provided by the Legal Affairs in response to AB 2138, but is some pre-existing language that some other boards already had incorporated. It was noted that staff recommended option 1. She also pointed out that the examples in subdivision (c) of option 2 takes away the clarity insofar as Administrative Law Judges or applicants may think the list is all-inclusive, and AB 2138 does not require a list of examples.



Counsel Bojack also indicated that a new change that AB 2138 implements is adding a reference to Business and Professions Code section 141 which authorizes boards to consider crimes committed in outside jurisdictions that are substantially related, as well as professional misconduct. She also pointed out that boards are encouraged to adopt uniformity with each other, which the provided language accounts for.

President Matecki reiterated that option 1 is simple and clear. Member Harabedian stated he preferred option 1 over option 2 due to the risk of others assuming the list of examples is exhaustive and causing confusion. He noted that option 1 seems cleaner.

MOTION:

Board Member Harabedian motioned to approve the proposed regulatory text of option number 1 of Title 16 California Code of Regulations section 1399.469.4, direct staff to submit the text to the Director of Consumer Affairs and the Business Consumer Services and Housing Agency for review. And if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing. President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Absent; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Absent

5 – 0 motion passes. 2 absent.

14. Discussion and Possible Action to Initiate a Rulemaking to Adopt Section 1399.469.5 Criteria for Rehabilitation – Denial of Licensure Under Title 16, California Code of Regulations (Salwa Bojack, Legal Counsel)

Originally agendized as item 13 of Day 2.

Counsel Bojack noted that the options being presented are modeled on how other boards have it in regulation. She also stated that Business and Professions Code section 482 requires boards to develop rehabilitation criteria. She further noted that AB 2138 requires that boards consider two specific items for rehabilitation: whether or not an applicant has completed a criminal sentence successfully and any other rehabilitative information.

Counsel Bojack went over the differences between options 1 and 2. She explained that option 1 gives the Board more discretion in consideration of whether or not an applicant successfully completed their criminal sentence. If the Board finds that the applicant successfully completed their criminal sentence, but isn't sufficient in showing rehabilitation, the Board can go on to subdivision (b) and look at other specific



rehabilitation criteria.

Counsel Bojack pointed out that option 2 provides the Board less discretion such that if an applicant completed their criminal sentence, the Board shall find the applicant made a showing of rehabilitation. Subdivision (b) would only apply if the applicant did not complete their criminal sentence. She also noted that there is some case law that says simply satisfying one's criminal sentence doesn't necessarily constitute rehabilitation, which is a sway toward option 1.

President Matecki commented on her desire to provide the Board with more discretion. Member Harabedian also echoed similar sentiments and favored option 1 for providing more flexibility for the Board to consider the facts before them.

MOTION:

Board Member Harabedian motioned to approve the proposed regulatory text of option number 1 of Title 16 California Code of Regulations section 1399.469.5, direct staff to submit the text to the Director of Consumer Affairs and the Business Consumer Services and Housing Agency for review. And if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing. President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Absent; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Absent

5 – 0 motion passes. 2 absent.

15. Discussion and Possible Action to Initiate a Rulemaking to Adopt Section 1399.469.6 Criteria for Rehabilitation – Suspensions or Revocations Under Title 16, California Code of Regulations (Salwa Bojack, Legal Counsel)

Originally agendized as item 14 of Day 2.

Counsel Bojack explained the regulation before the Board is for the implementation of rehabilitation criteria for suspensions and revocations required by AB 2138. She further specified that it is very similar to the last regulation that deals with applicants; however, this regulation involves the disciplinary process of licensees.

Counsel Bojack outlined the differences of options 1 and 2, explaining that option 1 allows the Board to consider whether or not there has been rehabilitation based on successful completion of a criminal sentence, and if the Board doesn't think so, subdivision (b) can be applied. She stated option 2 was more prescriptive in that the Board shall find the licensee rehabilitated with the completion of a criminal sentence and can only consider subdivision (b) if (a) is not applicable.



Member Harabedian voiced preference for option 1 for its flexibility. President Matecki agreed with Member Harabedian. Counsel Bojack went on to point out that subsections (a) (1) through (5) and (b) (1) through (5) are not criteria specifically required by AB 2138, and instead are based upon various boards' regulations already in place.

MOTION:

Board Member Harabedian motioned to approve the proposed regulatory text of option number 1 of Title 16 California Code of Regulations section 1399.469.6, direct staff to submit the text to the Director of Consumer Affairs and the Business Consumer Services and Housing Agency for review. And if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing. President Matecki seconded the motion.

Vote: Matecki – Yes; Chan – Absent; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Absent

5 – 0 motion passes. 2 absent.

16. Discussion and Possible Action to Initiate the Rulemaking Package on the Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees (Kristine Brothers, Policy Coordinator)

Originally agendized as item 15 of Day 2.

Brothers provided a brief history of the regulation, the requirements from the 16 Uniform Standards, the required update to the dated disciplinary guidelines, and the different iterations the Board has seen since 2012.

She further explained there are three different options healing arts boards can use in defining what is a substance abusing licensee.

- Option 1 creates a rebuttable presumption that a licensee is a substance abusing licensee, that says once grounds are established that involve drugs or alcohol, the licensee is considered to be a substance abuser unless evidence rebuts that presumption.
- Option 2 allows for a determination to be made after a clinical diagnostic evaluation that a licensee is a substance abusing licensee.
- Option 3 is the option the Board has been brought in the past and requires the Board to prove at hearing that the licensee is a substance abuser.

It was highlighted that of the nine boards who implemented the uniform standards



through rulemaking, only one board used option 3, three boards used option 2, and five boards used option 1. Brothers noted staff recommended option 1 that is the majority choice and gives notice to the licensee to rebut the presumption. It was further explained that option 2 was rejected due to lack of clarity and it possibly being problematic for Administrative Law Judges when faced with a violation that involves drugs and or alcohol when sufficient rehabilitation has been provided by the licensee. Option 3 was also rejected due to the obligation of the Board having to prove that a licensee is a substance abuser, which may be hard to prove. Brothers presented the regulatory text of options 1 and 3.

Counsel Bojack elaborated that the licensee may be best positioned to offer mitigation and rehabilitation evidence, as opposed to the Office of the Attorney General. She also explained that option 2 is more restrictive where a clinical diagnostic evaluation would be required in every circumstance of a violation involving drugs or alcohol. Not only could this be expensive for the licensee and/or applicant, but, sometimes, unnecessary if the Board or ALJ determines there is sufficient evidence of mitigation and rehabilitation presented without a clinical diagnostic evaluation. She stated option 3 puts all the burden on the Office of the Attorney General who may not be in the best position to have all the information about someone's rehabilitation.

Brothers went through all the changes in the Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees implemented since the Board's last public meeting. Brothers specifically called out the new proposed probation condition #14, Disclosure of Probation Status. She explained this is a new condition which implements the changes of Senate Bill (SB) 1448 which goes into effect July 1, 2019. It requires all probationers to provide written disclosure to all patients or their surrogate that they are on probation, and the disclosure must contain certain criteria. The condition puts the Board in line with the bill and provides some deadline and logistical requirements to make it operational.

MOTION:

Board Member Harabedian motioned to approve the proposed regulatory text for Title 16 California Code of Regulations section 1399.469, to amend the title of Division 13.7 of Title 16 CCR; to adopt new article 6.1 of Division 13.67 of Title 16 CCR; to adopt new article 6.2 of Division 13.7 of Title 16 CCR; direct staff to submit the text to the Director of Consumer Affairs and the Business Consumer Services and Housing Agency for review; and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing. Board Member Kim seconded the motion.



Vote: Matecki – Yes; Chan – Absent; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Absent

5 – 0 motion passes. 2 absent.

MOTION:

President Matecki motioned to adopt the proposed text for the Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees revised March 2019, which is incorporated by reference into Title 16 CCR Section 1399.469, and direct staff to submit the text to the Director of Consumer Affairs and Business and Consumer Services and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing. Board Member Kim seconded the motion.

Vote: Matecki – Yes; Chan – Absent; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Absent

5 – 0 motion passes. 2 absent.

Recess until Friday, March 29, 2019 at 9:00 a.m.

President called the meeting into recess at 3:33 p.m. until Friday, March 29, 2019 at 9:00 a.m.

DAY 2 AGENDA – 9:00 a.m., Friday, March 29, 2019

1. Call to Order, Roll Call, and Establishment of Quorum (Dr. Amy Matecki)

President Matecki called the meeting to order at 9:09 a.m. Brothers conducted roll call.

Members Present: 7 – Matecki, Chan, Cimino, Harabedian, Kim, Li, Osorio.
7-0 Quorum established.

2. President's Report (Dr. Amy Matecki)

A) Welcoming message and meeting information

President Matecki requested that each new Board member provide an introduction and brief background on themselves. Members Cimino, Li, and Kim presented.

3. Calendaring of 2019 Board Meetings (Dr. Amy Matecki)



Originally agendized as item 16 of Day 2.

EO Bodea explained the rest of the Board meeting calendar should be re-calendared to accommodate the schedules of the new Board members. The following are the 2019 Board Meeting Calendar dates:

- June 13 and 14, 2019 in Los Angeles
- August 15 and 16, 2019 in the Bay Area
- November 14 and 15, 2019 in San Diego

20. Public Comment on Items Not on the Agenda (Dr. Amy Matecki)

The following comments were made for items not on the agenda:

- A commenter wanted the Board to research the issue of there being so many doctorate level degrees in the acupuncture industry. He is concerned there is too much confusion amongst the consumer. It was indicated that a requirement for licensees to disclose their background and education would solve the confusion.

21. Report from Education Committee Chair on March 28th Committee Meeting and Possible Action on any Recommendations (John Harabedian, Member)

Originally agendized as item 4 of Day 2.

Member Harabedian summarized the Committee meeting and what was discussed. He recommended that the Board move the item for further discussion at the next Board meeting.

MOTION:

Member Harabedian motioned for the Board to authorize the Education Committee to meet and work with staff on discussion to amend Title 16, CCR sections 1399.483 and 1399.489, and report to the Board at the next Board meeting.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

22. Legislative Update (Kristine Brothers, Policy Coordinator)



Originally agendized as item 6 of Day 2.

(A) Items Introduced in 2019 Legislative Session Pertinent to Acupuncture

Brothers reported and introduced legislative bills from the 2019 legislative session for the Board to discuss and take positions on.

(i) AB 193 (Patterson) – Professions and Vocations

The Board took an oppose position on this bill because the Board believes that all of the licensing requirements for acupuncturists are necessary.

MOTION:

Member Harabedian motioned for the Board to take an oppose position on AB 193.

Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(ii) AB 613 (Low) – Professions and Vocations: regulatory fees

The Board took a watch position on this bill due to the uncertain nature of how it may affect the Board.

MOTION:

President Matecki motioned for the Board to take a watch position on AB 613.

Member Chan seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(iii) AB 778 (Low) – Acupuncture: continuing education

The Board took a support position on this bill as introduced on February 19, 2019 as it was discussed that it provided the Board with a good vehicle to make further changes to continuing education and continuing education providers.

Public Comment:

A commenter showed support for the bill and stated it's a good bill for the consumer, the profession, and for the Board. The commenter would like to work with the author to streamline the continuing education process.



MOTION:

Member Kim motioned for the Board to take a support position on AB 778 and direct the Executive Officer to inform the legislature and the author's office of this position.

Member Chan seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(iv) AB 779 (Low) – Acupuncture: place of practice

The Board took a support position on this bill as it was discussed that it would provide improved tracking of practice locations.

Public Comment:

A commenter showed support for the bill and stated it would give the Board a little more authority to restrict some of the unregistered and unethical use of using someone else's license.

MOTION:

Member Cimino motioned for the Board to take a support position on AB 779 and direct the Executive Officer to inform the legislature and the author's office of this position.

Member Li seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(v) AB 1245 (Low) – Acupuncture: advertising

The Board took a support position on this bill because the inclusion of the additional terms, such as traditional, fits WHO's definition of acupuncture.

Public Comment:

A commenter noted that a good addition to the bill to address physical therapists and athletic trainers performing dry needling would be to add the term "dry needling". However, the commenter indicated the bill was great as is.

MOTION:

Member Kim motioned for the Board to take a support position on AB 1245 and direct the Executive Officer to inform the legislature and the author's office of this position.



Member Osorio seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(vi) SB 425 (Hill) – Health care practitioners: licensee’s file: probationary physician’s and surgeon’s certificate: unprofessional conduct

The Board took a watch position on this bill but indicated a support for the spirit or intent of the bill as it promotes consumer protection. The Board was unclear on how some of the provisions of the bill would affect the Board.

Public Comment:

A commenter showed support for the bill due to sexual misconduct being a big problem, especially amongst schools where students may be too afraid to speak out. The commenter urged the Board to seek out amendments to the bill that would provide the Board jurisdiction over acupuncture schools to eliminate the problem.

MOTION:

Member Harabedian motioned for the Board to take a watch position on SB 425.

Member Kim seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

Public Comment for Items not on the Agenda:

A commenter informed the Board of AB 888 that requires physicians to inform both patients and minors, or guardians, of nonopioid options for treatment of pain including, but not limited to, acupuncture, chiropractic, physical therapy, occupational therapy, and mental health. The commenter requested that AB 888 be added to the next Board meeting agenda.

(B) Site Inspection Authority

EO Bodea provided a brief update that the Board is seeking inspection authority and staff will be turning their attention to working on such language to meet the Board’s strategic plan item.

(C) AB 434, State Web Accessibility (2017 Baker)

EO Bodea introduced the Board to AB 434 which requires all state agencies to make



their websites accessible and be ADA compliant. He noted there will be changes happening to the Board's website, and the materials uploaded to it, in order to meet the go-live date of July 1, 2019.

23. Enforcement Report (Cricket Borges, Enforcement Coordinator)

Originally agendized as item 8 of Day 2.

Enforcement Coordinator Cricket Borges (Borges) provided the Enforcement report.

(A) Q2, FY 18-19 Enforcement Report

Borges reported a total of 88 complaints received, 90 closed or sent to investigation, and the average intake time was three days. The average number of days to close Division of Investigation (DOI) investigations as well as desk investigations worked by staff was 138 days. Two cases were sent to the Office of the Attorney General and 18 disciplinary cases were pending at the close of quarter two.

She also noted that no cases finalized in the disciplinary process within this quarter. Nineteen citations were issued and at the close of quarter two there were 37 probation cases active. Borges highlighted that the Board saw an increase in unlicensed/unregistered complaints, which increased from four in last year's quarter two to 23 in this year's quarter two. It was also pointed out that the average investigation time decreased by 20%. Borges reported an increase in accusations and statement of issues filed during this quarter compared to last year's quarter two.

Member Chan asked if there is any consistency or pattern to unlicensed/unregistered complaints coming in during the second quarter. Borges noted that the types of complaints fluctuate and there isn't any one particular type of allegation that comes in a particular quarter. She also indicated that some complaints have multiple allegations that can be in multiple complaint categories.

President Matecki wanted to see a breakdown of the unlicensed/unregistered complaints so the Board can have that information for outreach and prevention of these type of violations rising. EO Bodea indicated staff would look at different reporting options and bring that back to the Board.

Public Comment:

Three comments were made on the item:

- The first commenter stated the profession has also been wanting to see a further breakdown of the types of complaints received.
- The second commenter wondered if the Board ever conducted a comparison of



the complaints received by the Board compared to other professions, encouraging this to be done.

- The third commenter asked Enforcement staff if reports of insurance fraud are reported to the Board from insurance agencies that perform audits. Borges indicated the only way the Board would find out about insurance fraud is if it resulted in a criminal conviction. It was also noted that the Board could find out about it through a complaint as well.

(B) Acupuncture Board's Top Ten Violations Leading to Enforcement Actions

EO Bodea presented a new informational flyer titled, Acupuncture Board's Top 10 Violations Leading to Enforcement Actions, that was developed to list the top ten complaints received by category with examples provided. He indicated the list is not exhaustive but would be helpful to put out to the public at this time.

Public Comment:

- A commenter asked if the unlawful practice of acupuncture category included Physical Therapists and other practitioners doing dry needling. The commenter also pointed out that the flyer lists the failure to sterilize instruments under the category of Failure to Follow Infection Control, however, instead should read, "failure to sanitize" since acupuncturists no longer autoclave.

24. Update on Computer-Based Testing for the California Acupuncture Licensing Exam (Jay Herdt, Licensing Manager)

Originally agendized as item 10 of Day 2.

Herdt provided a report on the California Acupuncture Licensing Examination's (CALE) transition to computer-based testing (CbT). Herdt noted that CbT went live October 1, 2018 and explained the Board's collaboration with the Office of Professional Exam Services (OPS), Office of Information Services (OIS), and the testing company, PSI in administering it. He indicated that most feedback from test takers have been positive.

Herdt also provided some statistics from exams taken during October 1, 2018 to March 16, 2019. During that time, there were a total of 309 test takers, the overall pass rate was 82%, the English language pass rate was 78%, the Chinese language pass rate was 93%, and the Korean language pass rate was 80%. The pass rate for first-time test takers was 90% and the re-taker pass rate was 59%. Herdt noted the next period in which statistics will be reported will be in mid to late October 2019, reporting on the period of April 1, 2019 to September 30, 2019. Thereafter, statistics will be reported every 180 days.



Herdt pointed out that the number of test-takers seem to be decreasing to which he attributes to some recent confusion with NCCAOM and the idea that students can schedule testing anytime. However, he did talk with OPS to get a sense of why the numbers may be dropping and it was assured that there hasn't been any kind of compromise with the test.

Member Chan commented on the re-taker's pass rate and asked if the Board was still interested in pursuing setting a maximum number of times someone is allowed to take the test. Herdt answered that from staff's opinion, he felt it was a valid thing to look into.

Public Comment:

Several comments were received on the item:

- A commenter had concerns about exam security, including rumors that modern technology has been used to compromise the exam.
- A commenter also voiced concerns over some of the alarming statistics but noted the Board won't have more answers until statistics by school are available.
- A commenter reported that she has heard very good responses from students and they appreciate that they no longer need to travel to complete the exam.
- A commenter suggested that a new question appear on the exam each time it is administered in order to address any potential fraud.

25. Updates from Acupuncture Professions

Originally agendaized as item 11 of Day 2.

Neil Miller from CalATMA presented an introduction to the new association and the work they have been doing in appointing positions and holding stakeholder meetings with Assemblymember Low. Miller voiced a request to work collaboratively with the Board on legislation, as well as the discussion of scope of practice issues like lasers, changes in technology, injection therapy, dry needling, and manual therapy. He also wanted to work together on advancing an entry level doctorate program and resurrecting the publication and distribution of the Consumer's Guide to Acupuncture.

Public Comment:

The following comments were made:

- The first commenter also echoed Miller's desire to work with the Board on the standard of practice and for the safety of the consumer.
- The second commenter brought up a concern over live webinars versus on-site



continuing education.

26. Election of Board Officers (Dr. Amy Matecki)

Originally agendized as item 17 of Day 2.

(A) Election for President

Dr. Amy Matecki was elected as Board President.

MOTION:

Member Osorio motioned to elect Dr. Amy Matecki as Board President.

Member Harabedian seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

(B) Election for Vice President

Member Kitman Chan was elected as Board Vice President.

MOTION:

Member Kim motioned to elect Member Kitman Chan as Board Vice President.

Member Cimino seconded the motion.

Vote: Matecki – Yes; Chan – Yes; Cimino – Yes; Harabedian – Yes; Kim – Yes; Li – Yes; Osorio – Yes

7 – 0 motion passes.

27. Future Agenda Items (Dr. Amy Matecki)

Originally agendized as item 18 of Day 2.

Member Harabedian requested that the continuing education for law and ethics requirement along with staff's research in how to further clarify the issue be set for a future agenda item.

EO Bodea noted that during prior public comments the following was requested to be added for future agenda items: entry-level doctorate discussion, consumer guide brochures, new technologies, manual therapy, and CPT codes.

A commenter requested a mandatory requirement for risk management in continuing education be set as a future agenda item.



**CALIFORNIA
ACUPUNCTURE
BOARD**

1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



28. Closed Session

Originally agendized as items 12 and 13 of Day 1.

Pursuant to Government Code section 11126, subdivision (a)(1), the Board convened to consider the evaluation of performance of the Executive Officer.

Closed session began at 12:45 pm.

Open session reconvened at 1:15 pm.

29. Adjournment (Dr. Amy Matecki)

Originally agendized as item 19 of Day 2.

Meeting adjourned at 1:17 pm.

BUDGET UPDATE

CALIFORNIA ACUPUNCTURE BOARD - 0108
BUDGET REPORT
FY 2018-19 EXPENDITURE PROJECTION
Preliminary FISCAL MONTH 10 - Activity Log 05/14/2019

Updated 5/23/2019

OBJECT DESCRIPTION	FY 2015-16	FY 2016-17	FY 2017-18	BUDGET STONE 2018-19	FY 2018-19			
	ACTUAL EXPENDITURES	ACTUAL EXPENDITURES	ACTUAL EXPENDITURES		CURRENT YEAR EXPENDITURES	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	FM 13	FM 13	(Pre-FM12)		(Pre-FM 10)			
PERSONNEL SERVICES								
Salary & Wages (Staff)	508,346	487,887	518,774	660,000	447,815	68%	572,509	87,491
Statutory Exempt (EO)	72,205	65,868	87,168	80,000	75,550	94%	90,660	(10,660)
Temp Help Reg (Seasonals)	59,993	59,236	66,880	19,000	37,036	195%	56,590	(37,590)
Board Member Per Diem	14,100	9,800	3,600	7,000	100	1%	7,000	0
Overtime	1,615	161	0	5,000	34	1%	41	4,959
Staff Benefits	290,739	286,026	323,932	444,000	275,738	62%	349,395	94,605
TOTALS, PERSONNEL SVC	946,998	908,978	1,000,354	1,215,000	836,273	69%	1,076,194	138,806
OPERATING EXPENSE AND EQUIPMENT								
General Expense	44,611	54,854	12,450	59,000	9,613	16%	12,000	47,000
Fingerprint Reports	613	1,029	882	20,000	1,241	6%	1,500	18,500
Minor Equipment	85	2,016	0	15,000	5,674	38%	15,000	0
Printing	15,391	17,998	12,345	18,000	1,692	9%	15,000	3,000
Communication	11,208	9,060	2,723	18,000	2,292	13%	3,400	14,600
Postage	25,802	24,925	23,397	28,000	0	0%	28,000	0
Insurance	0	15	3,243	0	26	N/A	31	(31)
Travel In State	38,866	34,315	17,188	34,000	6,479	19%	30,000	4,000
Travel, Out-of-State	2,861	2,073	0	0	0	0%	4,000	(4,000)
Training	0	469	420	4,000	2,355	59%	2,500	1,500
Facilities Operations	109,458	112,769	119,832	65,000	101,737	157%	121,008	(56,008)
Architecture Revolving Account	0	0	0	0	0	N/A	250,000	(250,000)
C & P Services - Interdept.	0	0	43	9,000	0	0%	0	9,000
C & P Services - External	3	18	675	4,000	4,479	112%	45,000	(41,000)
DEPARTMENTAL SERVICES (PRO RATA):								
Office of Information Services	107,890	144,573	169,000	151,000	125,833	83%	151,000	0
Administration	133,859	187,272	159,000	188,000	156,667	83%	188,000	0
DOI - ISU	3,933	4,600	4,000	5,000	4,167	83%	5,000	0
Communications Division	161,000	80,897	13,000	12,000	10,000	83%	12,000	0
Program Policy and Regulatory Division	0	1,308	83,000	82,000	68,333	83%	82,000	0
INTERAGENCY SERVICES:								
Data Conversion DGS Project	0	0	0	0	0	N/A	250,000	(250,000)
IA w/ OPES	305,652	272,208	298,828	334,000	110,817	33%	334,000	0
Consolidated Data Center	934	890	4,635	4,000	7,042	176%	1,000	3,000
DP Maintenance & Supply	449	3,973	2,076	5,000	62	1%	1,000	4,000
Exam Site Rental								
C/P Svcs-External Expert Administrative	279,186	305,491	315,767	287,000	19,483	7%	49,283	237,717
C/P Svcs-External Expert Examiners	51,286	39,530	19,694	84,000	15,492	18%	21,566	62,434
C/P Svcs-External Subject Matter	0	1,459	1,872	0	0	N/A	0	0
ENFORCEMENT:								
Attorney General	307,042	214,240	117,691	386,000	154,940	40%	232,410	153,590
Office Admin. Hearings	77,938	26,504	14,745	107,000	31,580	30%	42,107	64,893
Court Reporters	3,210	1,054	1,949	11,000	1,888	17%	2,266	0
Evidence/Witness Fees	69,285	13,614	69,580	0	17,259	N/A	20,711	(20,711)
DOI - Investigations	500,566	772,549	414,000	278,000	231,667	83%	278,000	0
MISC:								
Major Equipment	0	0	20,408	6,000	0	0%	6,000	0
Other (Vehicle Operations)	0	0	0	3,000	0	0%	0	3,000
TOTALS, OE&E	2,389,858	2,329,703	1,902,443	2,217,000	1,090,818	49%	2,203,781	4,485
TOTAL EXPENSE	3,336,856	3,238,681	2,902,797	3,432,000	1,927,091	118%	3,279,975	143,290
Sched. Reimb. - External/Private	(1,410)	(1,410)	(294)	(1,000)	0		(1,000)	0
Sched. Reimb. - Fingerprints	(441)	(441)	(470)	(22,000)	(1,665)		(22,000)	0
Unsched. Reimb. - Other	(130,413)	(130,413)	(88,022)	0	(54,060)		(38,000)	38,000
NET APPROPRIATION	3,204,592	3,106,417	2,814,011	3,409,000	1,871,366	55%	3,218,975	181,290
SURPLUS/(DEFICIT):								5.3%

0108 - Acupuncture Analysis of Fund Condition

(Dollars in Thousands)

Prepared 6/13/19

Prior Year (PY) and Current Year (CY) Projected Actuals

	PY 2017-18	CY 2018-19	BY 2019-20	BY+1 2020-21	BY+2 2021-22	BY+3 2022-23
BEGINNING BALANCE	\$ 4,858	\$ 4,201	\$ 3,278	\$ 2,146	\$ 1,055	\$ -140
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,858	\$ 4,201	\$ 3,278	\$ 2,146	\$ 1,055	\$ -140
REVENUES AND TRANSFERS						
Revenues:						
4129200 Other regulatory fees	\$ 53	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50
4129400 Other regulatory licenses and permits	\$ 397	\$ 433	\$ 645	\$ 645	\$ 645	\$ 645
4127400 Renewal fees	\$ 1,891	\$ 2,026	\$ 1,909	\$ 1,909	\$ 1,909	\$ 1,909
4121200 Delinquent fees	\$ 14	\$ 13	\$ 13	\$ 13	\$ 13	\$ 13
4163000 Income from surplus money investments	\$ 1	\$ 1	\$ 1	\$ 3	\$ 3	\$ 3
4163000 Interest Income From Interfund Loans	\$ 44	\$ 51	\$ 21	\$ -	\$ -	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 2,401	\$ 2,575	\$ 2,640	\$ 2,621	\$ 2,621	\$ 2,621
Transfers from Other Funds						
Proposed GF 11-12 Loan Repayment, 1110-011-0108 Budget Act	\$ -	\$ -	\$ 1,000	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 2,401	\$ 2,575	\$ 3,640	\$ 2,621	\$ 2,621	\$ 2,621
Totals, Resources	\$ 7,259	\$ 6,776	\$ 6,918	\$ 4,767	\$ 3,676	\$ 2,481
EXPENDITURES						
Disbursements:						
1111 - Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 2,814	\$ 3,219	\$ 3,397	\$ 3,483	\$ 3,587	\$ 3,695
Business Modernization Project Spring Finance Letter	\$ -	\$ -	\$ 1,147	\$ -	\$ -	\$ -
8880 - Financial Information System for California	\$ 6	\$ -	\$ (1)	\$ -	\$ -	\$ -
9892 - Supplemental Pension Payment	\$ -	\$ 20	\$ 43	\$ 43	\$ 43	\$ 43
9900 - Statewide General Administrative Expenditures (ProRata)	\$ 238	\$ 259	\$ 186	\$ 186	\$ 186	\$ 186
Total Disbursements	\$ 3,058	\$ 3,498	\$ 4,772	\$ 3,712	\$ 3,816	\$ 3,924
FUND BALANCE						
Reserve for economic uncertainties	\$ 4,201	\$ 3,278	\$ 2,146	\$ 1,055	\$ -140	\$ -1,443
Months in Reserve	14.4	8.2	6.9	3.4	-0.4	-4.4

BUSINESS MODERNIZATION BCP

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
 DF-46 (REV 08/17)

Fiscal Year 2019-20	Business Unit 1111	Department Consumer Affairs	Priority No. 1
Budget Request Name: 1111-300-BCP-2019-A1		Program VARIOUS	Subprogram VARIOUS

Budget Request Description
 Business Modernization Project Implementation

Budget Request Summary

The Department of Consumer Affairs requests one-time funding of \$4,966,000 and 5 positions to allow the Acupuncture Board, Board of Chiropractic Examiners, Board for Professional Engineers Land Surveyors and Geologists, and the Bureau for Private Postsecondary Education to begin implementing their selected Business Modernization software alternative consistent with the Department's Business Modernization Plan.

The total combined request of \$4,966,000 in 2019-20 is required to fund system integration, software licensing, project management, project oversight costs, and staffing.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO Jason Piccione	Date 3/27/2019

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. 1111-002, 1111-004, 1111-005, 1111-116 Project Approval Document: S2AA Approval Date: Pending

If proposal affects another department, does other department concur with proposal? Yes No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By Robert de los Reyes	Date 3/27/2019	Reviewed By Taylor Schick	Date 3/27/2019
Department Director Dean R. Grafilo	Date 3/28/2019	Agency Secretary Alexis Podesta	Date

Department of Finance Use Only

Additional Review: Capital Outlay ITCU FSCU OSAE CALSTARS Dept. of Technology

PPBA	Original Signed By Tiffany Garcia	Date submitted to the Legislature 3/29/19
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BCP Fiscal Detail Sheet

BCP Title: Business Modernization Project Implementation

BR Name: 1111-300-BCP-2019-A1

Budget Request Summary

	FY19					
	CY	BY	BY+1	BY+2	BY+3	BY+4
Personal Services						
Positions - Permanent	0.0	5.0	5.0	5.0	5.0	5.0
Total Positions	0.0	5.0	5.0	5.0	5.0	5.0
Salaries and Wages						
Earnings - Permanent	0	435	0	0	0	0
Total Salaries and Wages	\$0	\$435	\$0	\$0	\$0	\$0
Total Staff Benefits	0	261	0	0	0	0
Total Personal Services	\$0	\$696	\$0	\$0	\$0	\$0
Operating Expenses and Equipment						
5301 - General Expense	0	5	0	0	0	0
5302 - Printing	0	2	0	0	0	0
5304 - Communications	0	2	0	0	0	0
5306 - Postage	0	2	0	0	0	0
5340 - Consulting and Professional Services - External	0	3,537	0	0	0	0
5340 - Consulting and Professional Services - Interdepartmental	0	148	0	0	0	0
5346 - Information Technology	0	574	0	0	0	0
Total Operating Expenses and Equipment	\$0	\$4,270	\$0	\$0	\$0	\$0
Total Budget Request	\$0	\$4,966	\$0	\$0	\$0	\$0
Fund Summary						
Fund Source - State Operations						
0108 - Acupuncture Fund	0	1,147	0	0	0	0
0152 - State Board of Chiropractic Examiners Fund	0	540	0	0	0	0
0305 - Private Postsecondary Education Administration Fund	0	2,029	0	0	0	0
0770 - Professional Engineer's, Land Surveyor's, and Geologist's Fund	0	1,250	0	0	0	0
Total State Operations Expenditures	\$0	\$4,966	\$0	\$0	\$0	\$0
Total All Funds	\$0	\$4,966	\$0	\$0	\$0	\$0

Program Summary

Program Funding

1120 - Board of Chiropractic Examiners	0	540	0	0	0	0
1155 - Acupuncture Board	0	1,147	0	0	0	0
1215014 - Board of Professional Engineers, Land Surveyors, and Geologists	0	1,250	0	0	0	0
1410013 - Bureau for Private Postsecondary Education	0	2,029	0	0	0	0
1425049 - Consumer and Client Services Division	0	500	0	0	0	0
1426049 - Distributed Consumer and Client Services Division	0	-500	0	0	0	0
Total All Programs	\$0	\$4,966	\$0	\$0	\$0	\$0

Analysis of Problem

A. Budget Request Summary

The Department of Consumer Affairs (Department) requests one-time funding of \$4,966,000 and 5 positions to allow the Acupuncture Board (AB), Board of Chiropractic Examiners (BCE), Board for Professional Engineers Land Surveyors and Geologists (BPELSG), and the Bureau for Private Postsecondary Education (BPPE) to begin implementing their selected Business Modernization software alternative consistent with the Department's Business Modernization Plan (BMP).

The funding requests below are divided by program and reflect the necessary appropriation augmentations to cover system integration, software licensing, project management, project oversight costs, and 3 positions in the Department's Office of Information Services (OIS) to support project implementation.

The total combined requested of \$4,966,000 in 2019-20 is as follows:

AB – Requests \$1,147,000 Acupuncture Fund and 2 positions in 2019-20. This request also includes funding to support 2 Associate Governmental Program Analyst (AGPA) positions to offset program staff who will be required to be redirected to implement project tasks during 2019-20.

BCE – Requests \$540,000 Chiropractic Examiners Fund in 2019-20.

BPELSG - Requests \$1,250,000 Professional Engineer's, Land Surveyor's, and Geologist's Fund in 2019-20.

BPPE - Requests \$2,029,000 Private Postsecondary Education Administration Fund in 2019-20.

OIS - Requests \$500,000 Consumer Affairs Fund in 2019-20. Costs will be distributed among the four programs.

B. Background/History

AB, BCE, BPELSG, and BPPE provide professional licensure and regulatory oversight to their respective professions. The Department and its 37 boards and bureaus (programs) fill an important role in state government and protecting Californians by ensuring licensees adhere to established professional standards and educational requirements.

Resource History - AB

(Dollars in thousands)

Program Budget	2013-14	2014-15	2015-16	2016-17	2017-18*
Authorized Expenditures	2,754	3,313	3,509	3,691	3,360
Actual Expenditures	2,513	2,923	3,205	3,086	3,337
Revenues	2,555	2,634	2,613	2,742	2,715
Authorized Positions	8.0	11.0	11.0	11.0	11.0
Filled Positions (excluding blanket positions)	7.8	9.2	10.1	9.1	9.7
Vacancies	0.2	1.8	0.9	1.9	1.3

*Projected

Analysis of Problem

Resource History - BCE

(Dollars in thousands)

Program Budget	2013-14	2014-15	2015-16	2016-17	2017-18*
Authorized Expenditures	3,779	3,799	4,007	4,001	4,218
Actual Expenditures	3,053	3,045	3,357	3,780	3,397
Revenues	3,632	3,543	3,460	3,479	3,536
Authorized Positions	19.0	19.0	19.0	19.0	19.0
Filled Positions (excluding blanket positions)	17.4	17.6	17.4	18.2	17.6
Vacancies	1.6	1.4	1.6	0.8	1.4

*Projected

Resource History - BPELSG

(Dollars in thousands)

Program Budget	2013-14	2014-15	2015-16	2016-17	2017-18*
Authorized Expenditures	11,262	11,050	11,034	11,796	12,095
Actual Expenditures	8,887	8,403	8,868	9,853	10,927
Revenues	10,004	9,151	10,077	8,988	8,656
Authorized Positions	42.7	42.7	42.7	43.7	43.7
Filled Positions (excluding blanket positions)	40.7	38.7	41.6	41.5	41.6
Vacancies	2.0	4.0	1.1	2.2	2.1

*Projected

Resource History - BPPE

(Dollars in thousands)

Program Budget	2013-14	2014-15	2015-16	2016-17	2017-18*
Authorized Expenditures	9,507	11,439	15,515	15,435	17,377
Actual Expenditures	8,640	11,379	12,647	12,427	14,160
Revenues	9,863	9,371	10,034	11,991	14,878
Authorized Positions	66.0	76.0	101.0	99.0	106.0
Filled Positions (excluding blanket positions)	53.0	62.7	78.6	76.4	80.9
Vacancies	13.0	13.3	22.4	22.6	25.1

*Projected

Department Information Technology (IT) History: The Department, including the programs in this request, have historically been required to use multiple outdated and inadequate IT systems to meet statutory requirements and respective business needs. However, because the IT systems are antiquated and disjointed, excessive turnaround times for licensing and enforcement activities have impeded these programs from meeting their goals and objectives. The current systems these programs use also lack an intuitive online public-facing portal that citizens can use to submit consumer complaints, applications, and license renewals.

BreZE IT System: In 2009, the Department began adopting the BreZE IT system, which at that time was envisioned to be able to support the primary functions and responsibilities of all Department regulatory programs. BreZE was designed to better serve consumers, licensees, applicants, and other stakeholders with a more robust online presence including online application capabilities, online license maintenance functions, online payments, improved enforcement capabilities, accessible data, and efficient reporting.

Analysis of Problem

Because of the high number of Department programs that were required to be transitioned to BreEZe and the number of different license types provided, the implementation was planned over three large software releases (R1, R2, and R3). Each release included a specified number of Department programs. The four programs in this request were scheduled for R3.

During R1, significant transition and adoption issues arose, which resulted in delays and increased costs.

One critical issue identified in R1 was the staffing workload required of each entity to analyze, test, adopt, and transition to BreEZe. Because no additional resources were provided to assist R1 and R2 programs with adopting BreEZe, programs were required to redirect existing staffing resources from other high priority areas to support their transition, which caused staffing and programmatic deficiencies elsewhere because the Department and programs did not adequately plan for this.

As a result, R3 was ultimately cancelled to allow the remaining R3 boards time to implement a BMP to properly assess their respective IT, programmatic, and resource needs. Beginning in 2017, the Department published an initial BMP for R3 programs to be used in coordination with the California Department of Technology (CDT) for the assessment and procurement of future IT systems.

Business Modernization: This proposal will allow AB, BCE, BPELSG, and BPPE to begin implementing their selected Business Modernization software alternative by providing these programs with one-time resources to cover initial system integration, software licensing, project management, project oversight, and staffing costs. The four programs have determined a proven robust software solution capable of interacting with other software applications in real-time and implementing functionality in an incremental manner over the course of the project is the best path forward to modernize their business operations.

The Department partnered with the programs to conduct extensive market research on licensing and enforcement systems. The market research included an evaluation of existing systems in the Department's portfolio, discussions with comparable regulatory organizations in other states, and two formal Requests for Information from the vendor community. The market research revealed that more software products capable of meeting the needs of Departmental programs are now available when compared to the market at the time of the BreEZe project's start. This variety of viable options combined with the Department's successful implementation of lessons learned during BreEZe R2 and the Cannabis Licensing, Enforcement, and Reporting (CLEaR) Project lowers the overall project risk for the four programs included in this request.

This market research supports the costs identified in this proposal. The project-length is anticipated to be 18 months. The four programs are currently progressing through the CDT Project Approval Lifecycle (PAL).

C. State Level Considerations

The Department was established to protect consumer interests through licensing and regulation of specific professions, occupations, and businesses. A robust and modern IT solution is necessary to allow Department programs to properly perform their licensing and enforcement responsibilities while providing an intuitive public facing portal focused on user needs.

Without a modern and efficient IT system in place, AB, BCE, BPELSG, and BPPE will be required to continue using antiquated IT systems and inefficient manual workflow processes, which could compromise public safety and/or unnecessarily impede licensing and enforcement processes.

The goals and objectives under this proposal include the following:

Enforcement:

- Provide an intuitive public-facing online consumer complaint portal.
- Establish a mobile-friendly inspection module for enforcement staff to allow them to conduct more efficient field operations.
- Maintain an active, effective, and efficient program to maximize consumer protection.
- Reduce or maintain the average number of days to complete the enforcement process.

Analysis of Problem

- Evaluate enforcement procedures and apply best practices to reduce overall processing timeframes through workflow monitoring tools.

Licensing:

- Provide an intuitive public-facing online application portal capable of accepting electronic payments.
- Establish a means to communicate application deficiencies in real-time via multiple forms of communication (i.e. email, text message, letter).
- Allow applicants to submit remediations of application deficiencies via an online application portal.
- Ensure efficient resource utilization to process examination, licensure, and renewal applications within targeted timeframes through workflow monitoring tools.
- Maintain an active, effective, and efficient program to maximize customer service to candidates, applicants, and licensees.

Customer and Stakeholder Service:

- Deliver the highest level of customer and stakeholder service through a responsive and interactive online presence.
- Improve online tools and activities for stakeholders to increase operational efficiency and access.
- Reduce costs associated with printing and mailing hard copy application documents.

Emerging Technologies:

- Implement new functionality in an incremental fashion to decrease the length of time to deploy software solutions.
- Reduce organizational change management and data conversion risk by leveraging more modern software platforms' ability to integrate with existing systems.
- Improve efficiency and maintain information security.
- Monitor other technology solutions to ensure functionality and operational efficiency in response to future consumer and licensee needs.

Multiple CDT Technology Letters (TL) recommend that state agencies attempt to utilize the most up-to-date technology options when considering new IT projects. The "Cloud First" policy (TL 14-04) directs state departments to shift toward cloud computing solutions for all new reportable and non-reportable IT projects in accordance with State Administrative Manual (SAM) sections 4983 and 4983.1. Departments shall build and evaluate for cloud solutions to meet their business needs, whenever feasible.

The Cloud Productivity Solutions Policy (TL 16-02) announces that state agencies must use commercially available Software-as-a-Service (SaaS) services provided through the CDT for office productivity tools such as word processing and email. If required services are not available through CDT, state agencies may use other commercially available SaaS solutions. The Update to Cloud Computing Policy - Infrastructure and Platform Policy (TL 17-06) further outlines the benefits of cloud applications, and CDT has provided the ability for rapid acquisition of cloud technologies through pre-existing contracts.

D. Justification

AB, BCE, BPELSG, and BPPE all rely on antiquated legacy systems incapable of providing the responsive and transparent level of service the public expects based on current technology. Basic transactions like the ability to submit an electronic payment are not possible in the legacy systems. The legacy systems also do not facilitate efficient management of resources due to a lack of automated workflow functionality.

These programs are also required to maintain multiple 'workaround' databases to execute basic business functions. Through execution of the first steps of the BMP and CDT's PAL, these four programs have individually documented 'as is' processes, 'could be' processes, and business requirements to support their goal of improving their quality of service to the public.

Analysis of Problem

Absent an investment in a modernized IT system, these programs will remain unable to achieve the process improvement opportunities revealed in their work to date. The public and licensee base will remain unable to interact with the programs and submit transactions via an online application portal, and the programs will remain unable to benefit from automated workflow and business rules that will make program staff more efficient in completing their duties.

The ability of a software solution to integrate easily with other software applications creates the opportunity to decrease overall project risk by allowing for multiple smaller software releases over the course of the 18-month project phase as opposed to pursuing an entire system replacement for all business functionality in one software release.

Also, this ability to easily integrate with other software applications will allow some legacy system components that are low maintenance and sufficiently performing specific core business functions to persist during and after the project phase, if deemed feasible. Market research suggests for some business objectives it is more cost effective to develop a real-time integration between the new software solution and specific legacy system as opposed to converting all the legacy data and recreating all existing legacy system functionality and interfaces (i.e. data exchanges with other organizations).

Current legacy systems also do not provide the ability to effectively conduct enforcement in the field, a major opportunity for improvement for a program like BPPE that conducts many inspections as part of its enforcement program. Market research revealed several software solutions can upload data and issue citations while in the field from a laptop or mobile device like a cell phone or tablet. This will make field staff more effective as they can enter information into the system while in the field as opposed to having to do so later when they return to the office.

Multiple software solutions capable of the functionality referenced above are available through leveraged procurement agreements established with CDT. Multiple vendor system integrators with experience implementing these software solutions are also available on CDT leveraged procurement agreements. These facts point to an opportunity to leverage competition to secure a quality software product and implementation services at a fair market rate.

A leveraged procurement also decreases the amount of state resources required to conduct the procurement when compared to a lengthy request for proposal-type solicitation. Utilizing a leveraged procurement approach will enable the four programs to more closely adhere to desired system implementation timeframes as documented in their individual BMPs.

BreEZe and Accela Alternatives

The four programs and the Department's OIS staff evaluated both BreEZe and Accela (the software implemented for the CLEaR Project for the Bureau of Cannabis Control) as potential alternatives as part of market research during PAL Stage 2. These two solutions do not offer the capability to mitigate project risk in several key areas when compared to other software solutions available in the marketplace.

Both solutions are limited in their ability to interact in real time with other software applications, require a higher effort of data conversion and organizational change management, and would not easily support an incremental implementation approach. Based on the Department's prior experience with both solutions, the only feasible implementation approach would be a high-risk major software release approach comparable to what the Department executed during the BreEZe Project.

The Department's prior experience with both solutions point to data conversion being a major challenge and project cost driver. From an organizational change management perspective, the lack of ability to integrate easily in real time with other software applications means the organizational change will occur in large software releases and be more disruptive to normal business operations.

These solutions would also require an augmentation of existing IT resources as each system has a maintenance and operations staff operating at capacity. As of January 2019, the BreEZe system change requests continue to be submitted at a considerable rate. The Department received over 1,100 BreEZe system change requests in 2018. The Department implemented 972 BreEZe system changes in 2018. As of December 30, 2018, there are 1,149 pending system change requests. BCC, which uses a small set of

Analysis of Problem

contractor and Departmental staff to maintain its Accela system, regulates a new industry that is still seeing a high rate of change to its statutes and regulation. Considering that an augmentation of resources would be needed to implement one or more of the four programs on BreZE or Accela, neither system offers opportunities for cost savings when compared to other software solutions evaluated during market research.

Staffing: Each program will be required to redirect administrative, licensing, and enforcement personnel to serve as Subject Matter Experts (SME) and participate in the planning, preparation, and testing of its BMP.

Programs make the determination individually as to what level staff are required to serve as SMEs. Generally, AGPA level staff participate in this role as these classifications possess the qualifications and level of skill necessary to fulfill the business activities. Individuals in this role complement the redirected management-level decision makers also participating in the BMP process.

Some programs have enough variability in workload to support re-direction of existing staff to support the project without impact to the programs core licensing and enforcement mission. AB does not have this flexibility and has requested 2 AGPAs to offset program staff who will be required to be redirected to implement project tasks.

AB must ensure it obtains additional staffing resources to provide program assistance during the BMP process. Obtaining sufficient staff will avoid any negative impacts to current processes relating to examination, licensure, and enforcement-related activities.

The additional 3 positions for OIS would support project activities during the project phase (i.e. testing support, requirements traceability, risk management, knowledge transfer).

E. Outcomes and Accountability

The requested one-time funding and positions are required to ensure these programs have sufficient resources to begin implementing their BMPs.

CDT requires all state agencies to seek approval for any new IT projects through a process known as PAL. PAL is designed to improve the planning, quality, value, and likelihood of IT projects' success. PAL process stages include:

- Stage 1 – Business Analysis: Evaluates completeness, the sufficiency of the business case and whether the concept aligns with the Department and the Administration's priorities.
- Stage 2 – Alternatives Analysis: Ensures sufficiency of planning, organizational readiness and thorough documentation resulting from sufficient market research, alternative analysis, and justification for the selected alternative.
- Stage 3 – Solution Development: Further specify business level requirements, develop the procurement documents, and assemble the solicitation package.
- Stage 4 – Project Readiness and Approval: Select vendor, contract award, update the final budget, and project plans and schedule. Once the project is assessed for final readiness, it could be approved for execution.

The implementation of any business solution can only begin once the solution has been selected and the project has been fully approved through the PAL process, the Department, and the programs. Failure to obtain the necessary resources to support the BMPs will significantly impact both the success of the modernization effort and each program's mandate to ensure consumer protection. The Department also submits updates on the progress of all programs' BMPs annually to the Legislature.

F. Analysis of All Feasible Alternatives

Alternative 1: Approve one-time funding of 4,966,000 in 2019-20 and the position authority for 5 staff (3 ITS I & 2 AGPA).

Pros: Will enable AB, BCE, BPELSG, and BPPE sufficient resources to begin implementing their BMPs pursuant to the Department's Business Modernization Plan.

Cons: Increased costs to the state.

Analysis of Problem

Alternative 2: Approve one-time funding of \$4,691,000 in 2019-20 and the position authority for 3 staff (2 ITS I & 1 AGPA).

Pros: Will provide AB, BCE, BPELSG, and BPPE some resources to begin implementing their BMPs.

Cons: Increased costs to the state. AB, BCE, BPELSG, and BPPE may not receive enough resources to fully implement their IT solutions in 2019-20. Any implementation delays will likely result in increased licensing and enforcement timeframes due to the increased number of redirected staff for the project.

Alternative 3: Approve no funding augmentation or an alternative funding amount and direct the Department to use existing resources to implement the four programs on other Departmental software solutions (i.e. BreEZe or Accela).

Pros: No increased costs to the state.

Cons: Current Departmental resources allocated to the BreEZe and Accela systems are at capacity and redirecting the resources would have a detrimental impact to the programs currently using these systems. BreEZe and Accela systems likely will not meet all the desired business modernization functionality.

Alternative 4: Status quo, do nothing. All four programs will delay or halt BMP activities.

Pro: No increased costs to the state.

Cons: Programs will continue to rely on dated legacy systems incapable of providing an online level of service common in today's technology landscape (i.e. online payments, online complaints, etc.).

G. Implementation Plan

Beginning July 1, 2019, execute software implementation: hire new staff, onboard vendors, and baseline project planning artifacts. Identify incremental production release targets over the duration of the 18-month schedule and group all system requirements into a refined backlog of user stories to facilitate an Agile development approach. From July 2019 to December 2020, state and vendor staff will be engaging in an iterative approach that includes development, system testing, and end user testing. As characteristic of an Agile development approach, this process will require continuous participation of program decision makers to mitigate the risk of investing development resources in a solution that does not meet the vision of how program decision makers intended the system to function. The Department successfully used this approach on the CLER Project.

The new state IT staff will engage in knowledge transfer activities throughout the course of the project and by the end of the project phase will be able to take responsibility for select aspects of system implementation and general maintenance. During the maintenance and operations targeted to begin in early 2021, state IT staff will further expand their responsibilities as the state moves toward full responsibility of system maintenance.

Any additional funding requested related to the project and maintenance activities beyond 2019-20 will be requested through the annual budget process.

H. Supplemental Information

- Workload Analysis

I. Recommendation

Approve requested one-time funding of \$4,966,000 in 2019-20, position authority for 5 staff to allow AB, BCE, BPELSG, and BPPE to begin implementing their respective BMPs.

California Acupuncture Board
 Associate Governmental Program Analyst
 WORKLOAD 2019-20
 Business Modernization Program Project Resources

JOB TASKS	# Per Year	Hours Each	Hours Per Year
Administration Unit			
Board Member and Board Meeting Duties:			
Prepares agenda Board Meeting	4	40.00	160
Coordinates and prepares Board Meeting materials	4	4.00	16
Sets reservations and confirms meeting room, travel arrangements, web cast, teleconference, room set up etc.	4	25.00	100
Prepares and submits Board Member and Staff travel reimbursement	60	1.50	90
Assists Board Members and staff travel, per diem, orientation, travel logistics	60	1.50	90
Staff Training:			
Staff Training Liaison duties: track staff training paper work & mandatory trainings	36	1.00	36
Human Resources Liaison duties:			
Prepare, submit, and coordinate RPA packages to DCA Human Resources	5	20.00	100
Contracts and Purchasing:			
Coordinates contract bid solicitation with vendors & DCA Contract Unit	15	20.00	300
Coordinates Board purchases and accounting reconciliation	75	1.00	75
Total Administration Unit Tasks:			967
TOTAL HOURS -			967
Policy and Regulations Unit			
Legislative analysis and research	4	60.00	240
Drafting regulations, ISOR, and other documents for public hearing	4	40.00	160
Notes, minutes of Board Meetings	4	10.00	40
Preparation of regulation package for submission to the Office of Administrative Law	4	80.00	320
Meetings with Executive Management regarding agenda, regulations, legislation, policy	52	1.00	52
Conduct public hearings	4	3.00	12
Liaison with other DCA Boards and stakeholders	12	1.00	12
Respond to public comments	4	4.00	16
Prepare and present updates	4	8.00	32
Prepare recommendations for legislation	6	24.00	144
Monitor policies for adherence to legislation and regulation	7	1.00	7
Total Policy and Regulations Unit Tasks:			1,035
TOTAL HOURS -			1,035
Enforcement Unit			
Opening Complaints - Compile; review; acknowledge	50	1.50	75
Pending Complaints - Review and follow-up	22	2.00	45
Field Investigations - Enter into CAS; Monitor w/Inv; Review Inv. Report; Acknowledge; Enter into CAS; Close	20	3.00	59
Desk Investigations - Develop Plan; Issue Correspondence; Follow-up; Enter into CAS; Review file; Close	49	6.00	293
Closed Desk Investigations	43	0.50	22
Expert Opinions - Contact Expert; Write letter/materials; Review report; Process Invoice; Enter into CAS	5	1.50	8
Expert Contracts - Prepare task orders; Get signatures	5	0.50	3
Disciplinary Action Requests - Write up requests; Enter into CAS; Discuss with DAG	4	4.00	18
Pending Disciplinary Files	5	5.00	23
Accusation/SOI's Filed - Review document; Prepare decl. of serve; Enter into CAS	4	3.00	13
Disciplinary Actions Filed - Review document; Prepare decl. of serv.; Prepare cover letters; Enter into CAS	5	3.00	14
Mail Votes - Scan document; Prepare ballot & log; Prepare email; Track votes; Questions from Board members; Enter	5	1.00	5
Probations Opened - Telephonic Orientation; Create file; Create forms; Review order; Enter into CAS	2	2.50	8
Ongoing Monitored Probations - Discuss w/probationer; Travel; Check terms/conditions; Review Quarterly Reports; Close Probations	7	25.00	166
Citations Issued - Review file; Prepare citation; Track citation; Enter into CAS	2	1.00	2
Citation Appeals - Review appeal; Schedule conference; Assist w/conference; Determine action; Prepare Citation	17	3.00	51
Process and issue fines for payment	10	2.00	19
Desk Investigations - Develop Plan; Issue Correspondence; Follow-up; Enter into CAS; Review file; Close	17	0.50	9
Petitions for Penalty Relief - Review Petition; Determine scheduling; Correspondence; Schedule; Review decision;	14	0.50	7
Monitor FTB IIP costs	2	4.00	8
Report Actions to National Practitioners Data Bank	5	1.00	5
Acupuncture Board Website Updates	5	1.00	5
Reports - Board Report; Performance based measures, Ad hoc	12	1.00	12
Scope of practice inquiries	24	1.00	24
	200	0.50	100
Total Enforcement Unit Tasks:			986
TOTAL HOURS -			986
Licensing Unit - EDU			
Review and analyze new school applications for approval	7	20.00	140
Review and analyze continuing education (CE) courses for approval	500	0.50	250
CE provider application approval	135	0.50	68
CE provider audits	450	0.50	225
Tutorial program - review and analyze new tutorial applications	5	8.00	40
Review and analyze quarterly and annual reports	5	8.00	40
Develop Board Meeting reporting documents to be presented at Board Meetings	4	20.00	80
Attend Board Meeting - present reports	4	2.00	8
Respond to inquiries	222	0.15	33
Meet with Executive Officer and Board Management	52	1.00	52
Total Licensing Unit - EDU asks:			936
TOTAL HOURS -			936
OVERALL PROGRAM TOTAL			3,923
POSITION EQUIVALENT			2.21

Office of Information Services

Information Technology Specialist I

WORKLOAD 2019-20

Business Modernization Technical Project Resources - Project Phase

JOB TASKS	# Per Year	Hours Each	Hours Per Year
PM Artifact Compilation, Deliverable Processing, and Status Meetings			
Project Planning Document Review			
Project Governance Plan Review	4	4.00	16
Project Governance Plan Updates Documentation	4	2.00	8
Contract Management Plan Review	4	4.00	16
Contract Management Plan Updates Documentation	4	2.00	8
Schedule Management Plan Review	4	4.00	16
Schedule Management Plan Updates Documentation	4	2.00	8
Change Management Plan Review	4	4.00	16
Change Management Plan Updates Documentation	4	2.00	8
Requirements Management Plan Review	4	4.00	16
Requirements Management Plan Updates Documentation	4	2.00	8
Risk and Issue Management Plan Review	4	4.00	16
Risk and Issue Management Plan Updates Documentation	4	2.00	8
Test Management Plan Review	4	4.00	16
Test Management Plan Updates Documentation	4	2.00	8
Baseline Project Schedule Review	4	4.00	16
Baseline Project Schedule Updates Documentation	4	2.00	8
Baseline Project Requirements Review	4	16.00	64
Baseline Project Requirements Updates Documentation	4	2.00	8
Maintenance and Operations Plan Review	4	4.00	16
Maintenance and Operations Plan Updates Documentation	4	2.00	8
Training Plan Review	4	4.00	16
Training Plan Updates Documentation	4	2.00	8
Group Plan Review Overview Meetings Prep	10	1.00	10
Group Plan Review Overview Meetings	10	4.00	40
Total Project Planning Document Review Tasks:			362
Project Status Meetings			
Daily Cross Functional Team Daily Scrum Meeting	756	0.50	378
Weekly State Internal Status Meeting	156	1.00	156
Sprint Planning Meetings	24	8.00	192
Sprint Ceremony Meetings	24	8.00	192
Total Project Status Meeting Tasks:			918
Deliverables Processing			
Deliverable Submission Quality Control Review	50	0.50	25
Deliverable Reviewer Comment Compilation	50	4.00	200
Total Deliverables Processing Tasks:			225
TOTAL PM ARTIFACT COMPILATION, DELIVERABLES REVIEW AND STATUS MEETINGS:			1,505
Design Input, Development, Testing, and Training			
Design Input			
Input Requirements and User Stories into Requirement Tracking Tool	1	25	25
Participate in User Story Refinement Workshops	80	4	320
Review User Stories for Completeness and Traceability	1,000	0.5	500
Update Requirements Traceability Artifacts	24	8	192
Technical Review Sprint Development Package	24	8	192
Review Interface Design Documents	20	8	160
Review Escalated Design Decisions with Executive Decision Maker	50	1	50
Total Design Input:			1,439
Testing Planning			
Prepare for Script Planning Workshops	68	0.5	34
Participate in User Story Testing Script Planning Workshops	48	4	192
Draft User Story Testing Scripts	350	2.5	875
Participate in End to End Business Process Script Planning Workshops	20	6	120
Draft End to End Business Process Scripts	65	4	260
Testing Planning			1,481
Testing Execution			
System Testing User Story Script Execution	600	1	600
System Testing Clarification or Defect Documentation	200	1	200
End to End System Testing User Story Script Execution	75	2.5	188
End to End System Testing Clarification or Defect Documentation	38	1.5	57
Total Testing Execution			1,045
Training Documentation Input and Review			
Participate in Training Planning Meetings	24	2	48
Review Training Documentation	80	2	160
Total Training Documentation Input and Review			208
Design Input, Testing, and Training:			4,173
OVERALL TOTAL - OIS PROJECT RESOURCES			5,678
POSITION EQUIVALENT			3.20

FACILITIES BCP

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
 DF-46 (REV 08/17)

Fiscal Year 2019-20	Business Unit 1111	Department Consumer Affairs	Priority No. 1
Budget Request Name 1111-301-BCP-2019-A1		Program VARIOUS	Subprogram VARIOUS

Budget Request Description
 Budget Bill Language for Anticipated Facilities Costs

Budget Request Summary

The Department of Consumer Affairs (Department) requests Budget Bill language to augment, after notification to the Legislature, the Department's special fund appropriations in 2019-20 to address increased facilities costs related to active lease negotiations for various Department locations. Individual Boards and Bureaus may need additional expenditure authority for facility operation costs once lease agreements are finalized and the proposed language will allow the Department of Finance to augment the appropriations necessary to cover costs that exceed the existing budgets.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. Project Approval Document: Approval Date:

If proposal affects another department, does other department concur with proposal? Yes No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By Robert de los Reyes	Date 3/27/2019	Reviewed By Taylor Schick	Date 3/27/2019
Department Director Dean R. Grafilo	Date 3/28/2019	Agency Secretary Alexis Podesta	Date

Department of Finance Use Only

Additional Review: Capital Outlay ITCU FSCU OSAE CALSTARS Dept. of Technology

PPBA	Original Signed By: Tiffany Garcia	Date submitted to the Legislature 3/29/19
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Analysis of Problem

A. Budget Request Summary

The Department of Consumer Affairs (Department) requests Budget Bill language to augment, after notification to the Legislature, the Department's special fund appropriations in 2019-20 to address increased facilities costs related to active lease negotiations for various Department locations. Individual Boards and Bureaus may need additional expenditure authority for facility operation costs once lease agreements are finalized and the proposed language will allow the Department of Finance to augment the appropriations necessary to cover costs that exceed the existing budgets.

B. Background/History

The Department oversees 37 entities that regulate and license over 100 business types, 200 professional categories, and 3 million licenses in the state. Department entities include: boards (26), bureaus (8), a commission (1), a committee (1), and a program (1). Department entities protect the public by providing licensure and registration and enforcement oversight to various professions.

The Department has multiple facility locations in Sacramento with leases that are set to expire in 2019. Specifically:

- Sacramento, CA - Capital Oaks (2 leases) – Expires June 2019; September 2019
- Sacramento, CA - Evergreen – Expires March 2019
- Sacramento, CA - Del Paso – Expires April 2019

In anticipation of the lease agreement expiration, the Department has been working with its programs, in coordination with the Department of General Services (DGS), to negotiate lease extensions, office relocations, and address space configuration needs. New lease agreements are anticipated to result in increased facilities costs for the programs starting in 2019-20, which the programs may not be able to absorb based on the final negotiated lease agreement.

These locations house over 20 programs, many of which may be impacted once lease agreements are finalized:

- Acupuncture Board
- Board of Barbering and Cosmetology
- Board of Optometry
- Board of Professional Engineers
- Board of Vocational Nursing and Psychiatric Technicians
- Bureau of Security and Investigative Services
- California Architects Board
- California Athletic Commission
- California Board of Occupational Therapy
- California Board of Podiatric Medicine
- Court Reporters Board
- Dental Board of California
- Dental Hygiene Board
- Division of Investigation
- Medical Board of California
- Office of Professional Examination Services
- Physical Therapy Board of California
- Physician Assistant Committee
- Speech Language Pathology & Audiology & Hearing Aid Dispensers Board
- Structural Pest Control Board

C. State Level Considerations

The Department was established to protect consumer interests through licensing and regulation of specific professions, occupations, and businesses. The Department and its entities require a safe and professional workplace environment to properly regulate licensees and ensure public safety.

D. Justification

The Department has several locations that have expiring lease agreements which need to be renewed. Several programs have identified a need to reconfigure existing floor plans or relocate. As a result of the lease

Analysis of Problem

negotiations, it is anticipated that rent rates will increase and some programs may incur one-time reconfiguration expenses.

Since facility planning timelines and budget building timelines may not always align, Budget Bill language provides the flexibility for the Department to request additional appropriations based on fully executed leases. Once the leases are executed the Department will be able to provide final costs for rent and any other associated facilities costs necessary for occupation. As a result, programs can effectively adjust their budget based on the result of existing lease negotiation efforts. In addition, the Department of Finance and the Legislature will have the ability to review final lease documents and approve only the funding necessary to cover costs that cannot otherwise be absorbed.

Failure to approve the requested Budget Bill language likely will negatively impact the operations of the Department's programs in 2019-20.

E. Outcomes and Accountability

By requesting Budget Bill language, the programs will have the flexibility to address their facilities costs in 2019-20 based on executed lease agreements. Since lease negotiations are ongoing, this proposal will allow funding decisions to be based on final, signed lease agreements and any other associated facilities costs documentation provided as justification for the requests.

F. Analysis of All Feasible Alternatives

Alternative #1: Provide the Department with Budget Bill language to augment, after notification to the Legislature, various special fund appropriations in 2019-20 if facilities costs at various Department facilities exceed available appropriations in 2019-20.

Pro: Will provide flexibility to fully fund facilities costs in 2019-20, as appropriate.

Con: May increase costs to the state.

Alternative #2: Provide the Department a budget augmentation to fund projected increased facilities costs.

Pro: Will provide additional resources to help fund ongoing facilities costs.

Con: This request would be based on preliminary estimates which are subject to change based on an outcome of a lease negotiation.

Alternative #3: Do nothing, status quo.

Pro: No increased costs to the state.

Con: The Department's facility tenants will be required to redirect critical funding from their licensing and enforcement efforts to fully fund increased facilities costs.

G. Implementation Plan

Once final executed lease agreements are available, the Department, upon the availability of sufficient fund reserves will submit requests to the Department of Finance for funding based on the actual facilities costs, if facilities costs exceed the available appropriations in 2019-20.

H. Supplemental Information

See attached for proposed Budget Bill language.

I. Recommendation

Provide the Department with Budget Bill language to allow a budget augmentation of various special funds in 2019-20 to fund increased facilities costs at various Department facilities statewide if those costs exceed the available appropriations in 2019-20.

1111-402—It is recognized that various boards and bureaus within the Department of Consumer Affairs may incur increased facility costs in 2019-20 for various locations statewide that could have a fiscal impact beyond the amounts appropriated in their respective Budget Act items. Therefore, notwithstanding any other provision of law, upon the request of the Department of Consumer Affairs, the Department of Finance may augment the appropriations of various boards and bureaus within the Department of Consumer Affairs, after review of a request submitted by the Department of Consumer Affairs that demonstrates a need for additional resources for facilities costs based on executed lease contracts. Any augmentation shall be authorized not sooner than 30 days after notification in writing to the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may determine.

DCA-WIDE ADMIN BCP

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
 DF-46 (REV 08/17)

Fiscal Year 2019-20	Business Unit 1111	Department Department of Consumer Affairs	Priority No. 5
Budget Request Name 1111-005-BCP-2019-GB		Program 1425 – CONSUMER AFFAIRS ADMINISTRATION 1426 – DISTRIBUTED CONSUMER AFFAIRS ADMINISTRATION	Subprogram VARIOUS

Budget Request Description
 Consumer Affairs Administration Workload

Budget Request Summary

The Department of Consumer Affairs requests \$5.2 million in 2019-20 and 24.5 positions, \$4.5 million in 2020-21, \$3.6 million in 2021-22 and \$2.1 million ongoing to address increased workload in the Department's Business Services Office, Fiscal Operations Office, Office of Legal Affairs, Division of Investigation, Office of Human Resources, and the Office of Professional Examination Services. Of the amount requested, \$2.9 million is funded by DCA's Boards and Bureaus via prorata while costs for the Office of Examination Services and Division of Investigation is funded by Board and Bureau based on workload.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. Project Approval Document: Approval Date:

If proposal affects another department, does other department concur with proposal? Yes No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By	Date	Reviewed By	Date
Department Director	Date	Agency Secretary	Date

Department of Finance Use Only

Additional Review: Capital Outlay ITCU FSCU OSAE CALSTARS Dept. of Technology

PPBA	Original Signed By Tiffany Garcia	Date submitted to the Legislature 1-10-19
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LEGISLATION UPDATE



1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



DATE	May 24, 2019
TO	Board Members, Acupuncture Board
FROM	Kristine Brothers, Policy Coordinator
SUBJECT	Legislative Update for Agenda Item 6

Set out below is a list of legislative bills Acupuncture Board (Board) staff are tracking in the current 2019-20 legislative session.

- May 31 is the last day for each house to pass bills introduced in their house of origin.
- July 10, bills with a fiscal impact must be passed out of a policy committee.
- July 12, bills without a fiscal impact must be passed out of a policy committee.
- August 30, fiscal bills must be passed out of fiscal committees.
- September 13 at midnight is the last day for the Legislature to pass bills.
- October 13 is the last day for the Governor to sign or veto bills passed by the Legislature.

Each bill listed has the full text and latest legislative analysis as attachments. Below is a short introduction and analysis of the bill, staff comments, and staff recommendations. Please be advised the Board always has the option of not taking a position on a bill.

The 2019-20 legislative session is well under way, so there may be some minor or substantial amendments to bills that were previously discussed at the last Board meeting. In the case of a bill being drastically changed, the Board may want to update its position, so it can be communicated to the Legislature accordingly.

Generally, the following positions are taken:

- **Support** – Board supports the bill as of the last amended date as indicated and feels it should become law. Reasons for support of the bill should be stated in the motion, as well as a motion to delegate to the Executive Officer (EO) to work with the author if the amendments are in line with the Board's justification of support.
- **Support if amended** – Board supports the bill on the condition that amendments are made that the Board feels are necessary to become law. The necessary amendments should be stated in the motion.
- **Oppose** – Board opposes the bill and feels it should not become law. Reasons for opposition to the bill should be stated in the motion.

- **Oppose unless amended** – Board conditionally opposes the bill if and until amendments the Board feels are necessary are made by the author. The necessary amendments should be stated in the motion.
- **Neutral** – No position is taken, and the Legislature is not informed as to the Board’s position on the bill (unless directed by the Board to do so).
- **No position** – Board wishes to not declare a position.

If a position is adopted by the Board, a motion may be made as follows:

“Motion to take a [POSITION] position on [BILL NUMBER (AUTHOR)], as amended on [DATE], for the reasons discussed by members and staff and as reflected in the staff memo, and delegate authority to the EO to work with the author if the amendments are in line with the Board’s justification and direct the EO to inform the Legislature and the Author’s office of this position.”

Once the position is taken, staff will communicate the Board’s adopted position (except for a ‘watch’ or ‘no position’, as noted above) to the Legislature for each bill. The Board’s communication of its position will be noted in subsequent legislative analyses and may be taken into consideration by the Legislature.

1. Assembly Bill 193 (Patterson) – Professions and vocations

Status: First hearing canceled at the request of the author as of April 23, 2019.

Date as Amended: March 20, 2019

Summary: This bill would:

- Require the department to conduct a comprehensive review of all licensing requirements for each profession regulated by a board within the department and identify unnecessary licensing requirements, as defined by the bill.
- Require biannually each board within the department to submit to the department an assessment on the board’s progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information.
- Require the department to report to the Legislature biannually on the department’s progress, progress in conducting its review, and would require the department to issue a final report to the Legislature no later than January March 1, 2033.
- Require the biennial reports to the Legislature to include the assessment information submitted by each board to the department, to identify the professions reviewed, reviewed by the department, each unnecessary licensing requirement, and the department’s recommendations to the Legislature on whether to keep, modify, or eliminate the unnecessary licensing requirement.
- Require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

Current Board Position: **Oppose**

Comments: This bill was pulled by the author and has not moved forward in Committee past April 23, 2019. The bill did not make it out of the first house.

Staff Recommendation: None

2. Assembly Bill 544 (Brough) – Professions and vocations: inactive license fees and accrued and unpaid renewal fees

Status: In Committee and held under submission on May 16, 2019.

Date as Amended: March 21, 2019

Summary: This bill would:

- Limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license.
- Prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

Board's Current Position: No position

Comments: The intent of this bill is to reduce the barrier of reentry for someone with an inactive or expired license who may have stopped working to focus on raising children or dealing with an illness, or other life events.

As a special fund agency, the Board relies heavily on renewal fees to fund its licensing and enforcement functions. Licensees often choose to renew in inactive status because it allows them to waive the continuing education (CE) requirement and maintain their license without practicing in California.

While inactive licensees are exempt from the CE requirement, they are still required to pay their full renewal fees. This is due to the Board's continued jurisdiction over the license, which results in license maintenance and enforcement workload. Although inactive licensees may not practice in California, the Board still investigates complaints, arrests, convictions, and/or out of state disciplinary orders.

This bill would result in the Board losing approximately \$74,000 annually from the fees currently generated from inactive license renewals. In addition, when a licensee is expired on two renewal periods, the Board requires the licensee to pay the accrued renewal fees plus the accrued delinquency fees. The provision of the bill related to prohibiting the collection of accrued and unpaid renewal fees could result in an annual revenue loss of approximately \$7,000. Other Boards have made similar projections of revenue loss and have taken oppose positions.

Staff Recommendation: **Oppose**

Recommended Motion Language: I motion that the Acupuncture Board take an oppose position on AB 544 (Brough), as amended on March 21, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

3. Assembly Bill 613 (Low) – Professions and vocations: regulatory fees

Status: Working its way through committees in Senate.

Date as Introduced: February 14, 2019

Summary: This bill would:

- Allow each board within the Department, no more than once every four years, to increase any of its fees by an amount not to exceed the increase in the California Consumer Price Index (CPI) for the preceding four (4) years.

- Require that any CPI-based fee adjustment made by a Board receive approval from the Director of the Department, who shall approve the adjustment only if none of the following apply:

- a) The board has unencumbered funds in an amount that is equal to more than the board's operating budget for the next two fiscal years.

- b) The fee would exceed the reasonable regulatory costs to the board in administering the provisions for which the fee is authorized.

- c) The director determines that the fee increase would be injurious to the public health, safety, or welfare.

- Clarify that the fee adjustments allowed by the bill do not apply to administrative fines, civil penalties, or criminal penalties.

Current Board Position: Watch/Neutral

Comments: The purpose of this bill is to provide an ***additional mechanism*** for boards to adjust their regulatory fees as a means of sustaining fiscal health. The bill would allow for limited administrative adjustments, which would only be allowed once every four years and would be restricted to the increase in CPI calculated over the preceding four years. In addition to creating more fund stability for boards, the bill is intended to prevent licensees from being abruptly confronted with drastic increases in fees, particularly to the extent that part of those increases are based entirely on the steady change in the value of a dollar over time.

Notwithstanding this bill, boards would still be required to seek a fee adjustment through statute or regulations for any increase exceeding a four-year CPI change calculation. Nothing in the bill is intended to prevent boards from pursuing these standard methods of adjusting fees. The bill, as drafted, is limited to addressing fee adjustments made purely based on inflationary considerations.

Staff Recommendation: **Support** where this bill would provide an additional tool for Boards to make modest administrative fee adjustments that does not require legislation or going through the full Administrative Procedure Act, while not preventing the Board from pursuing standard legislative and regulatory methods for adjusting fees.

Recommended Motion Language: I motion that the Acupuncture Board take a support position on AB 613 (Low), as amended on February 14, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

4. Assembly Bill 778 (Low) – Acupuncture: continuing education

Status: In Senate. Referred to Committee on Business, Professions and Economic Development as of May 8, 2019.

Date as Introduced: February 19, 2019

Summary: This bill would:

- Require the Board to establish, by regulation, a procedure for identifying acceptable providers of continuing education courses

- Require all providers of continuing education to comply with the procedures established by the Board.

- Authorize the Board to revoke or deny the right of a provider to offer continuing education coursework for failure to comply with specified provisions of law.

Current Board Position: Support

Comments: The bill is intended to strengthen the Board's enforcement over approved continuing education (CE) courses and CE providers. The Board already has procedures in place for CE providers to comply with through regulation; however, this bill authorizes the Board to promulgate additional procedures through regulation.

Currently, the Board has authority to issue citations and fines for any non-compliance with the CE regulations. This bill would allow the Board to revoke or deny the right of a provider to offer CE coursework for non-compliance. This bill would strengthen its public protection over CE providers.

Staff Recommendation: None

5. Assembly Bill 779 (Low) – Acupuncture: place of practice: wall license

Status:

Read first time in Senate on May 16, 2019. To Committee on Rules for assignment.

Date as Amended: April 25, 2019

Summary: This bill would:

- Require a licensee to apply to the Board to obtain a wall license, as defined, for each place of practice as defined, and maintained by the licensee.
- Require a licensee to post an active and valid wall license at each place of practice.
- Exempt a licensee who performs acupuncture treatments at a patient's residence from the wall license posting requirement.
- Require a licensee practicing acupuncture at any location to provide a prescribed notice to each patient.
- Require a licensee to renew a wall license biennially, as specified.
- Provide that a wall license is nontransferable and any change to a registered location in connection with a wall license requires a new wall license and the former wall license returned to the Board with a request for cancellation.
- Set a separate \$15 fee for a wall license, duplicate wall license, and wall license renewal.
- Provide that a licensee assumes legal responsibility and liability for the acupuncture and Asian massage services rendered in each place of practice maintained by the acupuncturist.

Current Board Position: Support

Comments: Staff recommends the Board take another support position on this bill since there have been substantial amendments since the last Board meeting. The amended bill is very beneficial for enforcement in terms of having more transparency with all licensees' practice locations. Requiring renewal of each wall license connected to a place of practice allows for greater accountability and better tracking, which is an increase to public protection.

The Board currently has a strategic plan item related to seeking inspection authority. Having greater tracking and regulation over licensees' places of practice fits with the strategic plan item and furthers accessibility to these practice locations. The projected expenditures related to this bill are expected to be minor and absorbable within existing resources.

Staff Recommendation: Support

Recommended Motion Language: I motion that the Acupuncture Board take a support position on AB 779 (Low), as amended on April 25, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

6. Assembly Bill 888 (Low) – Opioid prescriptions: information: nonpharmacological treatments for pain

Status: Working its way through committees in Senate.

Date as Amended: April 11, 2019

Summary: This bill would:

- Extend existing requirements related to minors such that prescribers, with certain exceptions, before directly dispensing or issuing to a patient the first prescription for a controlled substance containing an opioid in a single course of treatment, to discuss the risks of opioids and the availability of nonpharmacological treatments for pain, including, but not limited to, acupuncture, chiropractic care, physical therapy, occupational therapy, and licensed mental health provider services.
- Remove an exception to the requirement for the prescriber in the case of a patient who is being treated for a diagnosis of chronic intractable pain, as specified, and would instead make an exception in the case of a patient who is currently receiving hospice care.
- Require the prescriber, after discussing the information, to offer, as deemed appropriate by the prescriber, a referral for a provider of nonpharmacological treatments for pain, and to obtain informed written consent from the patient, a minor patient's parent or guardian, or another authorized adult, as specified.
- Make legislative findings and declarations relating to addiction associated with overreliance on prescription medication for pain management, and providing that nonpharmacological treatments for pain should be considered during the next update to the state's essential health benefits benchmark plan.

Board's Current Position: No Position

Comments: This bill is in response to the Legislature's declaration that an opioid crisis exists within California. Urgent discussion has been prompted regarding the risks of addiction associated with overreliance on prescription medication for pain management.

Research indicates that, for many patients, nonpharmacological therapies can be equally or more effective for treating pain, without the risks of addiction or overdose associated with pharmaceutical painkillers. This bill increases the awareness and access to nonpharmacological treatments such as acupuncture.

This bill would spread awareness to consumers of acupuncture's availability and benefits. It would also expand medical doctor's referrals and acupuncture's relevancy in the medical industry. Staff estimates no fiscal impact related to the changes of this bill.

Staff Recommendation: None

7. Assembly Bill 1076 (Ting) – Criminal Records: automatic relief.

Status: Read second time and ordered to third reading on May 20, 2019.

Date as Amended: May 16, 2019

Summary: Existing law authorizes a person who was arrested and has successfully completed specified programs, and a person who has suffered an arrest that did not result in a conviction, under certain conditions, to petition the court to seal the person's arrest record. Existing law authorizes a defendant to petition to withdraw the defendant's plea of guilty or nolo contendere and enter a plea of not guilty, if specified conditions are met. If relief is granted, existing law requires the court to dismiss the accusation or information against the defendant and release the defendant from all penalties and disabilities resulting from the offense, with exceptions. Existing law also authorizes a defendant to file a similar petition if the defendant was convicted of a misdemeanor and not granted probation, was convicted of an infraction, or completed a sentence for certain felonies, and the defendant met specified conditions.

This bill would:

- Require the Department of Justice (DOJ), on a weekly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure. The bill would require the department to grant relief to an eligible person, without requiring a petition or motion. The bill would not limit petitions, motions, or orders for relief, as required or authorized by any other law.
- The bill would require an update to the state summary criminal history information to document the relief granted. The bill would require the department, on a weekly basis, to electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. The bill would prohibit the court from disclosing information concerning an arrest or conviction granted relief, with exceptions.
- The bill would authorize the prosecuting attorney to file a motion to prohibit the department from granting automatic relief for criminal conviction records as described above. If the court grants that motion, the bill would prohibit the department from granting relief, but the person would continue to be eligible for relief through other existing procedures, including petitions to the court.
- The bill would require the Department of Justice to annually publish statistics regarding relief granted pursuant to the provisions of this bill, as specified.
- The bill would require a court, at the time of sentencing, to advise each defendant of their right to conviction relief pursuant to the provisions of this bill, as specified.
- Among other things, this bill does not relieve a person of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for licensure by any state or local agency.

Board's Current Position: No position

Comments: The intent of this bill is to reduce housing and employment barriers and use available technology to clear arrest and criminal records for individuals already eligible

for relief, and to reduce recidivism for those who are unable to find steady employment due to the difficulty of getting a job with a criminal record.

Currently, it is difficult to ascertain how many license applicants the Board has evaluated who meet the criteria set by the courts to have a plea overturned or an arrest record sealed. Additionally, if someone applying for an acupuncture license went through the petition process currently in place, the Board could be uninformed regarding the applicant's prior criminal or arrest record.

It is concerning the Board would not have access to a licensee's criminal record if the applicant's record was expunged through this automated process. This bill does not promote public protection to the extent it reduces the Board's access to information about criminal convictions and impacts the Board's ability to exercise its discretion to deny, discipline, or revoke a license based on an applicant's criminal history.

The DOJ estimates this bill would have a significant fiscal impact on its operations and budget. As a result, the Board's DOJ costs could also increase.

Staff Recommendation: None

8. Assembly Bill 1245 (Low) – Political Reform Act of 1974: contribution prohibitions

Status: In Committee on April 25, 2019 and first hearing set without recommendation.

Date as Amended: April 9, 2019

Summary/Comments: This bill was significantly amended on April 9, 2019 and no longer relates to acupuncture or the Department.

Board's Current Position: **Support**

Staff Recommendation: Changing the previous support position to a **no position**.

Recommended Motion Language: I motion that the Acupuncture Board change its previous support position to no position on AB 1245 (Low), as amended on April 9, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this change in position.

9. Senate Bill 53 (Wilk) – Open meetings

Status: Referred to Committee on Government Operations on May 6, 2019.

Date as Amended: March 5, 2019

Summary: This bill modifies the Bagley-Keen Open Meeting Act and makes changes to the definition of a "state body."

This bill would:

- Require two-member advisory committees of a "state body" to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body, and the advisory committee is supported, in whole or in part, by state funds.

Board's Current Position: No position

Comments: In 2014 and 2015, Governor Jerry Brown vetoed similar measures. Brown's veto message indicated that any meeting involving formal action by a state body should be open to the public. An advisory committee, however, does not have authority to act

on its own and must present any findings and recommendations to a larger body in a public setting for formal action, which should be sufficient to ensure transparency.

The purpose of the bill is to provide more transparency to state government and eliminate ambiguity to its definition of which state bodies are subject to Bagley-Keene. The bill is also closing a loop-hole in which the author states some two-member advisory committees are taking advantage of current law and are in fact a “state body.”

Advisory committees do not take any formal action and can only make recommendations to the Board. Further, advisory committee materials and discussion go before the Board during open meetings, and advisory committee chairs report on their respective proceedings to the full Board at a public meeting.

The provisions of this bill would be very burdensome, creating unnecessary processes when trying to further Board business without improving transparency. Advisory committees streamline the research and discussion of policy issues. If this bill becomes law, communications between any two Board members conducting official Board business via advisory committee meetings would be subject to the Bagley-Keene Open Meeting Act. Such a requirement would slow down Board business.

Additionally, staff anticipates significant costs associated with this bill in paying for more travel, meeting spaces, and other logistics to hold more public meetings. Other boards have taken oppose positions on this bill based on similar concerns.

Staff Recommendation: Oppose

Recommended Motion Language: I motion that the Acupuncture Board take an oppose position on SB 53 (Wilk), as amended on March 5, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author’s office of this position.

10. Senate Bill 425 (Hill) – Health care practitioners: licensee’s file: probationary physician’s and surgeon’s certificate: unprofessional conduct

Status:

Read second time, amended, and ordered to third reading on May 21, 2019.

Date as Amended: May 21, 2019

Summary: This bill would:

- Amend Business and Professions Code section 800, subdivision (c)(1) to delete the specification that the summary of a licensee’s central file be “comprehensive” when provided to a licensee when the source is being protected.
- Add Business and Professions Code section 805.8, requiring any defined health care facility or other defined entity to report any allegation of sexual abuse or sexual misconduct, as defined, made against a healing arts licensee by a patient, if the patient makes the allegation in writing, to the relevant state licensing agency within 15 days of receiving the written allegation.
 - Require the relevant agency to investigate the circumstances underlying the received report.
 - Make a willful failure to file the report by a health care facility or other entity punishable by a civil fine not to exceed \$100,000 per violation and any other reporting failure punishable by a civil fine not to exceed \$50,000 per violation, as specified.

- Allows the fine to be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the licensee regarding whom the report was or should have been filed.
- Provide that any willful failure to file a report constitutes unprofessional conduct by the licensee.
- Prohibit a person, including an employee or individual contracted or subcontracted to provide health care services, a health care facility or other entity from incurring civil or criminal liability as a result of making a report.
- Make additional changes impacting the Medical Practice Act.

Board's Current Position: Watch/Neutral

Comments: As of last fiscal year, sexual misconduct cases made up approximately 5% of the Board's total complaints received. The amount of sexual misconduct cases would increase based on the changes of SB 425, but the exact increase in volume is unknown at this time. Additionally, if the Board learns of any non-compliance with the reporting requirements, that could increase complaint volume as well.

At this time, judging from the low volume of current sexual misconduct cases the Board receives per year, its estimated volume should not increase to a level warranting additional enforcement staff. The fiscal impact of SB 425 is projected to be minor and absorbable within existing resources at this time. If actual workload is greater than projected, the Board may be required to request additional resources through the annual process.

This is a noteworthy bill that provides for more public protection. Previously, when the Board was brought this bill, staff had some concerns related to enforcement costs and jurisdiction over unlicensed health care facilities. These concerns have either been addressed by the amendments or have been reconsidered. Therefore, staff recommends the Board consider taking a new position on the bill.

Staff Recommendation: Revisit and/or Support Specified Provisions such as the amendment to Business and Professions Code section 800, subdivision (c)(1) to strike the word "comprehensive" in front of summary.

Recommended Motion Language: I motion that the Acupuncture Board take a [POSITION] position on SB 425 (Hill), as amended on May 21, 2019, for the reasons discussed by members and staff and as reflected in the staff memo and direct the EO to inform the Legislature and the Author's office of this position.

11. Senate Bill 601 (Morrell) – State agencies: licenses: fee waiver

Status: In Assembly, read first time, and held at desk on May 16, 2019.

Date as Amended: March 28, 2019

Summary: This bill would:

- Add Government Code section 11009.5, authorizing any state agency that issues any business license (including but not limited to a certificate, registration, or other document required to engage in business) to reduce or waive any required fees for licensure, renewal of licensure, or the replacement of a license for display if a person or business establishes to the satisfaction of the state agency that the person has been displaced or affected by a declared federal emergency or proclaimed state emergency, as defined, within one year of the incident.

Board's Current Position: No position

Comments: This bill would authorize, but not require, the Board to alleviate a licensee from renewal and other licensing fees in the state of an emergency.

The fiscal effect of this bill is unknown. If the Board decides to waive or reduce fees for any licensee affected by a state or federal emergency, staff's biggest concern is the potential for a significant loss in Board revenue if a qualifying emergency is declared in an area where there is a high number of licensed acupuncturists.

The concern and uncertainty related to revenue loss may be ameliorated; however, if the proposed statute is amended to clearly authorize boards to enact regulations to establish a process and criteria for evaluating applications for fee waivers and reductions and the further authority to identify the types of fee waivers and reductions the Board is willing to permit.

With statutory and regulatory authority to establish a process and criteria to evaluate applications as well as the authority to establish limits on the types of waivers and reductions that may be approved, staff estimates the impact of this bill would be minor and absorbable within existing resources.

Staff Recommendation: None

AB 193

AMENDED IN ASSEMBLY MARCH 20, 2019

AMENDED IN ASSEMBLY MARCH 5, 2019

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

ASSEMBLY BILL

No. 193

Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Choi, Gallagher, Lackey, Melendez,
and Voepel)

(Coauthors: Senators Bates, Morrell, and Nielsen)

January 10, 2019

An act to amend Sections 7316, 19011, 19017, 19051, 19059.5, 19060.6, and 19170 of, to add and repeal Section 101.5 of, and to repeal Sections 19010.1 and 19052 of, the Business and Professions Code, and to amend Section 110371 of the Health and Safety Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 193, as amended, Patterson. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated.

This bill would require the department, beginning on January 1, 2021, to conduct a comprehensive review of all licensing requirements for each profession regulated by a board within the department and identify unnecessary licensing requirements, as defined by the bill. *The bill, beginning February 1, 2021, and every 2 years thereafter, would require each board within the department to submit to the department an*

assessment on the board's progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information. The bill would require the department to report to the Legislature on ~~January~~ March 1, 2023, and every 2 years thereafter, on the department's ~~progress,~~ *progress in conducting its review,* and would require the department to issue a final report to the Legislature no later than ~~January~~ March 1, 2033. The bill would require the biennial reports *to the Legislature to include the assessment information submitted by each board to the department,* to identify the professions ~~reviewed,~~ *reviewed by the department,* each unnecessary licensing requirement, and the department's recommendations to the Legislature on whether to keep, modify, or eliminate the unnecessary licensing requirement. The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

(2) Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of cosmetology by the State Board of Barbering and Cosmetology in the department and defines the practice of both barbering and cosmetology to include shampooing the hair of any person. The act also specifies that, within the practice of cosmetology, there is the specialty branch of skin care, which includes applying makeup.

This bill would delete shampooing another person from the practice of barbering and cosmetology, and would delete the act of applying makeup on another person from the specialty practice of skin care. The bill would require a person who does not hold a barbering or cosmetology license to disclose that fact before the unlicensed person applies makeup to or shampoos the hair of another person.

(3) Existing law provides for the regulation of custom upholsterers by the Bureau of Household Goods and Services in the department, and requires every custom upholsterer to hold a custom upholsterer's license.

This bill would delete those provisions requiring licensure of custom upholsterers.

~~(4) The bill would make conforming and other nonsubstantive changes.~~

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Many entities, including the Federal Trade Commission, the
4 United States Department of Labor, and the Milton Marks “Little
5 Hoover” Commission on California State Government Organization
6 and Economy, have acknowledged the unnecessary burdens that
7 occupational licensing places on otherwise qualified workers.

8 (b) Unnecessary licensing increases costs for consumers and
9 restricts opportunities for workers.

10 (c) Researchers show that occupational licensing restrictions
11 can result in almost three million fewer jobs and a cost of over
12 \$200,000,000,000 to consumers.

13 (d) The Institute for Justice estimates that burdensome licensing
14 in California results in a loss of 195,917 jobs and \$22,000,000,000
15 in misallocated resources.

16 (e) California is the most broadly and onerously licensed state
17 in the nation and has been identified as the nation’s worst licensing
18 environment for workers in lower-income occupations.

19 (f) Licensing is also believed to disproportionately affect
20 minorities and exacerbate income inequality.

21 SEC. 2. Section 101.5 is added to the Business and Professions
22 Code, to read:

23 101.5. (a) The department shall apply for federal funds that
24 have been made available specifically for the purposes of
25 reviewing, updating, and eliminating overly burdensome licensing
26 requirements.

27 (b) Beginning on January 1, 2021, the department shall conduct
28 a comprehensive review of all licensing requirements for each
29 profession and shall identify unnecessary licensing requirements.
30 The department shall conduct the review whether or not the state
31 receives federal funds pursuant to subdivision (a).

32 (c) (1) *Beginning on February 1, 2021, and every two years*
33 *thereafter, each board identified in Section 101 shall submit to the*
34 *department an assessment on the board’s progress in implementing*
35 *policies to facilitate licensure portability for active duty service*
36 *members, veterans, and military spouses. The assessment shall*
37 *include the following information:*

1 (A) *The number of active duty service members, veterans, and*
2 *military spouses who applied for licensure for each of the previous*
3 *two calendar years.*

4 (B) *The board’s process for expediting applications for active*
5 *duty service members, veterans, and military spouses, the average*
6 *processing time for an expedited application, and the number of*
7 *expedited application requests received in each of the previous*
8 *two calendar years.*

9 (C) *The number of applications for waived renewal fees*
10 *submitted by active duty service members in each of the previous*
11 *two calendar years.*

12 (D) *If the board issues temporary licenses pursuant to Section*
13 *115.6, the duration of, and requirements for obtaining, the*
14 *temporary license.*

15 (E) *Whether an applicant may apply, and the requirements, for*
16 *licensure by endorsement.*

17 (F) *A list of the states with which the board maintains*
18 *reciprocity agreements, if any.*

19 (2) *The department shall submit the information received*
20 *pursuant to paragraph (1) as part of the report required to be*
21 *submitted to the Legislature pursuant to subdivision (d).*

22 (e)

23 (d) *The department shall report to the Legislature on ~~January~~*
24 *March 1, 2023, and every two years thereafter until the department*
25 *has completed its review, on the department’s progress in*
26 *conducting the review. The department shall issue a final report*
27 *to the Legislature no later than ~~January~~ March 1, 2033. Each*
28 *biennial report shall be organized by board and shall include all*
29 *of the following:*

30 (1) *The professions reviewed by the department in the preceding*
31 *two years.*

32 (2) *Unnecessary licensing requirements identified by the*
33 *department for each profession reviewed.*

34 (3) *For each unnecessary licensing requirement, the department’s*
35 *recommendation to the Legislature to keep, modify, or eliminate*
36 *the unnecessary licensing requirement.*

37 (4) *For each unnecessary licensing requirement that the*
38 *department recommends to keep, facts supporting the department’s*
39 *recommendation.*

1 (5) *The information submitted to the department pursuant to*
2 *paragraph (2) of subdivision (c).*

3 ~~(d)~~

4 (e) The department may use national licensing standards, where
5 applicable, as a baseline for evaluating the necessity of licensing
6 requirements.

7 ~~(e)~~

8 (f) For purposes of this section, the following definitions apply:

9 (1) *“Military spouse” means a person who is married to, or in*
10 *a domestic partnership or other legal union with, an active duty*
11 *member of the Armed Forces of the United States who is assigned*
12 *to a duty station in this state under official active duty military*
13 *orders.*

14 ~~(1)~~

15 (2) *“Profession” means a profession or vocation regulated by a*
16 *board identified in Section 101.*

17 ~~(2)~~

18 (3) *“Unnecessary licensing requirement” means a licensing*
19 *requirement that does not satisfy either of the following criteria:*

20 (A) *Protects the health and safety of the public or a licensee.*

21 (B) *Satisfies a national licensing or certification requirement.*

22 ~~(f)~~

23 (g) A report to be submitted pursuant to subdivision ~~(e)~~ (d) shall
24 be submitted in compliance with Section 9795 of the Government
25 Code.

26 ~~(g)~~

27 (h) Notwithstanding Section 10231.5 of the Government Code,
28 this section is repealed on January 1, 2034.

29 SEC. 3. Section 7316 of the Business and Professions Code is
30 amended to read:

31 7316. (a) The practice of barbering is all or any combination
32 of the following practices:

33 (1) Shaving or trimming the beard or cutting the hair.

34 (2) Giving facial and scalp massages or treatments with oils,
35 creams, lotions, or other preparations either by hand or mechanical
36 appliances.

37 (3) Singeing, arranging, dressing, curling, waving, chemical
38 waving, hair relaxing, or dyeing the hair or applying hair tonics.

39 (4) Applying cosmetic preparations, antiseptics, powders, oils,
40 clays, or lotions to scalp, face, or neck.

- 1 (5) Hairstyling of all textures of hair by standard methods that
2 are current at the time of the hairstyling.
- 3 (b) The practice of cosmetology is all or any combination of
4 the following practices:
- 5 (1) Arranging, dressing, curling, waving, machineless permanent
6 waving, permanent waving, cleansing, cutting, relaxing, singeing,
7 bleaching, tinting, coloring, straightening, dyeing, applying hair
8 tonics to, beautifying, or otherwise treating by any means, the hair
9 of any person.
- 10 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
11 arms, or upper part of the human body, by means of the hands,
12 devices, ~~apparatus~~ *apparatus*, or appliances, with or without the
13 use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- 14 (3) Beautifying the face, neck, arms, or upper part of the human
15 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
16 or creams.
- 17 (4) Removing superfluous hair from the body of any person by
18 the use of depilatories or by the use of tweezers, chemicals, or
19 preparations or by the use of devices or appliances of any kind or
20 description, except by the use of light waves, commonly known
21 as rays.
- 22 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
23 or manicuring the nails of any person.
- 24 (6) Massaging, cleansing, treating, or beautifying the hands or
25 feet of any person.
- 26 (c) Within the practice of cosmetology there exist the specialty
27 branches of skin care and nail care.
- 28 (1) Skin care is any one or more of the following practices:
- 29 (A) Giving facials, giving skin care, removing superfluous hair
30 from the body of any person by the use of depilatories, ~~tweezers~~
31 *tweezers*, or waxing, or applying eyelashes to any person.
- 32 (B) Beautifying the face, neck, arms, or upper part of the human
33 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
34 or creams.
- 35 (C) Massaging, cleaning, or stimulating the face, neck, arms,
36 or upper part of the human body, by means of the hands, devices,
37 apparatus, or appliances, with the use of cosmetic preparations,
38 antiseptics, tonics, lotions, or creams.
- 39 (2) Nail care is the practice of cutting, trimming, polishing,
40 coloring, tinting, cleansing, manicuring, or pedicuring the nails of

1 any person or massaging, cleansing, or beautifying from the elbow
2 to the fingertips or the knee to the toes of any person.

3 (d) The practice of barbering and the practice of cosmetology
4 do not include any of the following:

5 (1) The mere sale, fitting, or styling of wigs or hairpieces.

6 (2) Natural hair braiding. Natural hair braiding is a service that
7 results in tension on hair strands or roots by twisting, wrapping,
8 weaving, extending, locking, or braiding by hand or mechanical
9 device, provided that the service does not include haircutting or
10 the application of dyes, reactive chemicals, or other preparations
11 to alter the color of the hair or to straighten, curl, or alter the
12 structure of the hair.

13 (3) Threading. Threading is a technique that results in removing
14 hair by twisting thread around unwanted hair and pulling it from
15 the skin and the incidental trimming of eyebrow hair.

16 (4) Shampooing hair. However, before a person who does not
17 hold a barbering or cosmetology license shampoos the hair of
18 another person, the unlicensed person shall disclose verbally or in
19 writing to the other person that they do not hold a barbering or
20 cosmetology license.

21 (5) Applying makeup. However, before a person who does not
22 hold a barbering or cosmetology license applies makeup to another
23 person, the unlicensed person shall disclose verbally or in writing
24 to the other person that they do not hold a barbering or cosmetology
25 license.

26 (e) Notwithstanding paragraph (2) of subdivision (d), a person
27 who engages in natural hairstyling, which is defined as the
28 provision of natural hair braiding services together with any of the
29 services or procedures defined within the regulated practices of
30 barbering or cosmetology, is subject to regulation pursuant to this
31 chapter and shall obtain and maintain a barbering or cosmetology
32 license as applicable to the services respectively offered or
33 performed.

34 (f) Electrolysis is the practice of removing hair from, or
35 destroying hair on, the human body by the use of an electric needle
36 only.

37 “Electrolysis” as used in this chapter includes electrolysis or
38 thermolysis.

39 SEC. 4. Section 19010.1 of the Business and Professions Code
40 is repealed.

1 SEC. 5. Section 19011 of the Business and Professions Code
2 is amended to read:

3 19011. “Manufacturer” means a person who, either by
4 themselves or through employees or agents, makes any article of
5 upholstered furniture or bedding in whole or in part, using either
6 new or secondhand material.

7 SEC. 6. Section 19017 of the Business and Professions Code
8 is amended to read:

9 19017. “Owner’s material” means any article or material
10 belonging to a person for their own, or their tenant’s use, that is
11 sent to any manufacturer or bedding renovator or used in repairing
12 or renovating.

13 SEC. 7. Section 19051 of the Business and Professions Code
14 is amended to read:

15 19051. Every upholstered-furniture retailer, unless the person
16 holds an importer’s license, a furniture and bedding manufacturer’s
17 license, a wholesale furniture and bedding dealer’s license, or a
18 retail furniture and bedding dealer’s license, shall hold a retail
19 furniture dealer’s license.

20 (a) This section does not apply to a person whose sole business
21 is designing and specifying for interior spaces, and who purchases
22 specific amenable upholstered furniture items on behalf of a client,
23 provided that the furniture is purchased from an appropriately
24 licensed importer, wholesaler, or retailer. This section does not
25 apply to a person who sells “used” and “antique” furniture as
26 defined in Sections 19008.1 and 19008.2.

27 (b) This section does not apply to a person who is licensed as
28 a home medical device retail facility by the State Department of
29 Health Services, provided that the furniture is purchased from an
30 appropriately licensed importer, wholesaler, or retailer.

31 SEC. 8. Section 19052 of the Business and Professions Code
32 is repealed.

33 SEC. 9. Section 19059.5 of the Business and Professions Code
34 is amended to read:

35 19059.5. Every sanitizer shall hold a sanitizer’s license unless
36 the person is licensed as a home medical device retail facility by
37 the State Department of Health Services or as an upholstered
38 furniture and bedding manufacturer, retail furniture and bedding
39 dealer, or retail bedding dealer.

1 SEC. 10. Section 19060.6 of the Business and Professions
2 Code is amended to read:

3 19060.6. Every person who, on their own account, advertises,
4 solicits, or contracts to manufacture upholstered furniture or
5 bedding, and who either does the work themselves or has others
6 do it, shall obtain the particular license required by this chapter
7 for the particular type of work that the person solicits or advertises
8 that the person will do, regardless of whether the person has a shop
9 or factory.

10 SEC. 11. Section 19170 of the Business and Professions Code
11 is amended to read:

12 19170. (a) The fee imposed for the issuance and for the
13 biennial renewal of each license granted under this chapter shall
14 be set by the chief, with the approval of the director, at a sum not
15 more nor less than that shown in the following table:

	Maximum	Minimum
	fee	fee
19 Importer’s license	\$940	\$120
20 Furniture and bedding manufacturer’s		
21 license	940	120
22 Wholesale furniture and bedding		
23 dealer’s license	675	120
24 Supply dealer’s license	675	120
25		
26 Sanitizer’s license	450	80
27 Retail furniture and bedding dealer’s license	300	40
28 Retail furniture dealer’s license	150	20
29 Retail bedding dealer’s license	150	20
30		

31 (b) Individuals who, in their own homes and without the
32 employment of any other person, make, sell, advertise, or contract
33 to make pillows, quilts, quilted pads, or comforters are exempt
34 from the fee requirements imposed by subdivision (a). However,
35 these individuals shall comply with all other provisions of this
36 chapter.

37 (c) Retailers who only sell “used” and “antique” furniture as
38 defined in Sections 19008.1 and 19008.2 are exempt from the fee
39 requirements imposed by subdivision (a). Those retailers are also
40 exempt from the other provisions of this chapter.

1 (d) A person who makes, sells, or advertises upholstered
2 furniture and bedding as defined in Sections 19006 and 19007,
3 and who also makes, sells, or advertises furniture used exclusively
4 for the purpose of physical fitness and exercise, shall comply with
5 the fee requirements imposed by subdivision (a).

6 (e) A person who has paid the required fee and who is licensed
7 as an upholstered furniture and bedding manufacturer under this
8 chapter shall not be required to additionally pay the fee for a
9 sanitizer’s license.

10 ~~SEC. 12. Section 110371 of the Health and Safety Code is~~
11 ~~amended to read:~~

12 ~~110371. (a) A professional cosmetic manufactured on or after~~
13 ~~July 1, 2020, for sale in this state shall have a label affixed on the~~
14 ~~container that satisfies all of the labeling requirements for any~~
15 ~~other cosmetic pursuant to the Federal Food, Drug, and Cosmetic~~
16 ~~Act (21 U.S.C. Sec. 301, et seq.), and the federal Fair Packaging~~
17 ~~and Labeling Act (15 U.S.C. Sec. 1451, et seq.):~~

18 ~~(b) The following definitions shall apply to this section:~~

19 ~~(1) “Ingredient” has the same meaning as in Section 111791.5.~~

20 ~~(2) “Professional” means a person that has been granted a license~~
21 ~~by the State Board of Barbering and Cosmetology to practice in~~
22 ~~the field of cosmetology, barbering, or esthetics.~~

23 ~~(3) “Professional cosmetic” means a cosmetic product as it is~~
24 ~~defined in Section 109900 that is intended or marketed to be used~~
25 ~~only by a professional on account of a specific ingredient, increased~~
26 ~~concentration of an ingredient, or other quality that requires safe~~
27 ~~handling, or is otherwise used by a professional.~~

AB 544

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 544

Introduced by Assembly Member Brough

February 13, 2019

~~An act to amend Section 4073 of the Business and Professions Code, relating to healing arts.~~ *An act to amend Sections 121.5, 462, 703, 1006.5, 1718, 1718.3, 1936, 2427, 2456.3, 2535.2, 2538.54, 2646, 2734, 2892.1, 2984, 3147, 3147.7, 3524, 3774, 3775.5, 4545, 4843.5, 4901, 4966, 4989.36, 4999.104, 5070.6, 5600.2, 5680.1, 6796, 6980.28, 7076.5, 7417, 7672.8, 7725.2, 7729.1, 7881, 7883, 8024.7, 8802, 9832, 9832.5, 9884.5, 19170.5, and 19290 of the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 544, as amended, Brough. ~~Prescriptions.~~ *Professions and vocations: inactive license fees and accrued and unpaid renewal fees.*

Existing law provides for the licensure and regulation of professions and vocations by various boards within the Department of Consumer Affairs. Existing law provides for the payment of a fee for the renewal of certain licenses, certificates, or permits in an inactive status, and, for certain licenses, certificates, and permits that have expired, requires the payment of all accrued fees as a condition of reinstatement of the license, certificate, or permit.

This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

~~The Pharmacy Law provides for the licensure and regulation of pharmacists and pharmacies by the California State Board of Pharmacy, which is within the Department of Consumer Affairs, and authorizes a pharmacist filling a prescription order for a drug product prescribed by its brand or trade name to select another drug product with the same active chemical ingredients of the same strength, quantity, and dosage form, and of the same generic drug name of those drug products having the same active chemical ingredients, as specified.~~

~~This bill would make a nonsubstantive change to that provision.~~

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

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

1 SECTION 1. Section 121.5 of the Business and Professions
2 Code is amended to read:

3 121.5. (a) Except as otherwise provided in this code, the
4 application of delinquency fees ~~or accrued and unpaid renewal~~
5 fees for the renewal of expired licenses or registrations shall not
6 apply to licenses or registrations that have lawfully been designated
7 as inactive or retired.

8 (b) *Notwithstanding any other law, a board shall not require a*
9 *person to pay accrued and unpaid renewal fees as a condition of*
10 *reinstating an expired license or registration.*

11 SEC. 2. Section 462 of the Business and Professions Code is
12 amended to read:

13 462. (a) Any of the boards, bureaus, commissions, or programs
14 within the department may establish, by regulation, a system for
15 an inactive category of licensure for persons who are not actively
16 engaged in the practice of their profession or vocation.

17 (b) The regulation shall contain the following provisions:

18 (1) The holder of an inactive license issued pursuant to this
19 section shall not engage in any activity for which a license is
20 required.

21 (2) An inactive license issued pursuant to this section shall be
22 renewed during the same time period in which an active license
23 is renewed. The holder of an inactive license need not comply with
24 any continuing education requirement for renewal of an active
25 license.

1 (3) The renewal fee for a license in ~~an active status shall apply~~
2 ~~also for a renewal of a license in an inactive status, unless a lesser~~
3 ~~renewal fee is specified by the board.~~ *status shall be no more than*
4 *50 percent of the renewal fee for a license in an active status.*

5 (4) In order for the holder of an inactive license issued pursuant
6 to this section to restore ~~his or her~~ *the* license to an active status,
7 the holder of an inactive license shall comply with all the
8 following:

9 (A) Pay the renewal fee.

10 (B) If the board requires completion of continuing education
11 for renewal of an active license, complete continuing education
12 equivalent to that required for renewal of an active license, unless
13 a different requirement is specified by the board.

14 (c) This section shall not apply to any healing arts board as
15 specified in Section 701.

16 *SEC. 3. Section 703 of the Business and Professions Code is*
17 *amended to read:*

18 703. (a) An inactive healing arts license or certificate issued
19 pursuant to this article shall be renewed during the same time
20 period at which an active license or certificate is renewed. In order
21 to renew a license or certificate issued pursuant to this article, the
22 holder thereof need not comply with any continuing education
23 requirement for renewal of an active license or certificate.

24 (b) ~~The~~ *Notwithstanding any other law, the* renewal fee for a
25 license or certificate in an ~~active~~ *inactive* status shall ~~apply also~~
26 ~~for renewal of a license or certificate in an inactive status, unless~~
27 ~~a lower fee has been established by the issuing board.~~ *be no more*
28 *than 50 percent of the renewal fee for a license in an active status.*

29 *SEC. 4. Section 1006.5 of the Business and Professions Code*
30 *is amended to read:*

31 1006.5. Notwithstanding any other law, the amount of
32 regulatory fees necessary to carry out the responsibilities required
33 by the Chiropractic Initiative Act and this chapter are fixed in the
34 following schedule:

35 (a) Fee to apply for a license to practice chiropractic: three
36 hundred seventy-one dollars (\$371).

37 (b) Fee for initial license to practice chiropractic: one hundred
38 eighty-six dollars (\$186).

39 (c) Fee to renew an ~~active or inactive~~ license to practice
40 chiropractic: three hundred thirteen dollars (\$313).

- 1 (d) Fee to renew an inactive license to practice chiropractic:
- 2 no more than 50 percent of the renewal fee for an active license.
- 3 ~~(d)~~
- 4 (e) Fee to apply for approval as a continuing education provider:
- 5 eighty-four dollars (\$84).
- 6 ~~(e)~~
- 7 (f) Biennial continuing education provider renewal fee: fifty-six
- 8 dollars (\$56).
- 9 ~~(f)~~
- 10 (g) Fee to apply for approval of a continuing education course:
- 11 fifty-six dollars (\$56) per course.
- 12 ~~(g)~~
- 13 (h) Fee to apply for a satellite office certificate: sixty-two dollars
- 14 (\$62).
- 15 ~~(h)~~
- 16 (i) Fee to renew a satellite office certificate: thirty-one dollars
- 17 (\$31).
- 18 ~~(i)~~
- 19 (j) Fee to apply for a license to practice chiropractic pursuant
- 20 to Section 9 of the Chiropractic Initiative Act: three hundred
- 21 seventy-one dollars (\$371).
- 22 ~~(j)~~
- 23 (k) Fee to apply for a certificate of registration of a chiropractic
- 24 corporation: one hundred eighty-six dollars (\$186).
- 25 ~~(k)~~
- 26 (l) Fee to renew a certificate of registration of a chiropractic
- 27 corporation: thirty-one dollars (\$31).
- 28 ~~(l)~~
- 29 (m) Fee to file a chiropractic corporation special report:
- 30 thirty-one dollars (\$31).
- 31 ~~(m)~~
- 32 (n) Fee to apply for approval as a referral service: five hundred
- 33 fifty-seven dollars (\$557).
- 34 ~~(n)~~
- 35 (o) Fee for an endorsed verification of licensure: one hundred
- 36 twenty-four dollars (\$124).
- 37 ~~(o)~~
- 38 (p) Fee for replacement of a lost or destroyed license: fifty
- 39 dollars (\$50).
- 40 ~~(p)~~

1 (q) Fee for replacement of a satellite office certificate: fifty
2 dollars (\$50).

3 ~~(q)~~

4 (r) Fee for replacement of a certificate of registration of a
5 chiropractic corporation: fifty dollars (\$50).

6 ~~(r)~~

7 (s) Fee to restore a forfeited or canceled license to practice
8 chiropractic: double the annual renewal fee specified in subdivision
9 (c).

10 ~~(s)~~

11 (t) Fee to apply for approval to serve as a preceptor: thirty-one
12 dollars (\$31).

13 ~~(t)~~

14 (u) Fee to petition for reinstatement of a revoked license: three
15 hundred seventy-one dollars (\$371).

16 ~~(u)~~

17 (v) Fee to petition for early termination of probation: three
18 hundred seventy-one dollars (\$371).

19 ~~(v)~~

20 (w) Fee to petition for reduction of penalty: three hundred
21 seventy-one dollars (\$371).

22 *SEC. 5. Section 1718 of the Business and Professions Code is*
23 *amended to read:*

24 1718. Except as otherwise provided in this chapter, an expired
25 license may be renewed at any time within five years after its
26 expiration on filing of application for renewal on a form prescribed
27 by the board, and payment of ~~all accrued~~ *the* renewal and
28 delinquency fees. If the license is renewed more than 30 days after
29 its expiration, the licensee, as a condition precedent to renewal,
30 shall also pay the delinquency fee prescribed by this chapter.
31 Renewal under this section shall be effective on the date on which
32 the application is filed, on the date on which the renewal fee is
33 paid, or on the date on which the delinquency fee, if any, is paid,
34 whichever last occurs. If so renewed, the license shall continue in
35 effect through the expiration date provided in Section 1715 which
36 next occurs after the effective date of the renewal, when it shall
37 expire if it is not again renewed.

38 *SEC. 6. Section 1718.3 of the Business and Professions Code*
39 *is amended to read:*

1 1718.3. (a) A license which is not renewed within five years
2 after its expiration may not be renewed, restored, reinstated, or
3 reissued thereafter, but the holder of the license may apply for and
4 obtain a new license if the following requirements are satisfied:

5 (1) No fact, circumstance, or condition exists which would
6 justify denial of licensure under Section 480.

7 (2) ~~He or she~~ *The person* pays all of the fees which would be
8 required of him or her if he or she if *the person* were then applying
9 for the license for the first time and ~~all the~~ renewal and delinquency
10 fees which have accrued since the date on which he or she last
11 renewed his or her license. *fees.*

12 (3) ~~He or she~~ *The person* takes and passes the examination, if
13 any, which would be required of him or her if he or she if *the*
14 *person* were then applying for the license for the first time, or
15 otherwise establishes to the satisfaction of the board that with due
16 regard for the public interest, ~~he or she~~ *the person* is qualified to
17 practice the profession or activity in which ~~he or she~~ *again the*
18 *person* seeks to be licensed.

19 (b) The board may impose conditions on any license issued
20 pursuant to this section, as it deems necessary.

21 (c) The board may by regulation provide for the waiver or refund
22 of all or any part of the examination fee in those cases in which a
23 license is issued without an examination under this section.

24 *SEC. 7. Section 1936 of the Business and Professions Code is*
25 *amended to read:*

26 1936. Except as otherwise provided in this article, an expired
27 license may be renewed at any time within five years after its
28 expiration by filing an application for renewal on a form prescribed
29 by the hygiene board and payment of ~~all accrued~~ *the* renewal and
30 delinquency fees. If the license is renewed after its expiration, the
31 licensee, as a condition precedent of renewal, shall also pay the
32 delinquency fee prescribed by this article. Renewal under this
33 section shall be effective on the date on which the application is
34 filed, on the date on which the renewal fee is paid, or on the date
35 on which the delinquency fee, if any, is paid, whichever last occurs.
36 If so renewed, the license shall continue in effect until the
37 expiration date provided in Section 1935 that next occurs after the
38 effective date of the renewal.

39 *SEC. 8. Section 2427 of the Business and Professions Code is*
40 *amended to read:*

1 2427. (a) Except as provided in Section 2429, a license which
2 has expired may be renewed at any time within five years after its
3 expiration on filing an application for renewal on a form prescribed
4 by the licensing authority and payment of ~~all accrued~~ *the* renewal
5 ~~fees~~ *fee* and any other fees required by Section 2424. If the license
6 is not renewed within 30 days after its expiration, the licensee, as
7 a condition precedent to renewal, shall also pay the prescribed
8 delinquency fee, if any. Except as provided in Section 2424,
9 renewal under this section shall be effective on the date on which
10 the renewal application is filed, on the date on which the renewal
11 ~~fee or accrued renewal fees are~~ *is* paid, or on the date on which
12 the delinquency fee or the delinquency fee and penalty fee, if any,
13 are paid, whichever last occurs. If so renewed, the license shall
14 continue in effect through the expiration date set forth in Section
15 2422 or 2423 which next occurs after the effective date of the
16 renewal, when it shall expire and become invalid if it is not again
17 renewed.

18 (b) Notwithstanding subdivision (a), the license of a doctor of
19 podiatric medicine which has expired may be renewed at any time
20 within three years after its expiration on filing an application for
21 renewal on a form prescribed by the licensing authority and
22 payment of ~~all accrued~~ *the* renewal ~~fees~~ *fee* and any other fees
23 required by Section 2424. If the license is not renewed within 30
24 days after its expiration, the licensee, as a condition precedent to
25 renewal, shall also pay the prescribed delinquency fee, if any.
26 Except as provided in Section 2424, renewal under this section
27 shall be effective on the date on which the renewal application is
28 filed, on the date on which the renewal ~~fee or accrued renewal fees~~
29 ~~are~~ *is* paid, or on the date on which the delinquency fee or the
30 delinquency fee and penalty fee, if any, are paid, whichever last
31 occurs. If so renewed, the license shall continue in effect through
32 the expiration date set forth in Section 2422 or 2423 which next
33 occurs after the effective date of the renewal, when it shall expire
34 and become invalid if it is not again renewed.

35 *SEC. 9. Section 2456.3 of the Business and Professions Code*
36 *is amended to read:*

37 2456.3. Except as provided in Section 2429, a license which
38 has expired may be renewed at any time within five years after its
39 expiration by filing an application for renewal on a form prescribed
40 by the board and payment of ~~all accrued~~ *the* renewal ~~fees~~ *fee* and

1 any other fees required by Section 2455. Except as provided in
 2 Section 2456.2, renewal under this section shall be effective on
 3 the date on which the renewal application is filed, on the date on
 4 which the renewal fee ~~or accrued renewal fees are~~ *is* paid, or on
 5 the date on which the delinquency fee or the delinquency fee and
 6 penalty fee, if any, are paid, whichever last occurs. If so renewed,
 7 the license shall continue in effect through the expiration date set
 8 forth in Section 2456.1 which next occurs after the effective date
 9 of the renewal.

10 *SEC. 10. Section 2535.2 of the Business and Professions Code*
 11 *is amended to read:*

12 2535.2. Except as provided in Section 2535.3, a license that
 13 has expired may be renewed at any time within five years after its
 14 expiration upon filing of an application for renewal on a form
 15 prescribed by the board and payment of ~~all accrued and unpaid~~
 16 ~~renewal fees.~~ *the renewal fee.* If the license is not renewed on or
 17 before its expiration, the licensee, as a condition precedent to
 18 renewal, shall also pay the prescribed delinquency fee. Renewal
 19 under this section shall be effective on the date on which the
 20 application is filed, on the date on which ~~all the renewal fees are~~
 21 *fee is* paid, or on the date on which the delinquency fee is paid,
 22 whichever last occurs. If so renewed, the license shall continue in
 23 effect through the expiration date provided in Section 2535, after
 24 the effective date of the renewal, when it shall expire and become
 25 invalid if it is not again renewed.

26 *SEC. 11. Section 2538.54 of the Business and Professions Code*
 27 *is amended to read:*

28 2538.54. Except as otherwise provided in this article, an expired
 29 license may be renewed at any time within three years after its
 30 expiration on filing of an application for renewal on a form
 31 prescribed by the board, and payment of ~~all accrued and unpaid~~
 32 ~~renewal fees.~~ *the renewal fee.* If the license is renewed after its
 33 expiration the licensee, as a condition precedent to renewal, shall
 34 also pay the delinquency fee prescribed by this article. Renewal
 35 under this section shall be effective on the date on which the
 36 application is filed, on the date on which the renewal fee is paid,
 37 or on the date on which the delinquency fee, if any, is paid,
 38 whichever last occurs. If so renewed, the license shall continue in
 39 effect through the date provided in Section 2538.53 which next

1 occurs after the effective date of the renewal, when it shall expire
2 if it is not again renewed.

3 *SEC. 12. Section 2646 of the Business and Professions Code*
4 *is amended to read:*

5 2646. A license that has expired may be renewed at any time
6 within five years after its expiration by applying for renewal as
7 set forth in Section 2644. Renewal under this section shall be
8 effective on the date on which the renewal application is filed, on
9 the date on which the renewal fee ~~or accrued renewal fees are~~ *is*
10 paid, or on the date on which the delinquency fee and penalty fee,
11 if any, are paid, whichever last occurs. A renewed license shall
12 continue in effect through the expiration date set forth in Section
13 2644 that next occurs after the effective date of the renewal, at
14 which time it shall expire and become invalid if it is not so
15 renewed.

16 *SEC. 13. Section 2734 of the Business and Professions Code*
17 *is amended to read:*

18 2734. Upon application in writing to the board and payment
19 of ~~the a fee not to exceed 50 percent of the~~ biennial renewal fee,
20 a licensee may have ~~his~~ *their* license placed in an inactive status
21 for an indefinite period of time. A licensee whose license is in an
22 inactive status may not practice nursing. However, such a licensee
23 does not have to comply with the continuing education standards
24 of Section 2811.5.

25 *SEC. 14. Section 2892.1 of the Business and Professions Code*
26 *is amended to read:*

27 2892.1. Except as provided in Sections 2892.3 and 2892.5, an
28 expired license may be renewed at any time within four years after
29 its expiration upon filing of an application for renewal on a form
30 prescribed by the board, payment of ~~all accrued and unpaid renewal~~
31 ~~fees,~~ *the renewal fee,* and payment of any fees due pursuant to
32 Section 2895.1.

33 If the license is renewed more than 30 days after its expiration,
34 the licensee, as a condition precedent to renewal, shall also pay
35 the delinquency fee prescribed by this chapter. Renewal under this
36 section shall be effective on the date on which the application is
37 filed, on the date on which ~~all the renewal fees are~~ *fee is* paid, or
38 on the date on which the delinquency fee is paid, whichever last
39 occurs. If so renewed, the license shall continue in effect through
40 the date provided in Section 2892 which next occurs after the

1 effective date of the renewal, when it shall expire if it is not again
2 renewed.

3 *SEC. 15. Section 2984 of the Business and Professions Code*
4 *is amended to read:*

5 2984. Except as provided in Section 2985, a license that has
6 expired may be renewed at any time within three years after its
7 expiration on filing of an application for renewal on a form
8 prescribed by the board and payment of ~~all accrued and unpaid~~
9 ~~the renewal fees.~~ *fee*. If the license is renewed after its expiration,
10 the licensee, as a condition precedent to renewal, shall also pay
11 the prescribed delinquency fee, if any. Renewal under this section
12 shall be effective on the date on which the application is filed, on
13 the date on which ~~all the renewal fees are~~ *fee is* paid, or on the date
14 on which the delinquency fee, if any, is paid, whichever last occurs.
15 If so renewed, the license shall continue in effect through the
16 expiration date provided in Section 2982 which next occurs after
17 the effective date of the renewal, when it shall expire and become
18 invalid if it is not again renewed.

19 *SEC. 16. Section 3147 of the Business and Professions Code*
20 *is amended to read:*

21 3147. (a) Except as otherwise provided by Section 114, an
22 expired optometrist license may be renewed at any time within
23 three years after its expiration, and a retired license issued for less
24 than three years may be reactivated to active status, by filing an
25 application for renewal or reactivation on a form prescribed by the
26 board, paying ~~all accrued and unpaid the renewal fees~~ *fee* or
27 ~~reactivation fees~~ *fee* determined by the board, paying any
28 delinquency fees prescribed by the board, and submitting proof of
29 completion of the required number of hours of continuing education
30 for the last two years, as prescribed by the board pursuant to
31 Section 3059. Renewal or reactivation to active status under this
32 section shall be effective on the date on which all of those
33 requirements are satisfied. If so renewed or reactivated to active
34 status, the license shall continue as provided in Sections 3146 and
35 3147.5.

36 (b) Expired statements of licensure, branch office licenses, and
37 fictitious name permits issued pursuant to Sections 3070, 3077,
38 and 3078, respectively, may be renewed at any time by filing an
39 application for renewal, paying ~~all accrued and unpaid renewal~~

1 ~~fees, the renewal fee~~, and paying any delinquency fees prescribed
2 by the board.

3 *SEC. 17. Section 3147.7 of the Business and Professions Code*
4 *is amended to read:*

5 3147.7. The provisions of Section 3147.6 shall not apply to a
6 person holding a license that has not been renewed within three
7 years of expiration, if the person provides satisfactory proof that
8 ~~he or she~~ *the person* holds an active license from another state and
9 meets all of the following conditions:

10 (a) Is not subject to denial of a license under Section 480.

11 (b) Applies in writing for restoration of the license on a form
12 prescribed by the board.

13 (c) Pays ~~all accrued and unpaid~~ *the renewal fees fee* and any
14 delinquency fees prescribed by the board.

15 (d) Submits proof of completion of the required number of hours
16 of continuing education for the last two years.

17 (e) Takes and satisfactorily passes the board's jurisprudence
18 examination.

19 *SEC. 18. Section 3524 of the Business and Professions Code*
20 *is amended to read:*

21 3524. A license or approval that has expired may be renewed
22 at any time within five years after its expiration by filing an
23 application for renewal on a form prescribed by the board or
24 Medical Board of California, as the case may be, and payment of
25 ~~all accrued and unpaid renewal fees.~~ *the renewal fee*. If the license
26 or approval is not renewed within 30 days after its expiration, the
27 licensed physician assistant and approved supervising physician,
28 as a condition precedent to renewal, shall also pay the prescribed
29 delinquency fee, if any. Renewal under this section shall be
30 effective on the date on which the application is filed, on the date
31 on which ~~all the renewal fees are~~ *fee is* paid, or on the date on
32 which the delinquency fee, if any, is paid, whichever occurs last.
33 If so renewed, the license shall continue in effect through the
34 expiration date provided in Section 3522 or 3523 which next occurs
35 after the effective date of the renewal, when it shall expire, if it is
36 not again renewed.

37 *SEC. 19. Section 3774 of the Business and Professions Code*
38 *is amended to read:*

39 3774. On or before the birthday of a licensed practitioner in
40 every other year, following the initial licensure, the board shall

1 mail to each practitioner licensed under this chapter, at the latest
2 address furnished by the licensed practitioner to the executive
3 officer of the board, a notice stating the amount of the renewal fee
4 and the date on which it is due. The notice shall state that failure
5 to pay the renewal fee on or before the due date and submit
6 evidence of compliance with Sections 3719 and 3773 shall result
7 in expiration of the license.

8 Each license not renewed in accordance with this section shall
9 expire but may within a period of three years thereafter be
10 reinstated upon payment of ~~all accrued and unpaid~~ *the* renewal
11 fees and penalty fees required by this chapter. The board may also
12 require submission of proof of the applicant's qualifications, except
13 that during the three-year period no examination shall be required
14 as a condition for the reinstatement of any expired license that has
15 lapsed solely by reason of nonpayment of the renewal fee.

16 *SEC. 20. Section 3775.5 of the Business and Professions Code*
17 *is amended to read:*

18 3775.5. The fee for an inactive license shall be ~~the same as~~ *no*
19 *more than 50 percent of the renewal fee for an active license* for
20 the practice of respiratory care as specified in Section 3775.

21 *SEC. 21. Section 4545 of the Business and Professions Code*
22 *is amended to read:*

23 4545. Except as provided in Section 4545.2, a license that has
24 expired may be renewed at any time within four years after its
25 expiration on filing an application for renewal on a form prescribed
26 by the board, payment of ~~all accrued and unpaid renewal fees, the~~ *the*
27 *renewal fee*, and payment of all fees required by this chapter. If
28 the license is renewed more than 30 days after its expiration, the
29 holder, as a condition precedent to renewal, shall also pay the
30 delinquency fee prescribed by this chapter. Renewal under this
31 section shall be effective on the date on which the application is
32 filed, on the date on which the renewal fee is paid, or on the date
33 on which the delinquency fee, if any, is paid, whichever last occurs.
34 If so renewed, the license shall continue in effect through the date
35 provided in Section 4544 which next occurs after the effective date
36 of the renewal, when it shall expire if it is not again renewed.

37 A certificate which was forfeited for failure to renew under the
38 law in effect before October 1, 1961, shall, for the purposes of this
39 article, be considered to have expired on the date that it became
40 forfeited.

1 *SEC. 22. Section 4843.5 of the Business and Professions Code*
2 *is amended to read:*

3 4843.5. Except as otherwise provided in this article, an expired
4 certificate of registration may be renewed at any time within five
5 years after its expiration on filing of an application for renewal on
6 a form prescribed by the board, and payment of ~~all accrued and~~
7 ~~unpaid renewal fees.~~ *the renewal fee.* If the certificate of
8 registration is renewed more than 30 days after its expiration, the
9 registrant, as a condition precedent to renewal, shall also pay the
10 delinquency fee prescribed by this article. Renewal under this
11 section shall be effective on the date on which the application is
12 filed, on the date ~~all the renewal fees are~~ *fee is* paid, or on the date
13 on which the delinquency fee, if any, is paid, whichever occurs
14 last.

15 *SEC. 23. Section 4901 of the Business and Professions Code*
16 *is amended to read:*

17 4901. Except as otherwise provided in this chapter, an expired
18 license or registration may be renewed at any time within five
19 years after its expiration on filing of an application for renewal on
20 a form prescribed by the board, and payment of ~~all accrued and~~
21 ~~unpaid renewal fees.~~ *the renewal fee.* If the license or registration
22 is renewed more than 30 days after its expiration, the licensee or
23 registrant, as a condition precedent to renewal, shall also pay the
24 delinquency fee prescribed by this chapter. Renewal under this
25 section shall be effective on the date on which the application is
26 filed, on the date on which ~~all renewal fees are~~ *the renewal fee is*
27 paid, or on the date on which the delinquency fee, if any, is paid,
28 whichever last occurs. If so renewed, the license or registration
29 shall continue in effect through the expiration date provided in
30 Section 4900 that next occurs after the effective date of the renewal,
31 when it shall expire if it is not again renewed.

32 *SEC. 24. Section 4966 of the Business and Professions Code*
33 *is amended to read:*

34 4966. Except as provided in Section 4969, a license that has
35 expired may be renewed at any time within three years after its
36 expiration by filing of an application for renewal on a form
37 provided by the board, paying ~~all accrued and unpaid renewal fees,~~
38 *the renewal fee,* and providing proof of completing continuing
39 education requirements. If the license is not renewed prior to its
40 expiration, the acupuncturist, as a condition precedent to renewal,

1 shall also pay the prescribed delinquency fee. Renewal under this
 2 section shall be effective on the date on which the application is
 3 filed, on the date on which the renewal fee is paid, or on the date
 4 the delinquency fee is paid, whichever occurs last. If so renewed,
 5 the license shall continue in effect through the expiration date
 6 provided in Section 4965, after the effective date of the renewal,
 7 when it shall expire and become invalid if it is not again renewed.

8 *SEC. 25. Section 4989.36 of the Business and Professions Code*
 9 *is amended to read:*

10 4989.36. A licensee may renew a license that has expired at
 11 any time within three years after its expiration date by taking all
 12 of the actions described in Section 4989.32 and by paying ~~all~~
 13 ~~unpaid prior renewal fees and delinquency fees.~~ *the delinquency*
 14 *fee.*

15 *SEC. 26. Section 4999.104 of the Business and Professions*
 16 *Code is amended to read:*

17 4999.104. Licenses issued under this chapter that have expired
 18 may be renewed at any time within three years of expiration. To
 19 renew an expired license described in this section, the licensee
 20 shall do all of the following:

21 (a) File an application for renewal on a form prescribed by the
 22 board.

23 ~~(b) Pay all fees that would have been paid if the license had not~~
 24 ~~become delinquent.~~

25 ~~(c)~~

26 ~~(b)~~ Pay ~~all~~ *the delinquency fees.* *fee.*

27 ~~(d)~~

28 (c) Certify compliance with the continuing education
 29 requirements set forth in Section 4999.76.

30 ~~(e)~~

31 (d) Notify the board whether ~~he or she~~ *the licensee* has been
 32 convicted, as defined in Section 490, of a misdemeanor or felony,
 33 or whether any disciplinary action has been taken by any regulatory
 34 or licensing board in this or any other state, subsequent to the
 35 licensee's last renewal.

36 *SEC. 27. Section 5070.6 of the Business and Professions Code*
 37 *is amended to read:*

38 5070.6. Except as otherwise provided in this chapter, an expired
 39 permit may be renewed at any time within five years after its
 40 expiration upon the filing of an application for renewal on a form

1 prescribed by the board, payment of ~~all accrued and unpaid renewal~~
2 ~~fees~~ *the renewal fee*, and providing evidence satisfactory to the
3 board of compliance as required by Section 5070.5. If the permit
4 is renewed after its expiration, its holder, as a condition precedent
5 to renewal, shall also pay the delinquency fee prescribed by this
6 chapter. Renewal under this section shall be effective on the date
7 on which the application is filed, on the date on which the ~~accrued~~
8 ~~renewal fees are~~ *fee is* paid, or on the date on which the
9 delinquency fee, if any, is paid, whichever last occurs. If so
10 renewed, the permit shall continue in effect through the date
11 provided in Section 5070.5 that next occurs after the effective date
12 of the renewal, when it shall expire if it is not again renewed.

13 *SEC. 28. Section 5600.2 of the Business and Professions Code*
14 *is amended to read:*

15 5600.2. Except as otherwise provided in this chapter, a license
16 which has expired may be renewed at any time within five years
17 after its expiration on filing of application for renewal on a form
18 prescribed by the board, and payment of ~~all accrued and unpaid~~
19 ~~renewal fees.~~ *the renewal fee*. If a license is renewed more than
20 30 days after its expiration, the licenseholder, as a condition
21 precedent to renewal, shall also pay the delinquency fee prescribed
22 by this chapter. Renewal under this section shall be effective on
23 the date on which the application is filed, on the date on which the
24 renewal fee is paid, or on the date on which the delinquency fee,
25 if any, is paid, whichever last occurs. If so renewed, the license
26 shall continue in effect through the expiration date provided in this
27 chapter which next occurs after the effective date of the renewal,
28 when it shall expire if it is not again renewed.

29 *SEC. 29. Section 5680.1 of the Business and Professions Code*
30 *is amended to read:*

31 5680.1. Except as otherwise provided in this chapter, a license
32 that has expired may be renewed at any time within five years after
33 its expiration on filing of an application for renewal on a form
34 prescribed by the board, and payment of ~~all accrued and unpaid~~
35 ~~renewal fees.~~ *the renewal fee*. If the license is renewed more than
36 30 days after its expiration, the licenseholder, as a condition
37 precedent to renewal, shall also pay the delinquency fee prescribed
38 by this chapter. Renewal under this section shall be effective on
39 the date on which the application is filed, on the date on which ~~all~~
40 ~~the renewal fees are~~ *fee is* paid, or on the date on which the

1 delinquency fee, if any, is paid, whichever last occurs. If so
 2 renewed, the license shall continue in effect through the date
 3 provided in Section 5680 that next occurs after the effective date
 4 of the renewal, when it shall expire if it is not again renewed.

5 *SEC. 30. Section 6796 of the Business and Professions Code*
 6 *is amended to read:*

7 6796. Except as otherwise provided in this article, certificates
 8 of registration as a professional engineer and certificates of
 9 authority may be renewed at any time within five years after
 10 expiration on filing of application for renewal on a form prescribed
 11 by the board and payment of ~~all accrued and unpaid renewal fees.~~
 12 *the renewal fee.* If the certificate is renewed more than 60 days
 13 after its expiration, the certificate holder, as a condition precedent
 14 to renewal, shall also pay the delinquency fee prescribed by this
 15 chapter. Renewal under this section shall be effective on the date
 16 on which the application is filed, on the date on which the renewal
 17 fee is paid, or on the date on which the delinquency fee, if any, is
 18 paid, whichever last occurs.

19 The expiration date of a certificate renewed pursuant to this
 20 section shall be determined pursuant to Section 6795.

21 *SEC. 31. Section 6980.28 of the Business and Professions Code*
 22 *is amended to read:*

23 6980.28. A locksmith license not renewed within three years
 24 following its expiration may not be renewed thereafter. Renewal
 25 of the license within three years, or issuance of an original license
 26 thereafter, shall be subject to payment of any ~~and all fines~~ *fine*
 27 assessed by the chief or the director ~~which are~~ *that is* not pending
 28 appeal and all other applicable fees.

29 *SEC. 32. Section 7076.5 of the Business and Professions Code*
 30 *is amended to read:*

31 7076.5. (a) A contractor may inactivate ~~his or her~~ *their* license
 32 by submitting a form prescribed by the registrar accompanied by
 33 the current active license certificate. When the current license
 34 certificate has been lost, the licensee shall pay the fee prescribed
 35 by law to replace the license certificate. Upon receipt of an
 36 acceptable application to inactivate, the registrar shall issue an
 37 inactive license certificate to the contractor. The holder of an
 38 inactive license shall not be entitled to practice as a contractor until
 39 ~~his or her~~ *their* license is reactivated.

1 (b) Any licensed contractor who is not engaged in work or
2 activities which require a contractor's license may apply for an
3 inactive license.

4 (c) Inactive licenses shall be valid for a period of four years
5 from their due date.

6 (d) During the period that an existing license is inactive, no
7 bonding requirement pursuant to Section 7071.6, 7071.8 or 7071.9
8 or qualifier requirement pursuant to Section 7068 shall apply. An
9 applicant for license having met the qualifications for issuance
10 may request that the license be issued inactive unless the applicant
11 is subject to the provisions of Section 7071.8.

12 (e) The board shall not refund any of the renewal fee which a
13 licensee may have paid prior to the inactivation of ~~his or her~~ *the*
14 license.

15 (f) An inactive license shall be renewed on each established
16 renewal date by submitting the renewal application and paying the
17 inactive renewal fee.

18 (g) An inactive license may be reactivated by submitting an
19 application acceptable to the registrar, by paying ~~the full~~ *a fee no*
20 *more than 50 percent of the* renewal fee for an active ~~license~~
21 *license*, and by fulfilling all other requirements of this chapter. No
22 examination shall be required to reactivate an inactive license.

23 (h) The inactive status of a license shall not bar any disciplinary
24 action by the board against a licensee for any of the causes stated
25 in this chapter.

26 *SEC. 33. Section 7417 of the Business and Professions Code*
27 *is amended to read:*

28 7417. Except as otherwise provided in this article, a license
29 that has expired for failure of the licensee to renew within the time
30 fixed by this article may be renewed at any time within five years
31 following its expiration upon application and payment of ~~all~~
32 ~~accrued and unpaid~~ *the* renewal ~~fees~~ and delinquency fees. If the
33 license is renewed after its expiration, the licensee, as a condition
34 precedent to renewal, shall also pay the delinquency fee and meet
35 current continuing education requirements, if applicable, prescribed
36 by this chapter. Renewal under this section shall be effective on
37 the date on which the application is filed, or on the date on which
38 ~~the accrued renewal fees are~~ *fee is* paid, or on the date on which
39 the delinquency fee, if any, is paid, whichever occurs last. If so
40 renewed, the license shall continue in effect through the expiration

1 date provided in this article which next occurs following the
2 effective date of the renewal, when it shall expire if it is not again
3 renewed.

4 *SEC. 34. Section 7672.8 of the Business and Professions Code*
5 *is amended to read:*

6 7672.8. All cremated remains disposer registrations shall expire
7 at midnight on September 30 of each year. A person desiring to
8 renew ~~his or her~~ *their* registration shall file an application for
9 renewal on a form prescribed by the bureau accompanied by the
10 required fee. A registration that has expired may be renewed within
11 five years of its expiration upon payment of ~~all accrued and unpaid~~
12 ~~renewal fees.~~ *the renewal fee.* The bureau shall not renew the
13 registration of any person who has not filed the required annual
14 report until ~~he or she~~ *the person* has filed a complete annual report
15 with the department.

16 *SEC. 35. Section 7725.2 of the Business and Professions Code*
17 *is amended to read:*

18 7725.2. Except as otherwise provided in this chapter, a license
19 that has expired may be renewed at any time within five years after
20 its expiration on filing of an application for renewal on a form
21 prescribed by the bureau and payment of ~~all accrued and unpaid~~
22 ~~renewal fees.~~ *the renewal fee.* If the license is not renewed within
23 30 days after its expiration the licensee, as a condition precedent
24 to renewal, shall also pay the delinquency fee prescribed by this
25 chapter. Renewal under this section shall be effective on the date
26 on which the application is filed, on the date on which ~~all the~~
27 ~~renewal fees are~~ *fee is* paid, or on the date on which the
28 delinquency fee, if any, is paid, whichever last occurs. If so
29 renewed, the license shall continue in effect through the date
30 provided in Section 7725 that next occurs after the effective date
31 of the renewal, when it shall expire if it is not again renewed.

32 If a license is not renewed within one year following its
33 expiration, the bureau may require as a condition of renewal that
34 the holder of the license pass an examination on the appropriate
35 subjects provided by this chapter.

36 *SEC. 36. Section 7729.1 of the Business and Professions Code*
37 *is amended to read:*

38 7729.1. The amount of fees prescribed for a license or
39 certificate of authority under this act is that fixed by the following
40 provisions of this article. Any license or certificate of authority

1 provided under this act that has expired may be renewed within
2 five years of its expiration upon payment of ~~all accrued and unpaid~~
3 ~~renewal and regulatory fees.~~ *the renewal fee.*

4 *SEC. 37. Section 7881 of the Business and Professions Code*
5 *is amended to read:*

6 7881. Except as otherwise provided in this article, certificates
7 of registration as a geologist or as a geophysicist, or certified
8 specialty certificates, may be renewed at any time within five years
9 after expiration on filing an application for renewal on a form
10 prescribed by the board and payment of ~~all accrued and unpaid~~
11 ~~renewal fees.~~ *the renewal fee.* If the certificate is renewed more
12 than 30 days after its expiration, the certificate holder, as a
13 condition precedent to renewal, shall also pay the delinquency fee
14 prescribed by this chapter. Renewal under this section shall be
15 effective on the date on which the application is filed, on the date
16 on which ~~all the renewal fees are~~ *fee is* paid, or on the date on
17 which the delinquency fee, if any, is paid, whichever last occurs.
18 If so renewed, the certificate shall continue in effect through the
19 date provided in Section 7880 that next occurs after the effective
20 date of the renewal, when it shall expire if it is not again renewed.

21 *SEC. 38. Section 7883 of the Business and Professions Code*
22 *is amended to read:*

23 7883. A revoked certificate is subject to expiration as provided
24 in this article, but it may not be renewed. If it is reinstated after its
25 expiration, the holder of the certificate, as a condition precedent
26 to its reinstatement, shall pay a reinstatement fee in an amount
27 equal to the renewal fee in effect on the last regular date before
28 the date on which it is ~~reinstated, plus all accrued and unpaid~~
29 ~~renewal fees~~ *reinstated* and the delinquency fee, if any, accrued
30 at the time of its revocation.

31 *SEC. 39. Section 8024.7 of the Business and Professions Code*
32 *is amended to read:*

33 8024.7. The board shall establish an inactive category of
34 licensure for persons who are not actively engaged in the practice
35 of shorthand reporting.

36 (a) The holder of an inactive license issued pursuant to this
37 section shall not engage in any activity for which a license is
38 required.

39 (b) An inactive license issued pursuant to this section shall be
40 renewed during the same time period in which an active license

1 is renewed. The holder of an inactive license is exempt from any
2 continuing education requirement for renewal of an active license.

3 (c) The renewal fee for a license in an active status shall ~~apply~~
4 ~~also for a renewal of a license in an inactive status, unless a lesser~~
5 ~~renewal fee is specified by the board.~~ *be no more than 50 percent*
6 *of the renewal fee for a license in an active status.*

7 (d) In order for the holder of an inactive license issued pursuant
8 to this section to restore ~~his or her~~ *their* license to an active status,
9 the holder of an inactive license shall comply with both of the
10 following:

11 (1) Pay the renewal fee.

12 (2) If the board requires completion of continuing education for
13 renewal of an active license, complete continuing education
14 equivalent to that required for renewal of an active license, unless
15 a different requirement is specified by the board.

16 *SEC. 40. Section 8802 of the Business and Professions Code*
17 *is amended to read:*

18 8802. Except as otherwise provided in this article, licenses
19 issued under this chapter may be renewed at any time within five
20 years after expiration on filing of application for renewal on a form
21 prescribed by the board and payment of ~~all accrued and unpaid~~
22 ~~renewal fees.~~ *the renewal fee.* If the license is renewed more than
23 30 days after its expiration, the licensee, as a condition precedent
24 to renewal, shall also pay the delinquency fee prescribed by this
25 chapter. Renewal under this section shall be effective on the date
26 on which the application is filed, on the date on which the renewal
27 fee is paid, or on the date on which the delinquency fee, if any, is
28 paid, whichever last occurs. If so renewed, the license shall
29 continue in effect through the date provided in Section 8801 which
30 next occurs after the effective date of the renewal, when it shall
31 expire if it is not again renewed.

32 *SEC. 41. Section 9832 of the Business and Professions Code*
33 *is amended to read:*

34 9832. (a) Registrations issued under this chapter shall expire
35 no more than 12 months after the issue date. The expiration date
36 of registrations shall be set by the director in a manner to best
37 distribute renewal procedures throughout the year.

38 (b) To renew an unexpired registration, the service dealer shall,
39 on or before the expiration date of the registration, apply for

1 renewal on a form prescribed by the director, and pay the renewal
2 fee prescribed by this chapter.

3 (c) To renew an expired registration, the service dealer shall
4 apply for renewal on a form prescribed by the director, pay the
5 renewal fee in effect on the last regular renewal date, and pay ~~all~~
6 ~~accrued and unpaid~~ the delinquency ~~and renewal fees.~~ *fee.*

7 (d) Renewal is effective on the date that the application is ~~filed,~~
8 ~~filed and~~ the renewal fee is paid, and ~~all~~ delinquency fees are paid.

9 (e) For purposes of implementing the distribution of the renewal
10 of registrations throughout the year, the director may extend by
11 not more than six months, the date fixed by law for renewal of a
12 registration, except that in that event any renewal fee that may be
13 involved shall be prorated in a manner that no person shall be
14 required to pay a greater or lesser fee than would have been
15 required had the change in renewal dates not occurred.

16 *SEC. 42. Section 9832.5 of the Business and Professions Code*
17 *is amended to read:*

18 9832.5. (a) Registrations issued under this chapter shall expire
19 no more than 12 months after the issue date. The expiration date
20 of registrations shall be set by the director in a manner to best
21 distribute renewal procedures throughout the year.

22 (b) To renew an unexpired registration, the service contractor
23 shall, on or before the expiration date of the registration, apply for
24 renewal on a form prescribed by the director, and pay the renewal
25 fee prescribed by this chapter.

26 (c) To renew an expired registration, the service contractor shall
27 apply for renewal on a form prescribed by the director, pay the
28 renewal fee in effect on the last regular renewal date, and pay ~~all~~
29 ~~accrued and unpaid~~ the delinquency and renewal fees.

30 (d) Renewal is effective on the date that the application is ~~filed,~~
31 ~~filed and~~ the renewal fee is paid, and ~~all~~ delinquency fees are paid.

32 (e) For purposes of implementing the distribution of the renewal
33 of registrations throughout the year, the director may extend, by
34 not more than six months, the date fixed by law for renewal of a
35 registration, except that, in that event, any renewal fee that may
36 be involved shall be prorated in such a manner that no person shall
37 be required to pay a greater or lesser fee than would have been
38 required had the change in renewal dates not occurred.

39 (f) This section shall remain in effect only until January 1, 2023,
40 and as of that date is repealed.

1 *SEC. 43. Section 9884.5 of the Business and Professions Code*
2 *is amended to read:*

3 9884.5. A registration that is not renewed within three years
4 following its expiration shall not be renewed, restored, or reinstated
5 thereafter, and the delinquent registration shall be canceled
6 immediately upon expiration of the three-year period.

7 An automotive repair dealer whose registration has been canceled
8 by operation of this section shall obtain a new registration only if
9 ~~he or she~~ *the automotive repair dealer* again meets the requirements
10 set forth in this chapter relating to registration, is not subject to
11 denial under Section 480, and pays the applicable fees.

12 An expired registration may be renewed at any time within three
13 years after its expiration upon the filing of an application for
14 renewal on a form prescribed by the bureau and the payment of
15 ~~all accrued~~ *the* renewal and delinquency fees. Renewal under this
16 section shall be effective on the date on which the application is
17 filed and ~~all~~ *the* renewal and delinquency fees are paid. If so
18 renewed, the registration shall continue in effect through the
19 expiration date of the current registration year as provided in
20 Section 9884.3, at which time the registration shall be subject to
21 renewal.

22 *SEC. 44. Section 19170.5 of the Business and Professions Code*
23 *is amended to read:*

24 19170.5. (a) Except as provided in Section 19170.3, licenses
25 issued under this chapter expire two years from the date of
26 issuance. To renew ~~his or her~~ *a* license, a licensee shall, on or
27 before the date on which it would otherwise expire, apply for
28 renewal on a form prescribed by the chief, and pay the fees
29 prescribed by Sections 19170 and 19213.1. If a licensee fails to
30 renew ~~his or her~~ *their* license before its expiration, a delinquency
31 fee of 20 percent, but not more than one hundred dollars (\$100),
32 notwithstanding the provisions of Section 163.5, shall be added
33 to the renewal fee. If the renewal fee and delinquency fee are not
34 paid within 90 days after expiration of a license, the licensee shall
35 be assessed an additional penalty fee of 30 percent of the renewal
36 fee.

37 (b) Except as otherwise provided in this chapter, a licensee may
38 renew an expired license within six years after expiration of the
39 license by filing an application for renewal on a form prescribed

1 by the bureau, and paying ~~all accrued renewal, delinquent, the~~
2 *renewal, delinquency*, and penalty fees.

3 (c) A license that is not renewed within six years of its expiration
4 shall not be renewed, restored, reinstated, or reissued, but the holder
5 of the license may apply for and obtain a new license if both of
6 the following requirements are satisfied:

7 (1) No fact, circumstance, or condition exists which would
8 justify denial of licensure under Section 480.

9 (2) The licensee pays ~~all the~~ *renewal, delinquency, and penalty*
10 *fees that have accrued since the date on which the license was last*
11 *renewed. fees.*

12 (d) The bureau may impose conditions on any license issued
13 pursuant to subdivision (c).

14 *SEC. 45. Section 19290 of the Business and Professions Code*
15 *is amended to read:*

16 19290. (a) Permits issued under this chapter expire two years
17 from the date of issuance. To renew a permit, a permittee shall,
18 on or before the date on which it would otherwise expire, apply
19 for renewal on a form prescribed by the chief, and continue to pay
20 the fees prescribed in Sections 19288 and 19288.1. Notwithstanding
21 Section 163.5, if a permittee fails to renew the permit before its
22 expiration, a delinquency fee of 20 percent of the most recent fee
23 paid to the bureau pursuant to Sections 19288 and 19288.1 shall
24 be added to the amount due to the bureau at the next fee interval.
25 If the renewal fee and delinquency fee are not paid within 90 days
26 after expiration of a permit, the permittee shall be assessed an
27 additional fee of 30 percent of the most recent fee paid to the
28 bureau pursuant to Sections 19288 and 19288.1.

29 (b) Except as otherwise provided in this chapter, a permittee
30 may renew an expired permit within two years after expiration of
31 the permit by filing an application for renewal on a form prescribed
32 by the bureau, and paying ~~all accrued~~ fees.

33 (c) A permit that is not renewed within two years of its
34 expiration shall not be renewed, restored, reinstated, or reissued,
35 but the holder of the expired permit may apply for and obtain a
36 new permit as provided in this chapter, upon payment of all fees
37 that accrued since the date the permit was last renewed.

38 (d) The bureau may impose conditions on any permit issued
39 pursuant to subdivision (c).

1 SECTION 1. ~~Section 4073 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 4073. (a) ~~A pharmacist filling a prescription order for a drug~~
4 ~~product prescribed by its trade or brand name may select another~~
5 ~~drug product with the same active chemical ingredients of the same~~
6 ~~strength, quantity, and dosage form, and of the same generic drug~~
7 ~~name as determined by the United States Adopted Names (USAN)~~
8 ~~and accepted by the federal Food and Drug Administration (FDA),~~
9 ~~of those drug products having the same active chemical ingredients.~~

10 (b) ~~In no case shall a selection be made pursuant to this section~~
11 ~~if the prescriber personally indicates, either orally or in the~~
12 ~~prescriber's own handwriting, "Do not substitute," or words of~~
13 ~~similar meaning. Nothing in this subdivision shall prohibit a~~
14 ~~prescriber from checking a box on a prescription marked "Do not~~
15 ~~substitute"; provided that the prescriber personally initials the box~~
16 ~~or checkmark. To indicate that a selection shall not be made~~
17 ~~pursuant to this section for an electronic data transmission~~
18 ~~prescription as defined in subdivision (c) of Section 4040, a~~
19 ~~prescriber may indicate "Do not substitute," or words of similar~~
20 ~~meaning, in the prescription as transmitted by electronic data, or~~
21 ~~may check a box marked on the prescription "Do not substitute."~~
22 ~~In either instance, it shall not be required that the prohibition on~~
23 ~~substitution be manually initialed by the prescriber.~~

24 (c) ~~Selection pursuant to this section is within the discretion of~~
25 ~~the pharmacist, except as provided in subdivision (b). The person~~
26 ~~who selects the drug product to be dispensed pursuant to this~~
27 ~~section shall assume the same responsibility for selecting the~~
28 ~~dispensed drug product as would be incurred in filling a~~
29 ~~prescription for a drug product prescribed by generic name. There~~
30 ~~shall be no liability on the prescriber for an act or omission by a~~
31 ~~pharmacist in selecting, preparing, or dispensing a drug product~~
32 ~~pursuant to this section. In no case shall the pharmacist select a~~
33 ~~drug product pursuant to this section unless the drug product~~
34 ~~selected costs the patient less than the prescribed drug product.~~
35 ~~Cost, as used in this subdivision, is defined to include any~~
36 ~~professional fee that may be charged by the pharmacist.~~

37 (d) ~~This section shall apply to all prescriptions, including those~~
38 ~~presented by or on behalf of persons receiving assistance from the~~
39 ~~federal government or pursuant to the California Medical~~
40 ~~Assistance Program set forth in Chapter 7 (commencing with~~

1 ~~Section 14000) of Part 3 of Division 9 of the Welfare and~~
2 ~~Institutions Code.~~
3 ~~(e) When a substitution is made pursuant to this section, the use~~
4 ~~of the cost-saving drug product dispensed shall be communicated~~
5 ~~to the patient and the name of the dispensed drug product shall be~~
6 ~~indicated on the prescription label, except where the prescriber~~
7 ~~orders otherwise.~~

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AB 613

ASSEMBLY BILL

No. 613

Introduced by Assembly Member Low

February 14, 2019

An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

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 101.1 is added to the Business and
2 Professions Code, to read:

3 101.1. (a) Notwithstanding any other law, no more than once
4 every four years, any board listed in Section 101 may increase any
5 fee authorized to be imposed by that board by an amount not to
6 exceed the increase in the California Consumer Price Index, as
7 determined pursuant to Section 2212 of the Revenue and Taxation
8 Code, for the preceding four years in accordance with the
9 following:

10 (1) The board shall provide its calculations and proposed fee,
11 rounded to the nearest whole dollar, to the director and the director
12 shall approve the fee increase unless any of the following apply:

13 (A) The board has unencumbered funds in an amount that is
14 equal to more than the board’s operating budget for the next two
15 fiscal years.

16 (B) The fee would exceed the reasonable regulatory costs to the
17 board in administering the provisions for which the fee is
18 authorized.

19 (C) The director determines that the fee increase would be
20 injurious to the public health, safety, or welfare.

21 (2) The adjustment of fees and publication of the adjusted fee
22 list is not subject to the Administrative Procedure Act (Chapter
23 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
24 Title 2) of the Government Code.

25 (b) For purposes of this section, “fee” includes any fees
26 authorized to be imposed by a board for regulatory costs. “Fee”
27 does not include administrative fines, civil penalties, or criminal
28 penalties.

O

AB 778

ASSEMBLY BILL

No. 778

Introduced by Assembly Member Low

February 19, 2019

An act to amend Section 4945 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 778, as introduced, Low. Acupuncture: continuing education.

Existing law establishes the Acupuncture Board to administer and enforce the Acupuncture Licensure Act and requires each acupuncturist to complete 50 hours of continuing education every two years. Existing law requires a provider of continuing education to apply to the board for approval to offer continuing education courses and to be monitored by the board.

This bill would require the board to establish, by regulation, a procedure for identifying acceptable providers of continuing education courses and would require all providers of continuing education to comply with the procedures established by the board. The bill would authorize the board to revoke or deny the right of a provider to offer continuing education coursework for failure to comply with specified provisions of law.

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

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

- 1 SECTION 1. Section 4945 of the Business and Professions
- 2 Code is amended to read:

1 4945. (a) The board shall establish standards for continuing
 2 education for acupuncturists.

3 (b) The board shall require each acupuncturist to complete 50
 4 hours of continuing education every two years as a condition for
 5 renewal of ~~his or her~~ *the acupuncturist's* license. No more than
 6 five hours of continuing education in each two-year period may
 7 be spent on issues unrelated to clinical matters or the actual
 8 provision of health care to patients. ~~A~~

9 *(c) The board shall establish, by regulation, a procedure for*
 10 *identifying acceptable providers of continuing education courses,*
 11 *and all providers of continuing education shall comply with*
 12 *procedures established by the board.*

13 (d) A provider of continuing education shall apply to the board
 14 for approval to offer continuing education courses for credit toward
 15 ~~this~~ *the* requirement *under subdivision (b)* on a form developed
 16 by the board, shall pay a fee covering the cost of approval and for
 17 the monitoring of the provider by the ~~board~~ *board*, and shall set
 18 forth the following information on the application:

19 (1) Course content.
 20 (2) Test criteria.
 21 (3) Hours of continuing education credit requested for the
 22 course.
 23 (4) Experience and training of instructors.
 24 (5) Other information as required by the board.
 25 (6) That interpreters or bilingual instruction will be made
 26 available, when necessary.

27 *(e) The board may revoke or deny the right of a provider to*
 28 *offer continuing education coursework pursuant to this section for*
 29 *failure to comply with this section or any regulation adopted*
 30 *pursuant to this section.*

31 ~~(e)~~

32 (f) Licensees residing out of state or out of the country shall
 33 comply with the continuing education requirements.

34 ~~(d)~~

35 (g) Providers of continuing education shall be monitored by the
 36 board as determined by the board.

37 ~~(e)~~

38 (h) If the board determines that any acupuncturist has not
 39 obtained the required number of hours of continuing education, it
 40 may renew the acupuncturist's license and require that the deficient

1 hours of continuing education be made up during the following
2 renewal period in addition to the current continuing education
3 required for that period. If any acupuncturist fails to make up the
4 deficient hours and complete the current requirement of hours of
5 continuing education during the subsequent renewal period, then
6 ~~his or her~~ *the acupuncturist's* license to practice acupuncture shall
7 not be renewed until all the required hours are completed and
8 documented to the board.

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AB 779

AMENDED IN ASSEMBLY APRIL 25, 2019

AMENDED IN ASSEMBLY APRIL 22, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 779

Introduced by Assembly Member Low

February 19, 2019

An act to amend Sections 4961 and 4970 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 779, as amended, Low. Acupuncture: place of ~~practice~~; *practice*: wall license.

Existing ~~law~~ *law*, the *Acupuncture Licensure Act*, establishes the Acupuncture Board to administer and enforce the ~~Acupuncture Licensure Act~~ *act*. Under existing law, an acupuncturist's license authorizes the holder to, among other things, engage in the practice of acupuncture and perform Asian massage. Existing law requires a person licensed to practice acupuncture in this state to register the licensee's place of practice, as specified. *Existing law requires a licensee who has no place of practice to notify the board.* Existing law requires a licensee that changes the location of the licensee's place of practice to register the change within 30 days of making that change and authorizes the board to deny the renewal of licensure if a licensee fails to register that change. Existing law requires a licensee to post a wall license at each location maintained by the licensee.

~~This bill would instead require a licensee to post a wall license only in the licensee's primary place of practice, as defined by the bill. The bill would instead require a licensee to apply to the board to obtain a~~

~~place of practice certificate~~ wall license, as defined, for each place of practice practice, as defined, maintained by the licensee, licensee. The bill would apply the posting requirement to each place of practice. The bill would exempt a licensee who performs acupuncture treatments at a patient’s residence from the wall license posting requirement. The bill would require a licensee practicing acupuncture at any location to provide a prescribed notice to each patient. The bill would require a licensee to renew a ~~place of practice certificate~~ biennially, and would establish a \$50 fee for a ~~place of practice certificate~~ and a fee of \$30 for renewal of a ~~place of practice certificate~~. wall license biennially. The bill would set fees for a wall license, a duplicate wall license, and wall license renewal. The bill would provide that a licensee assumes legal responsibility and liability for the acupuncture and Asian massage services rendered in each place of practice maintained by the acupuncturist. The bill would also make other nonsubstantive changes.

Existing law establishes amounts for other specific fees prescribed for licensed acupuncturists, including a \$10 duplicate renewal receipt fee.

This bill would instead impose that fee on a duplicate renewal pocket license.

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

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

- 1 SECTION 1. Section 4961 of the Business and Professions
- 2 Code is amended to read:
- 3 4961. (a) (1) Every person who is licensed to practice
- 4 acupuncture in this state shall register, on forms prescribed by the
- 5 ~~Acupuncture Board, the licensee’s board, which may include an~~
- 6 *application for an initial license or for renewal of a license, each*
- 7 *place of practice and apply to the board to obtain a ~~place of practice~~*
- 8 *certificate wall license for each place of practice.*
- 9 (2) A ~~place of practice certificate~~ wall license shall be renewed
- 10 biennially, coinciding with the license renewal date. *A licensee*
- 11 *with a wall license issued before January 1, 2020, shall not be*
- 12 *required to apply for a new wall license until the licensee’s next*
- 13 *license renewal date.*
- 14 (3) If the licensee has no place of practice, the licensee shall
- 15 notify the board of that fact on a form prescribed by the board. A

1 ~~display of license or place of practice certificate~~ *wall license* is not
2 required to be posted when a licensee performs acupuncture
3 treatments at a patient's residence.

4 (4) *A licensee practicing acupuncture at any location shall*
5 *provide a notice to each patient that the acupuncturist is licensed*
6 *and regulated by the board and shall include, at a minimum, the*
7 *licensee's license number and the contact information for the*
8 *board, including the board's phone number and mailing address.*

9 ~~(4)~~

10 (5) A licensee shall register ~~the licensee's~~ *each* place of practice
11 within 30 days after the date of the licensee being licensed by the
12 board or the establishment of a new place of practice, whichever
13 occurs first.

14 (b) (1) An acupuncturist licensee shall post a wall license issued
15 by the board to the licensee in a conspicuous location in ~~the~~
16 ~~licensee's~~ *each* place of practice at all times.

17 ~~(2) A wall license is only required to be posted at a licensee's~~
18 ~~primary place of practice.~~

19 ~~(3)~~

20 (2) In accordance with subdivision (f) of Section 119, a licensee
21 shall not produce photocopies or any other self-reproduced versions
22 of a license.

23 ~~(4) If a licensee wishes to display a wall license in an additional~~
24 ~~place of practice, the licensee shall apply for and obtain a duplicate~~
25 ~~wall license to post.~~

26 ~~(e) (1) A licensee shall post a current and active place of~~
27 ~~practice certificate at the location for which it was issued at all~~
28 ~~times, including the licensee's primary place of practice.~~

29 ~~(2)~~

30 (3) If an acupuncturist licensee has more than one place of
31 practice, the licensee shall obtain from the board a ~~place of practice~~
32 ~~certificate~~ *separate wall license* for each additional location and
33 post the place of practice certificate at each location.

34 ~~(d) No~~

35 (c) A licensed acupuncturist shall *not* display any acupuncture
36 ~~license, certificate, or registration~~ *wall license* that is not currently
37 active and valid.

38 ~~(e)~~

39 (d) (1) If a licensee changes the location of ~~the licensee's~~
40 ~~primary~~ *a* place of practice, the licensee shall ~~register~~ *apply for*

1 the change of location within 30 days of changing the licensee’s
 2 ~~primary place of practice~~; *practice on forms prescribed by the*
 3 *board.*

4 (2) ~~In the event~~ *If* a licensee fails to ~~register~~ *apply for a new*
 5 *wall license due to* a change of location with the board within the
 6 time prescribed by this subdivision, the board may deny renewal
 7 of the license.

8 ~~(f)~~

9 ~~(e)~~ (1) A ~~place of practice certificate wall license~~ is
 10 nontransferable.

11 (2) Any change to the registered location in connection with
 12 ~~the place of practice certificate~~, *wall license*, such as moving,
 13 requires a new ~~certificate wall license~~ and the former ~~certificate~~
 14 *wall license* shall be returned to the board with a request for
 15 cancellation.

16 (3) The licensee shall apply to the board to obtain a new ~~place~~
 17 ~~of practice certificate wall license~~ using the forms prescribed by
 18 the board for the new ~~place of practice wall license~~ or change of
 19 location.

20 ~~(g)~~

21 (f) (1) In addition to any existing legal responsibility or liability,
 22 an acupuncturist maintaining more than one place of practice shall
 23 assume legal responsibility and liability for the acupuncture and
 24 Asian massage services rendered in each of the places of practice
 25 maintained by the acupuncturist.

26 (2) An acupuncturist maintaining more than one place of practice
 27 shall ensure that each place of practice is in compliance with the
 28 standards of practice requirements of this chapter.

29 ~~(h) For purposes of this section, the following definitions apply:~~

30 ~~(g) As used in this section:~~

31 (1) “Place of practice” means an acupuncture office where any
 32 act of acupuncture is practiced and includes a place of practice in
 33 which the applicant holds a proprietary interest of any nature
 34 whatsoever or in which the licensee holds any right to participate
 35 in the management or control thereof.

36 ~~(2) “Primary place of practice” refers to when a licensee only~~
 37 ~~operates one single acupuncture office where any act of~~
 38 ~~acupuncture is practiced.~~

39 (2) “Wall license” means an official document that is issued by
 40 the board upon application for a place of practice and has a unique

1 *identification number that is specific to the location provided by*
2 *the licensee in the application.*

3 SEC. 2. Section 4970 of the Business and Professions Code is
4 amended to read:

5 4970. The amount of fees prescribed for licensed acupuncturists
6 shall be those set forth in this section unless a lower fee is fixed
7 by the board in accordance with Section 4972:

8 (a) The application fee shall be seventy-five dollars (\$75).

9 (b) The examination and reexamination fees shall be the actual
10 cost to the ~~Acupuncture Board~~ *board* for the development and
11 writing of, grading, and administering of each examination.

12 (c) The initial license fee shall be three hundred twenty-five
13 dollars (\$325), except that if the license will expire less than one
14 year after its issuance, then the initial license fee shall be an amount
15 equal to 50 percent of the initial license fee.

16 (d) The renewal fee shall be three hundred twenty-five dollars
17 (\$325) and ~~in the event~~ *if* a lower fee is fixed by the board, shall
18 be an amount sufficient to support the functions of the board in
19 the administration of this chapter. The board shall assess the
20 renewal fee biennially.

21 (e) The delinquency fee shall be set in accordance with Section
22 163.5.

23 (f) ~~The duplicate wall license fee is an amount equal to the cost~~
24 ~~to the board for the issuance of the duplicate license.~~ *shall be fifteen*
25 *dollars (\$15). There shall be no fee if the application for a place*
26 *of practice is made at the time of initial license.*

27 (g) The duplicate renewal ~~receipt~~ *pocket license* fee is ten dollars
28 (\$10).

29 (h) The endorsement fee is ten dollars (\$10).

30 (i) ~~The fee for a duplicate wall license for an additional office~~
31 ~~location~~ *fee* as required under Section 4961 shall be fifteen dollars
32 (\$15).

33 (j) ~~The place of practice certificate fee shall be fifty dollars~~
34 ~~(\$50):~~

35 (k)

36 (j) ~~The wall license renewal fee for a place of practice certificate~~
37 ~~shall be thirty dollars (\$30).~~ *fifteen dollars (\$15).*

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AB 779 AMENDED

AMENDED IN SENATE JUNE 5, 2019

AMENDED IN ASSEMBLY APRIL 25, 2019

AMENDED IN ASSEMBLY APRIL 22, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 779

Introduced by Assembly Member Low

February 19, 2019

An act to ~~amend~~ *amend, repeal, and add* Sections 4961 and 4970 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 779, as amended, Low. Acupuncture: place of practice: wall license.

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. Existing law requires a licensee, within 30 days of licensure, to register each of the licensee's places of practice or notify the board if the licensee does not have a place of practice. Existing law requires an acupuncturist to post a wall license at their place of practice and, if the acupuncturist has more than one place of practice, to obtain and post a duplicate wall license at each place of practice.

This bill would require a licensee to apply to the board to obtain a wall license for each place of practice and to renew each wall license biennially. The bill would require a licensee to carry a pocket license during treatments outside of the licensee's place of practice and to make the pocket license available upon request. The bill would require a licensee to return a former wall license to the board if the licensee obtains a new wall license for a location. The bill would specify that

an acupuncturist shall be responsible for the services rendered pursuant to the acupuncturist's license at each of licensee's places of practice and ensuring that each place of practice is in compliance with standards of practice. The bill would revise specified fees associated with acupuncture practice, including specifying that an initial license fee shall include one wall license registration if a place of practice is specified in the application, and establish a wall license renewal fee, a wall license replacement fee, and a pocket license replacement fee. The bill would make these provisions operative on January 1, 2021.

~~Existing law, the Acupuncture Licensure Act, establishes the Acupuncture Board to administer and enforce the act. Under existing law, an acupuncturist's license authorizes the holder to, among other things, engage in the practice of acupuncture and perform Asian massage. Existing law requires a person licensed to practice acupuncture in this state to register the licensee's place of practice, as specified. Existing law requires a licensee who has no place of practice to notify the board. Existing law requires a licensee that changes the location of the licensee's place of practice to register the change within 30 days of making that change and authorizes the board to deny the renewal of licensure if a licensee fails to register that change. Existing law requires a licensee to post a wall license at each location maintained by the licensee.~~

~~This bill would instead require a licensee to apply to the board to obtain a wall license, as defined, for each place of practice, as defined, maintained by the licensee. The bill would apply the posting requirement to each place of practice. The bill would exempt a licensee who performs acupuncture treatments at a patient's residence from the wall license posting requirement. The bill would require a licensee practicing acupuncture at any location to provide a prescribed notice to each patient. The bill would require a licensee to renew a wall license biennially. The bill would set fees for a wall license, a duplicate wall license, and wall license renewal. The bill would provide that a licensee assumes legal responsibility and liability for the acupuncture and Asian massage services rendered in each place of practice maintained by the acupuncturist. The bill would also make other nonsubstantive changes.~~

~~Existing law establishes amounts for other specific fees prescribed for licensed acupuncturists, including a \$10 duplicate renewal receipt fee.~~

~~This bill would instead impose that fee on a duplicate renewal pocket license.~~

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

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

1 SECTION 1. *Section 4961 of the Business and Professions*
2 *Code is amended to read:*
3 4961. (a) Every person who is now or hereafter licensed to
4 practice acupuncture in this state shall register, on forms prescribed
5 by the Acupuncture Board, the licensee’s place of practice, or, if
6 the licensee has more than one place of practice, all of the places
7 of practice. If the licensee has no place of practice, the licensee
8 shall notify the board of that fact. A person licensed by the board
9 shall register within 30 days after the date of ~~his or her~~ licensure.
10 (b) An acupuncturist licensee shall post ~~his or her~~ *the* wall
11 license in a conspicuous location in ~~his or her~~ *the acupuncturist’s*
12 place of practice at all times. If an acupuncturist licensee has more
13 than one place of practice, ~~he or she~~ *the licensee* shall obtain from
14 the board a duplicate wall license for each additional location and
15 post the duplicate wall license at each location.
16 (c) Any licensee that changes the location of ~~his or her~~ *their*
17 place of practice shall register each change within 30 days of
18 making that change. In the event a licensee fails to notify the board
19 of any change in the address of a place of practice within the time
20 prescribed by this section, the board may deny renewal of licensure.
21 An applicant for renewal of licensure shall specify in the
22 application whether or not there has been a change in the location
23 of the licensee’s place of practice and, if so, the date of that change.
24 The board may accept that statement as evidence of the change of
25 address.
26 (d) *This section shall remain in effect only until January 1, 2021,*
27 *and as of that date is repealed.*
28 SEC. 2. *Section 4961 is added to the Business and Professions*
29 *Code, to read:*
30 4961. (a) (1) *Every person who is licensed to practice*
31 *acupuncture in this state shall register, on forms prescribed by*
32 *the board that may include an application for an initial license or*
33 *for renewal of a license, each place of practice and apply to the*
34 *board to obtain a wall license for each place of practice.*

1 (2) A wall license shall be renewed biennially, coinciding with
2 the license renewal date. A licensee with a wall license issued
3 before January 1, 2021, shall not be required to apply for a new
4 wall license until the licensee's next license renewal date.

5 (3) If the licensee has no place of practice, the licensee shall
6 notify the board of that fact on a form prescribed by the board. A
7 wall license is not required to be posted when a licensee performs
8 acupuncture treatments outside of the licensee's place of practice.
9 However, the licensee shall carry a pocket license during
10 treatments outside of the licensee's place of practice and make the
11 pocket license available upon request.

12 (4) A licensee shall register each place of practice within 30
13 days after the date of the licensee being licensed by the board or
14 the establishment of a new place of practice, whichever occurs
15 first.

16 (b) (1) An acupuncturist licensee shall post a wall license issued
17 by the board to the licensee in a conspicuous location in each
18 place of practice at all times.

19 (2) If an acupuncturist licensee has more than one place of
20 practice, the licensee shall obtain from the board a separate wall
21 license for each additional location and post the assigned wall
22 license at each location.

23 (c) A licensed acupuncturist shall not display any acupuncture
24 wall license that is not currently active and valid.

25 (d) (1) If a licensee changes the location of a place of practice,
26 the licensee shall apply for the change of location within 30 days
27 of changing the licensee's place of practice on forms prescribed
28 by the board.

29 (2) If a licensee fails to apply for a new wall license with the
30 board due to a change of location within the time prescribed by
31 this subdivision, the board may deny renewal of the license.

32 (e) (1) A wall license is nontransferable.

33 (2) Any change to the registered location in connection with
34 the wall license, such as moving, requires a new wall license, and
35 the former wall license shall be returned to the board with a
36 request for cancellation.

37 (3) The licensee shall apply to the board to obtain a new wall
38 license using the forms prescribed by the board for the new wall
39 license or change of location.

1 (f) (1) *An acupuncturist shall be responsible for the*
2 *acupuncture, Asian massage services, or any other practice*
3 *specified under Section 4937 rendered pursuant to the license of*
4 *the acupuncturist in each place of practice maintained by the*
5 *acupuncturist.*

6 (2) *An acupuncturist maintaining more than one place of*
7 *practice shall ensure that each place of practice is in compliance*
8 *with the standards of practice requirements of this chapter.*

9 (g) *As used in this section:*

10 (1) *“Place of practice” means an acupuncture office where any*
11 *act of acupuncture is practiced and includes a place of practice*
12 *in which the applicant holds a proprietary interest of any nature*
13 *whatsoever or in which the licensee holds any right to participate*
14 *in the management or control thereof.*

15 (2) *“Wall license” means an official document that is issued by*
16 *the board upon application for a place of practice and has a unique*
17 *identification number that is specific to the location provided by*
18 *the licensee in the application.*

19 (h) *This section shall become operative on January 1, 2021.*

20 *SEC. 3. Section 4970 of the Business and Professions Code is*
21 *amended to read:*

22 4970. The amount of fees prescribed for licensed acupuncturists
23 shall be those set forth in this section unless a lower fee is fixed
24 by the board in accordance with Section 4972:

25 (a) The application fee shall be seventy-five dollars (\$75).

26 (b) The examination and reexamination fees shall be the actual
27 cost to the Acupuncture Board for the development and writing
28 of, grading, and administering of each examination.

29 (c) The initial license fee shall be three hundred twenty-five
30 dollars (\$325), except that if the license will expire less than one
31 year after its issuance, then the initial license fee shall be an amount
32 equal to 50 percent of the initial license fee.

33 (d) The renewal fee shall be three hundred twenty-five dollars
34 (\$325) and in the event a lower fee is fixed by the board, shall be
35 an amount sufficient to support the functions of the board in the
36 administration of this chapter. The renewal fee shall be assessed
37 on an annual basis until January 1, 1996, and on and after that date
38 the board shall assess the renewal fee biennially.

39 (e) The delinquency fee shall be set in accordance with Section
40 163.5.

1 (f) The application fee for the approval of a school or college
2 under Section 4939 shall be three thousand dollars (\$3,000). This
3 subdivision shall become inoperative on January 1, 2017.

4 (g) The duplicate wall license fee is an amount equal to the cost
5 to the board for the issuance of the duplicate license.

6 (h) The duplicate renewal receipt fee is ten dollars (\$10).

7 (i) The endorsement fee is ten dollars (\$10).

8 (j) The fee for a duplicate license for an additional office
9 location as required under Section 4961 shall be fifteen dollars
10 (\$15).

11 (k) *This section shall remain in effect only until January 1, 2021,*
12 *and as of that date is repealed.*

13 *SEC. 4. Section 4970 is added to the Business and Professions*
14 *Code, to read:*

15 *4970. The amount of fees prescribed for licensed acupuncturists*
16 *shall be those set forth in this section unless a lower fee is fixed*
17 *by the board in accordance with Section 4972:*

18 (a) *The application fee shall be seventy-five dollars (\$75).*

19 (b) *The examination and reexamination fees shall be the actual*
20 *cost to the board for the development and writing of, grading, and*
21 *administering of each examination.*

22 (c) *The initial license fee shall be three hundred twenty-five*
23 *dollars (\$325), except that if the license will expire less than one*
24 *year after its issuance, then the initial license fee shall be an*
25 *amount equal to 50 percent of the initial license fee. The initial*
26 *license fee shall include one wall license registration if a place of*
27 *practice is specified in the application.*

28 (d) *The renewal fee shall be three hundred twenty-five dollars*
29 *(\$325) and, if a lower fee is fixed by the board, shall be an amount*
30 *sufficient to support the functions of the board in the administration*
31 *of this chapter. The board shall assess the renewal fee biennially.*

32 (e) *The delinquency fee shall be set in accordance with Section*
33 *163.5.*

34 (f) *The wall license fee shall be fifteen dollars (\$15).*

35 (g) *The wall license renewal fee shall be fifteen dollars (\$15).*

36 (h) *If a pocket license is lost or destroyed, the pocket license*
37 *replacement fee is ten dollars (\$10).*

38 (i) *The endorsement fee is ten dollars (\$10).*

39 (j) *If a wall license is lost or destroyed, the wall license*
40 *replacement fee is fifteen dollars (\$15).*

1 (k) *This section shall become operative on January 1, 2021.*

2 SECTION 1. ~~Section 4961 of the Business and Professions~~
3 ~~Code is amended to read:~~

4 ~~4961. (a) (1) Every person who is licensed to practice~~
5 ~~acupuncture in this state shall register, on forms prescribed by~~
6 ~~board, which may include an application for an initial license or~~
7 ~~for renewal of a license, each place of practice and apply to the~~
8 ~~board to obtain a wall license for each place of practice.~~

9 ~~(2) A wall license shall be renewed biennially, coinciding with~~
10 ~~the license renewal date. A licensee with a wall license issued~~
11 ~~before January 1, 2020, shall not be required to apply for a new~~
12 ~~wall license until the licensee's next license renewal date.~~

13 ~~(3) If the licensee has no place of practice, the licensee shall~~
14 ~~notify the board of that fact on a form prescribed by the board. A~~
15 ~~wall license is not required to be posted when a licensee performs~~
16 ~~acupuncture treatments at a patient's residence.~~

17 ~~(4) A licensee practicing acupuncture at any location shall~~
18 ~~provide a notice to each patient that the acupuncturist is licensed~~
19 ~~and regulated by the board and shall include, at a minimum, the~~
20 ~~licensee's license number and the contact information for the board,~~
21 ~~including the board's phone number and mailing address.~~

22 ~~(5) A licensee shall register each place of practice within 30~~
23 ~~days after the date of the licensee being licensed by the board or~~
24 ~~the establishment of a new place of practice, whichever occurs~~
25 ~~first.~~

26 ~~(b) (1) An acupuncturist licensee shall post a wall license issued~~
27 ~~by the board to the licensee in a conspicuous location in each place~~
28 ~~of practice at all times.~~

29 ~~(2) In accordance with subdivision (f) of Section 119, a licensee~~
30 ~~shall not produce photocopies or any other self-reproduced versions~~
31 ~~of a license.~~

32 ~~(3) If an acupuncturist licensee has more than one place of~~
33 ~~practice, the licensee shall obtain from the board a separate wall~~
34 ~~license for each additional location and post the place of practice~~
35 ~~certificate at each location.~~

36 ~~(e) A licensed acupuncturist shall not display any acupuncture~~
37 ~~wall license that is not currently active and valid.~~

38 ~~(d) (1) If a licensee changes the location of a place of practice,~~
39 ~~the licensee shall apply for the change of location within 30 days~~

1 of changing the licensee’s place of practice on forms prescribed
2 by the board.

3 (2) If a licensee fails to apply for a new wall license due to a
4 change of location with the board within the time prescribed by
5 this subdivision, the board may deny renewal of the license.

6 (e) (1) A wall license is nontransferable.

7 (2) Any change to the registered location in connection with
8 the wall license, such as moving, requires a new wall license and
9 the former wall license shall be returned to the board with a request
10 for cancellation.

11 (3) The licensee shall apply to the board to obtain a new wall
12 license using the forms prescribed by the board for the new wall
13 license or change of location.

14 (f) (1) In addition to any existing legal responsibility or liability,
15 an acupuncturist maintaining more than one place of practice shall
16 assume legal responsibility and liability for the acupuncture and
17 Asian massage services rendered in each of the places of practice
18 maintained by the acupuncturist.

19 (2) An acupuncturist maintaining more than one place of practice
20 shall ensure that each place of practice is in compliance with the
21 standards of practice requirements of this chapter.

22 (g) As used in this section:

23 (1) “Place of practice” means an acupuncture office where any
24 act of acupuncture is practiced and includes a place of practice in
25 which the applicant holds a proprietary interest of any nature
26 whatsoever or in which the licensee holds any right to participate
27 in the management or control thereof.

28 (2) “Wall license” means an official document that is issued by
29 the board upon application for a place of practice and has a unique
30 identification number that is specific to the location provided by
31 the licensee in the application.

32 SEC. 2. Section 4970 of the Business and Professions Code is
33 amended to read:

34 4970. The amount of fees prescribed for licensed acupuncturists
35 shall be those set forth in this section unless a lower fee is fixed
36 by the board in accordance with Section 4972:

37 (a) The application fee shall be seventy-five dollars (\$75).

38 (b) The examination and reexamination fees shall be the actual
39 cost to the board for the development and writing of, grading, and
40 administering of each examination.

- 1 ~~(e) The initial license fee shall be three hundred twenty-five~~
2 ~~dollars (\$325), except that if the license will expire less than one~~
3 ~~year after its issuance, then the initial license fee shall be an amount~~
4 ~~equal to 50 percent of the initial license fee.~~
- 5 ~~(d) The renewal fee shall be three hundred twenty-five dollars~~
6 ~~(\$325) and if a lower fee is fixed by the board, shall be an amount~~
7 ~~sufficient to support the functions of the board in the administration~~
8 ~~of this chapter. The board shall assess the renewal fee biennially.~~
- 9 ~~(e) The delinquency fee shall be set in accordance with Section~~
10 ~~463.5.~~
- 11 ~~(f) The wall license fee shall be fifteen dollars (\$15). There shall~~
12 ~~be no fee if the application for a place of practice is made at the~~
13 ~~time of initial license.~~
- 14 ~~(g) The duplicate renewal pocket license fee is ten dollars (\$10).~~
- 15 ~~(h) The endorsement fee is ten dollars (\$10).~~
- 16 ~~(i) The duplicate wall license fee as required under Section 4961~~
17 ~~shall be fifteen dollars (\$15).~~
- 18 ~~(j) The wall license renewal fee shall be fifteen dollars (\$15).~~

O

AB 888

AMENDED IN ASSEMBLY APRIL 11, 2019

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 888

Introduced by Assembly Member Low

February 20, 2019

An act to amend Section 11158.1 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 888, as amended, Low. Opioid prescriptions: information: nonpharmacological treatments for pain.

Existing law requires a prescriber, with certain exceptions, before directly dispensing or issuing for a minor the first prescription for a controlled substance containing an opioid in a single course of treatment, to discuss specified information with the minor, the minor's parent or guardian, or another adult authorized to consent to the minor's medical treatment.

This bill would extend that requirement for the prescriber by applying it to any patient, not only a minor, under those circumstances. The bill would also require the prescriber to discuss the availability of nonpharmacological treatments for pain, as defined.

Existing law makes an exception to the requirement for the prescriber in the case of a patient who is being treated for a diagnosis of chronic intractable pain, as specified.

This bill would remove that exception and would instead make an exception in the case of a patient who is currently receiving hospice care.

The bill would require the prescriber, after discussing the information, to ~~offer~~ *offer, as deemed appropriate by the prescriber*, a referral for a provider of nonpharmacological treatments for pain, and to obtain informed written consent from the patient, a minor patient’s parent or guardian, or another authorized adult, as specified.

Existing federal law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health benefit plan issuer that offers coverage in the small group or individual market to ensure that the coverage includes the essential health benefits package, as defined.

This bill would make legislative findings and declarations relating to addiction associated with overreliance on prescription medication for pain management, and providing that nonpharmacological treatments for pain should be considered during the next update to the state’s essential health benefits benchmark plan.

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

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

1 SECTION 1. The Legislature finds and declares all of the
 2 following:

3 (a) The opioid crisis has devastated communities within
 4 California, which has prompted an urgent discussion about the
 5 risks of addiction associated with overreliance on prescription
 6 medication for pain management.

7 (b) A growing body of research indicates that certain
 8 nonpharmacological therapies are proven to be equally effective
 9 to treat certain causes of pain as prescription opioids, without
 10 placing patients at risk for addiction or overdose.

11 (c) To this end, awareness of, and access to, nonpharmacological
 12 treatments for pain are vitally important to the state’s efforts to
 13 combat the opioid crisis, and that coverage of these treatments
 14 should be considered during the next update to the state’s essential
 15 health ~~benefit~~ *benefits* benchmark plan pursuant to Section 156.111
 16 of Title 45 of the Code of Federal Regulations.

17 SEC. 2. Section 11158.1 of the Health and Safety Code is
 18 amended to read:

19 11158.1. (a) Except when a patient is being treated as set forth
 20 in Sections 11159, 11159.2, and 11167.5, and Article 2
 21 (commencing with Section 11215) of Chapter 5, pertaining to the

1 treatment of addicts, or except when a patient is currently receiving
2 hospice care, a prescriber shall discuss all of the following
3 information with the patient, or, if the patient is a minor, the minor,
4 the minor's parent or guardian, or another adult authorized to
5 consent to the minor's medical treatment, before directly dispensing
6 or issuing to a patient the first prescription in a single course of
7 treatment for a controlled substance containing an opioid:

8 (1) The risks of addiction and overdose associated with the use
9 of opioids.

10 (2) The increased risk of addiction to an opioid for an individual
11 who is suffering from both mental and substance abuse disorders.

12 (3) The danger of taking an opioid with a benzodiazepine,
13 alcohol, or another central nervous system depressant.

14 (4) The availability of nonpharmacological treatments for pain.

15 (5) Any other information required by law.

16 (b) After discussing the information required by subdivision
17 (a), the prescriber shall do both of the following:

18 (1) Obtain informed written consent from the patient, a minor
19 patient's parent or guardian, or another adult authorized to consent
20 to the minor patient's medical treatment, which shall be placed in
21 the patient's medical record and shall contain all of the following:

22 (A) The name and quantity of the controlled substance being
23 prescribed or issued to the patient, and the amount of the initial
24 dose.

25 (B) A statement certifying that the prescriber discussed with
26 the patient, a minor patient's parent or guardian, or another adult
27 authorized to consent to the minor patient's medical treatment, the
28 information required by subdivision (a).

29 (C) A space for the signature of the patient, a minor patient's
30 parent or guardian, or another adult authorized to consent to the
31 minor patient's medical treatment.

32 (2) ~~Offer~~ *Offer, as deemed appropriate by the prescriber, a*
33 *referral for a provider of nonpharmacological treatments for pain.*

34 (c) This section does not apply in any of the following
35 circumstances:

36 (1) If the patient's treatment includes emergency services and
37 care as defined in Section 1317.1.

38 (2) If the patient's treatment is associated with, or incidental to,
39 an emergency surgery, regardless of whether the surgery is
40 performed on an inpatient or outpatient basis.

1 (3) If, in the prescriber’s professional judgment, fulfilling the
2 requirements of subdivision (a) or (b) would be detrimental to the
3 patient’s health or safety, or in violation of the patient’s legal rights
4 regarding confidentiality.

5 (d) For purposes of this section, “nonpharmacological treatments
6 for pain” include, but are not limited to, acupuncture, chiropractic
7 care, physical therapy, occupational therapy, and licensed mental
8 health provider services.

9 (e) *This section shall not be construed as requiring health care*
10 *coverage, or changing existing health care coverage requirements,*
11 *for nonpharmacological treatments for pain.*

12 ~~(e)~~

13 (f) Notwithstanding any other law, including Section 11374,
14 failure to comply with this section shall not constitute a criminal
15 offense.

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AB 1076

AMENDED IN ASSEMBLY MAY 16, 2019

AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1076

Introduced by Assembly Member Ting

February 21, 2019

An act to add Sections 851.93 and 1203.425 to the Penal Code, relating to criminal records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1076, as amended, Ting. Criminal records: automatic relief.

Existing law authorizes a person who was arrested and has successfully completed a prefiling diversion program, a person who has successfully completed a specified drug diversion program, a person who has successfully completed a specified deferred entry of judgment program, and a person who has suffered an arrest that did not result in a conviction, under certain conditions, to petition the court to seal the person's arrest record. Under existing law, if a defendant successfully completes certain diversion programs, the arrest for the crime for which the defendant was diverted is deemed to have never occurred.

Existing law authorizes a defendant to petition to withdraw the defendant's plea of guilty or nolo contendere and enter a plea of not guilty, if the defendant has fulfilled the conditions of probation, or if other specified circumstances are met, and the defendant is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense. If relief is granted, existing law requires the court to dismiss the accusation or information against the defendant and release the defendant from all penalties and disabilities

resulting from the offense, with exceptions. Existing law also authorizes a defendant to file a similar petition if the defendant was convicted of a misdemeanor and not granted probation, was convicted of an infraction, or completed a sentence for certain felonies, and the defendant met specified conditions.

This bill would, commencing January 1, 2021, require the Department of Justice, on a weekly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure. The bill would require the department to grant relief to an eligible person, without requiring a petition or motion. The bill would not limit petitions, motions, or orders for relief, as required or authorized by any other law.

The bill would require an update to the state summary criminal history information to document the relief granted. The bill would require the department, on a weekly basis, to electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. The bill would prohibit the court from disclosing information concerning an arrest or conviction granted relief, with exceptions.

The bill would authorize the prosecuting attorney to file a motion to prohibit the department from granting automatic relief for criminal conviction records as described above. If the court grants that motion, the bill would prohibit the department from granting relief, but the person would continue to be eligible for relief through other existing procedures, including petitions to the court.

The bill would require the Department of Justice to annually publish statistics regarding relief granted pursuant to the provisions of this bill, as specified.

The bill would require a court, at the time of sentencing, to advise each defendant of their right to conviction relief pursuant to the provisions of this bill, as specified.

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

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

1 SECTION 1. Section 851.93 is added to the Penal Code, to
2 read:

1 851.93. (a) (1) On a weekly basis, the Department of Justice
2 shall review the records in the statewide criminal justice databases,
3 and based on information in the Automated Criminal History
4 System, shall identify persons with records of arrest that meet the
5 criteria set forth in paragraph (2) and are eligible for arrest record
6 relief.

7 (2) A person is eligible for relief pursuant to this section, if the
8 arrest *occurred on or after January 1, 1973, and* meets any of the
9 following conditions:

10 (A) The arrest was for a misdemeanor offense and the charge
11 was dismissed.

12 (B) The arrest was for a misdemeanor offense, at least one
13 calendar year has elapsed since the date of the arrest, and no
14 conviction occurred, or the arrestee was acquitted of any charges
15 that arose, from that arrest.

16 (C) The arrest was for an offense that is punishable by
17 imprisonment pursuant to paragraph (1) or (2) of subdivision (h)
18 of Section 1170, at least three calendar years have elapsed since
19 the date of the arrest, and no conviction occurred, or the arrestee
20 was acquitted of any charges arising from, that arrest.

21 (D) The person successfully completed any of the following,
22 relating to that arrest:

23 (i) A prefiling diversion program, as defined in Section 851.87,
24 administered by a prosecuting attorney in lieu of filing an
25 accusatory pleading.

26 (ii) A drug diversion program administered by a superior court
27 pursuant to Section 1000.5, or a deferred entry of judgment
28 program pursuant to Section 1000 or 1000.8.

29 (iii) A pretrial diversion program, pursuant to Section 1000.4.

30 (iv) A diversion program, pursuant to Section 1001.9.

31 (v) Any diversion program described in Chapters 2.8
32 (commencing with Section 1001.20), 2.8A (commencing with
33 Section 1001.35), 2.8I (*commencing with Section 1001.40*), 2.9
34 (commencing with Section 1001.50), 2.9A (commencing with
35 Section 1001.60), 2.9B (commencing with Section 1001.70), 2.9C
36 (commencing with Section 1001.80), ~~or~~ 2.9D (commencing with
37 Section 1001.81), *or 2.92 (commencing with Section 1001.85)*, of
38 Title 6.

39 (b) (1) The department shall grant relief to a person identified
40 pursuant to subdivision (a), without requiring a petition or motion

1 by a party for that ~~relief~~. *relief if the record contains sufficient*
2 *information.*

3 (2) The state summary criminal history information shall
4 include, directly next to or below the entry or entries regarding the
5 person's arrest record, a note stating "arrest relief granted," listing
6 the date that the department granted relief, and this section. This
7 note shall be included in all statewide criminal databases with a
8 record of the arrest.

9 (3) Except as otherwise provided in subdivision (d), an arrest
10 for which arrest relief has been granted is deemed not to have
11 occurred, and a person who has been granted arrest relief is released
12 from any penalties and disabilities resulting from the arrest, and
13 may answer any question relating to that arrest accordingly.

14 (4) *As used in paragraph (1), "sufficient information" means*
15 *the date of the arrest and the arrest charges.*

16 (c) (1) On a weekly basis, the department shall electronically
17 submit a notice to the superior court having jurisdiction over the
18 criminal case, informing the court of all cases for which relief was
19 granted pursuant to this section. ~~The Commencing on February 1,~~
20 ~~2021, for any record retained by the court pursuant to Section~~
21 ~~68152 of the Government Code, the court shall not disclose~~
22 ~~information concerning an arrest that is granted relief pursuant to~~
23 ~~this section to any person or entity, in any format, except to the~~
24 ~~person whose arrest was granted relief or a criminal justice agency,~~
25 ~~as defined in Section 851.92.~~

26 (2) The department shall not disclose information concerning
27 an arrest that is granted relief pursuant to this section to a board,
28 as defined in Section 22 of the Business and Professions Code.

29 (d) Relief granted pursuant to this section is subject to the
30 following conditions:

31 (1) Arrest relief does not relieve a person of the obligation to
32 disclose an arrest in response to a direct question contained in a
33 questionnaire or application for employment as a peace officer, as
34 defined in Section 830.

35 (2) Relief granted pursuant to this section has no effect on the
36 ability of a criminal justice agency, as defined in Section 851.92,
37 to access and use records that are granted relief to the same extent
38 that would have been permitted for a criminal justice agency had
39 relief not been granted.

1 (3) Relief granted pursuant to this section does not affect a
2 person's authorization to own, possess, or have in the person's
3 custody or control any firearm, or the person's susceptibility to
4 conviction under Chapter 2 (commencing with Section 29800) of
5 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect
6 this authorization or susceptibility.

7 (4) Relief granted pursuant to this section does not affect any
8 prohibition from holding public office that would otherwise apply
9 under law as a result of the arrest.

10 (5) ~~Relief~~ *Subject to the requirement prescribed in paragraph*
11 *(2) of subdivision (b), an arrest for which relief has been granted*
12 *pursuant to this section is subject to the provisions of Section*
13 *11105.*

14 (e) This section shall not limit petitions, motions, or orders for
15 arrest record relief, as required or authorized by any other law,
16 including, but not limited to, Sections 851.87, 851.90, 851.91,
17 1000.4, and 1001.9.

18 (f) The department shall annually publish statistics *for each*
19 *county* regarding the total number of arrests granted relief pursuant
20 ~~to this section, by county,~~ *section and the total number of arrests*
21 *lacking sufficient information as described in subdivision (b), on*
22 *the OpenJustice Web portal, as defined in Section 13010.*

23 (g) This section shall be operative commencing January 1, 2021.

24 SEC. 2. Section 1203.425 is added to the Penal Code,
25 immediately following Section 1203.42, to read:

26 1203.425. (a) (1) On a weekly basis, the Department of Justice
27 shall review the records in the statewide criminal justice databases,
28 and based on information in the Automated Criminal History
29 System and the Supervised Release File, shall identify persons
30 with convictions that meet the criteria set forth in paragraph (2)
31 and are eligible for automatic conviction record relief.

32 (2) A person is eligible for automatic conviction relief pursuant
33 to this section if they meet all of the following conditions:

34 (A) The person is not required to register pursuant to Section
35 290.

36 (B) The person is not under active local, state, or federal
37 supervision, according to the Supervised Release File.

38 (C) The person is not currently serving a sentence for any
39 offense and does not have any pending criminal charges.

1 (D) The conviction *occurred on or after January 1, 1973, and*
2 *meets one of the following criteria:*

3 (i) The defendant was sentenced to probation and has completed
4 their term of probation without revocation.

5 (ii) The defendant was convicted of an infraction or
6 misdemeanor and was not granted probation, has completed their
7 ~~sentence or paid their fine~~, *sentence*, and at least one calendar year
8 has elapsed since the date of judgment.

9 (iii) The defendant was sentenced pursuant to subparagraph (B)
10 of paragraph (5) of subdivision (h) of Section 1170, and one year
11 has elapsed following the completion of sentence, or, the defendant
12 was sentenced pursuant to subparagraph (A) of paragraph (5) of
13 subdivision (h) of Section 1170, and two years has elapsed
14 following the completion of sentence.

15 (iv) The defendant was sentenced before January 1, ~~2012~~ 2012,
16 for a crime which, on or after January 1, 2012, would have been
17 eligible for sentencing pursuant to subdivision (h) of Section 1170,
18 and two years have elapsed following the defendant's completion
19 of the sentence.

20 (b) (1) Except as specified in subdivision (g), the department
21 shall grant relief, including dismissal of a conviction, to a person
22 identified pursuant to subdivision (a), without requiring a petition
23 or motion by a party for that ~~relief~~. *relief if the record contains*
24 *sufficient information.*

25 (2) The state summary criminal history information shall
26 include, directly next to or below the entry or entries regarding the
27 person's criminal record, a note stating "relief granted," listing the
28 date that the department granted relief and this section. This note
29 shall be included in all statewide criminal databases with a record
30 of the conviction.

31 (3) Except as otherwise provided in subdivision (d) and in
32 Section 13555 of the Vehicle Code, a person granted conviction
33 relief pursuant to this section shall be released from all penalties
34 and disabilities resulting from the offense of which ~~he or she~~ *the*
35 *person* has been convicted.

36 (4) *As used in paragraph (1), "sufficient information" means*
37 *the date of the disposition, the conviction charges, and the sentence*
38 *imposed.*

39 (c) (1) On a weekly basis, the department shall electronically
40 submit a notice to the superior court having jurisdiction over the

1 criminal case, informing the court of all cases for which relief was
2 granted pursuant to this section. ~~The Commencing on February 1,~~
3 ~~2021, for any record retained by the court pursuant to Section~~
4 ~~68152 of the Government Code, the court shall not disclose~~
5 information concerning a conviction granted relief pursuant to this
6 section ~~or Sections 1203.4, 1203.4a, 1203.41, and 1203.42~~, to any
7 person or entity, *in any format*, except to the person whose
8 conviction was granted relief or a criminal justice agency, as
9 defined in Section 851.92.

10 (2) The department shall not disclose information concerning
11 a criminal conviction record that is granted relief pursuant to this
12 section to a board, as defined in Section 22 of the Business and
13 Professions Code.

14 (d) Relief granted pursuant to this section is subject to the
15 following conditions:

16 (1) Relief granted pursuant to this section does not relieve a
17 person of the obligation to disclose a criminal conviction in
18 response to a direct question contained in a questionnaire or
19 application for employment as a peace officer, as defined in Section
20 830.

21 (2) Relief granted pursuant to this section does not relieve a
22 person of the obligation to disclose the conviction in response to
23 any direct question contained in any questionnaire or application
24 for public office, for licensure by any state or local agency, or for
25 contracting with the California State Lottery Commission.

26 (3) Relief granted pursuant to this section has no effect on the
27 ability of a criminal justice agency, as defined in Section 851.92,
28 to access and use records that are granted relief to the same extent
29 that would have been permitted for a criminal justice agency had
30 relief not been granted.

31 (4) *Relief granted pursuant to this section does not limit the*
32 *jurisdiction of the court over any subsequently filed motion to*
33 *amend the record, petition or motion for postconviction relief, or*
34 *collateral attack on a conviction for which relief has been granted*
35 *pursuant to this section.*

36 ~~(4)~~

37 (5) Relief granted pursuant to this section does not affect a
38 person's authorization to own, possess, or have in the person's
39 custody or control any firearm, or the person's susceptibility to
40 conviction under Chapter 2 (commencing with Section 29800) of

1 Division 9 of Title 4 of Part 6, if the criminal conviction would
2 otherwise affect this authorization or susceptibility.

3 ~~(5)~~

4 (6) Relief granted pursuant to this section does not affect any
5 prohibition from holding public office that would otherwise apply
6 under law as a result of the criminal conviction.

7 ~~(6)~~

8 (7) In any subsequent prosecution of the defendant for any other
9 offense, the prior conviction may be pleaded and proved and shall
10 have the same effect as if the relief had not been granted.

11 (8) *Subject to the requirement prescribed in paragraph (2) of*
12 *subdivision (b), a conviction for which relief has been granted*
13 *pursuant to this section shall be subject to the requirements of*
14 *Section 11105.*

15 (e) This section shall not limit petitions, motions, or orders for
16 relief in a criminal case, as required or authorized by any other
17 law, including, but not limited to, Sections 1203.4, 1203.4a,
18 1203.41, and 1203.42.

19 (f) The department shall annually publish statistics *for each*
20 *county* regarding the total number of convictions granted relief
21 pursuant to this section, ~~and~~ the total number of convictions
22 prohibited from automatic relief pursuant to subdivision (h), ~~by~~
23 ~~county~~, *and the total number of arrests lacking sufficient*
24 *information as described in subdivision (b), on the OpenJustice*
25 *Web portal, as defined in Section 13010.*

26 (g) Subdivisions (a) to (g) inclusive, shall be operative
27 commencing January 1, 2021.

28 (h) ~~No~~ *For convictions entered on or after January 1, 2018, the*
29 *prosecuting attorney or probation department may, no later than*
30 *90 calendar days before the date of a person's eligibility for relief*
31 *pursuant to this section, the prosecuting attorney or probation*
32 *department may file a motion to prohibit the department from*
33 *granting automatic relief pursuant to this section. The court shall*
34 *give notice to the defendant and conduct a hearing on the motion*
35 *within 45 days after the motion is filed. If the court grants that*
36 *motion, the department shall not grant relief pursuant to this*
37 *section, but the person may continue to be eligible for relief*
38 *pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42.*

39 (i) At the time of sentencing, the court shall advise a defendant,
40 either orally or in writing, of the provisions of this section and of

1 the defendant's right, if any, to petition for a certificate of
2 rehabilitation and pardon.

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AB 1245

ASSEMBLY BILL

No. 1245

Introduced by Assembly Member Low

February 21, 2019

An act to amend Section 4935 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as introduced, Low. Acupuncture: advertising.

Existing law establishes the Acupuncture Board to administer and enforce laws in the Acupuncture Licensure Act and makes it a misdemeanor for any person who does not hold a current and valid license to practice acupuncture to advertise or otherwise represent that the person is practicing or engaging in the practice of acupuncture. Existing law provides that a person advertises or otherwise represents that the person is practicing or engaging in the practice of acupuncture by representing that the person is trained, experienced, an expert, or otherwise qualified to practice acupuncture, Asian Medicine, oriental medicine, or any other complementary or integrative medicine that involves acupuncture and is associated with an Asian subgroup.

This bill would additionally provide that a person advertises or otherwise represents that the person is practicing or engaging in the practice of acupuncture by representing that the person is trained, experienced, an expert, or otherwise qualified to practice any other traditional medicine that involves acupuncture and is associated with an Asian subgroup. By adding traditional medicine to the provision of what constitutes a person advertising or representing that the person engages in the practice of acupuncture, this bill would expand an existing crime and would, therefore, result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 4935 of the Business and Professions
2 Code is amended to read:

3 4935. (a) (1) It is a misdemeanor, punishable by a fine of not
4 less than one hundred dollars (\$100) and not more than two
5 thousand five hundred dollars (\$2,500), or by imprisonment in a
6 county jail not exceeding one year, or by both that fine and
7 imprisonment, for any person who does not hold a current and
8 valid license to practice acupuncture under this chapter or to
9 advertise or otherwise represent that ~~he or she~~ *the person* is
10 practicing or engaging in the practice of acupuncture.

11 (2) It is a misdemeanor, punishable by a fine of not less than
12 one hundred dollars (\$100) and not more than two thousand five
13 hundred dollars (\$2,500), or by imprisonment in a county jail not
14 exceeding one year, or by both that fine and imprisonment, for
15 any person to fraudulently buy, sell, or obtain a license to practice
16 acupuncture, or to violate the provisions of this chapter.

17 (b) Notwithstanding any other law, any person, other than a
18 physician and surgeon, a dentist, or a podiatrist, who is not licensed
19 under this article but is licensed under Division 2 (commencing
20 with Section 500), who practices acupuncture involving the
21 application of a needle to the human body, performs any
22 acupuncture technique or method involving the application of a
23 needle to the human body, or directs, manages, or supervises
24 another person in performing acupuncture involving the application
25 of a needle to the human body is guilty of a misdemeanor.

26 (c) A person advertises or otherwise represents that ~~he or she~~
27 *the person* is practicing or engaging in the practice of acupuncture
28 by the use of any title or description of services incorporating the
29 words “acupuncture,” “acupuncturist,” “certified acupuncturist,”
30 “licensed acupuncturist,” “Asian medicine,” “oriental medicine,”

1 or any combination of those words, phrases, or abbreviations of
2 those words or phrases, or by representing that ~~he or she~~ *the person*
3 is trained, experienced, an expert, or otherwise qualified to practice
4 in the field of acupuncture, Asian medicine, oriental medicine, or
5 any other ~~complementary~~ *traditional, complementary, or integrative*
6 medicine that involves acupuncture and is associated with an Asian
7 subgroup, including Chinese medicine, Japanese medicine, or
8 Korean medicine.

9 (d) Subdivision (a) shall not prohibit a person from
10 administering acupuncture treatment as part of ~~his or her~~ *the*
11 *person's* educational training if the person is either of the
12 following:

13 (1) Engaged in a course or tutorial program in acupuncture, as
14 provided in this chapter.

15 (2) A graduate of an approved educational and training program
16 and participating in a postgraduate review course that does not
17 exceed one year in duration at an approved educational and training
18 program.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

SB 53

AMENDED IN SENATE MARCH 5, 2019

SENATE BILL

No. 53

Introduced by Senator Wilk

~~(Coauthor: Assembly Member Lackey)~~

(Coauthors: Senators Bates, Glazer, Jones, and Portantino)

(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, “state body” means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

9 (b) A board, commission, committee, or similar multimember
10 body that exercises any authority of a state body delegated to it by
11 that state body.

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more persons, except as
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in ~~his or her~~ *their* official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the California Constitution and shall
32 go into immediate effect. The facts constituting the necessity are:

1 In order to avoid unnecessary litigation and ensure the people's
2 right to access the meetings of public bodies pursuant to Section
3 3 of Article 1 of the California Constitution, it is necessary that
4 this act take effect immediately.

O

SB 425

AMENDED IN SENATE MAY 21, 2019
AMENDED IN SENATE APRIL 30, 2019
AMENDED IN SENATE APRIL 11, 2019

SENATE BILL

No. 425

Introduced by Senator Hill

February 21, 2019

An act to amend Sections 800, 2221, and 2234 of, and to add Section 805.8 to, the Business and Profession Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 425, as amended, Hill. Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.

Existing law requires the Medical Board of California and specified other boards responsible for the licensure, regulation, and discipline of health care practitioners to separately create and maintain a central file of the names of all persons who hold a license, certificate, or similar authority from that board, including prescribed historical information for each licensee. Existing law makes the contents of any central file that are not public records confidential, except that the licensee or their counsel or a representative are authorized to inspect and have copies made of the licensee's complete file other than the disclosure of the identity of an information source. Existing law authorizes a board to protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a comprehensive summary of the substance of the material.

This bill would delete the specification that the summary be comprehensive.

Existing law establishes a peer review process for certain healing arts licentiates, as defined, and requires the chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic to report specified information, including the denial or revocation of staff privileges, as defined, for a medical disciplinary cause or reason, within 15 days of the denial or revocation to the relevant state licensing agency. Existing law makes a violation of this reporting requirement punishable by a civil fine.

This bill would require any ~~health facility or clinic~~ *care facility, as defined*, or other entity that makes any arrangement under which a healing arts licensee is allowed to practice or provide care for patients to report any allegation of sexual abuse or sexual ~~misconduct~~ *misconduct, as defined*, made against a healing arts licensee *by a patient, if the patient makes the allegation in writing*, to the relevant state licensing agency within 15 days of receiving the *written* allegation and would require the relevant agency to investigate the circumstances underlying a received report. ~~The bill would also require an employee or healing arts licensee that works in a health facility or clinic or other entity with knowledge of any allegation of sexual abuse or sexual misconduct by a healing arts licensee to report to the relevant state agency having jurisdiction over the healing arts licensee and the administration of the health facility or clinic or other entity within 15 days of knowing about the allegation of sexual abuse or sexual misconduct.~~ The bill would make a willful failure to file the report by a *health care facility or clinic* or other entity punishable by a civil fine not to exceed \$100,000 per violation and any other failure to make that report punishable by a civil fine not to exceed \$50,000 per violation, as specified. The bill would also prohibit a person, including an employee or individual contracted or subcontracted to provide health care services, a ~~health facility or clinic~~ *care facility*, or other entity from incurring civil or criminal liability as a result of making a report if made in good faith.

The Medical Practice Act establishes the Medical Board of California for the licensure, regulation, and discipline of physicians and surgeons.

The act authorizes the board to deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of their license. The act authorizes the board in its sole discretion to issue a

probationary physician’s and surgeon’s certificate to an applicant subject to terms and conditions.

This bill would require the board to disclose a probationary physician’s and surgeon’s certificate and the operative statement of issues to an inquiring member of the public and to post the certificate and statement on the board’s internet website for 10 years from issuance.

The act requires the board to take action against any licensee who is charged with unprofessional conduct and provides that unprofessional conduct includes the repeated failure by a certificate holder who is the subject of an investigation by the board, in the absence of good cause, to attend and participate in an interview by the board.

This bill would delete the condition that the failure to attend and participate in an interview by the board be repeated. The bill would also delete an obsolete provision.

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

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

1 SECTION 1. Section 800 of the Business and Professions Code
2 is amended to read:
3 800. (a) The Medical Board of California, the Podiatric
4 Medical Board of California, the Board of Psychology, the Dental
5 Board of California, the Dental Hygiene Board of California, the
6 Osteopathic Medical Board of California, the State Board of
7 Chiropractic Examiners, the Board of Registered Nursing, the
8 Board of Vocational Nursing and Psychiatric Technicians of the
9 State of California, the State Board of Optometry, the Veterinary
10 Medical Board, the Board of Behavioral Sciences, the Physical
11 Therapy Board of California, the California State Board of
12 Pharmacy, the Speech-Language Pathology and Audiology and
13 Hearing Aid Dispensers Board, the California Board of
14 Occupational Therapy, the Acupuncture Board, and the Physician
15 Assistant Board shall each separately create and maintain a central
16 file of the names of all persons who hold a license, certificate, or
17 similar authority from that board. Each central file shall be created
18 and maintained to provide an individual historical record for each
19 licensee with respect to the following information:

1 (1) Any conviction of a crime in this or any other state that
2 constitutes unprofessional conduct pursuant to the reporting
3 requirements of Section 803.

4 (2) Any judgment or settlement requiring the licensee or the
5 licensee’s insurer to pay any amount of damages in excess of three
6 thousand dollars (\$3,000) for any claim that injury or death was
7 proximately caused by the licensee’s negligence, error or omission
8 in practice, or by rendering unauthorized professional services,
9 pursuant to the reporting requirements of Section 801 or 802.

10 (3) Any public complaints for which provision is made pursuant
11 to subdivision (b).

12 (4) Disciplinary information reported pursuant to Section 805,
13 including any additional exculpatory or explanatory statements
14 submitted by the licentiate pursuant to subdivision (f) of Section
15 805. If a court finds, in a final judgment, that the peer review
16 resulting in the 805 report was conducted in bad faith and the
17 licensee who is the subject of the report notifies the board of that
18 finding, the board shall include that finding in the central file. For
19 purposes of this paragraph, “peer review” has the same meaning
20 as defined in Section 805.

21 (5) Information reported pursuant to Section 805.01, including
22 any explanatory or exculpatory information submitted by the
23 licensee pursuant to subdivision (b) of that section.

24 (b) (1) Each board shall prescribe and promulgate forms on
25 which members of the public and other licensees or certificate
26 holders may file written complaints to the board alleging any act
27 of misconduct in, or connected with, the performance of
28 professional services by the licensee.

29 (2) If a board, or division thereof, a committee, or a panel has
30 failed to act upon a complaint or report within five years, or has
31 found that the complaint or report is without merit, the central file
32 shall be purged of information relating to the complaint or report.

33 (3) Notwithstanding this subdivision, the Board of Psychology,
34 the Board of Behavioral Sciences, and the Respiratory Care Board
35 of California shall maintain complaints or reports as long as each
36 board deems necessary.

37 (c) (1) The contents of any central file that are not public
38 records under any other provision of law shall be confidential
39 except that the licensee involved, or the licensee’s counsel or
40 representative, may inspect and have copies made of the licensee’s

1 complete file except for the provision that may disclose the identity
2 of an information source. For the purposes of this section, a board
3 may protect an information source by providing a copy of the
4 material with only those deletions necessary to protect the identity
5 of the source or by providing a summary of the substance of the
6 material. Whichever method is used, the board shall ensure that
7 full disclosure is made to the subject of any personal information
8 that could reasonably in any way reflect or convey anything
9 detrimental, disparaging, or threatening to a licensee’s reputation,
10 rights, benefits, privileges, or qualifications, or be used by a board
11 to make a determination that would affect a licensee’s rights,
12 benefits, privileges, or qualifications. The information required to
13 be disclosed pursuant to Section 803.1 shall not be considered
14 among the contents of a central file for the purposes of this
15 subdivision.

16 (2) The licensee may, but is not required to, submit any
17 additional exculpatory or explanatory statement or other
18 information that the board shall include in the central file.

19 (3) Each board may permit any law enforcement or regulatory
20 agency when required for an investigation of unlawful activity or
21 for licensing, certification, or regulatory purposes to inspect and
22 have copies made of that licensee’s file, unless the disclosure is
23 otherwise prohibited by law.

24 (4) These disclosures shall effect no change in the confidential
25 status of these records.

26 SEC. 2. Section 805.8 is added to the Business and Professions
27 Code, to read:

28 805.8. (a) As used in this section, the following terms shall
29 have the following meanings:

30 (1) “Agency” means the relevant state licensing agency with
31 regulatory jurisdiction over a healing arts licensee listed in
32 paragraph (2).

33 (2) “Healing arts licensee” or “licensee” means a licensee
34 licensed under Division 2 (commencing with Section 500) or any
35 initiative act referred to in that division. “Healing arts licensee”
36 or “licensee” also includes a person authorized to practice medicine
37 pursuant to Sections 2064.5, 2113, and 2168.

38 (3) “Health care facility” means a clinic or health facility
39 licensed or exempt from licensure pursuant to Division 2
40 (commencing with Section 1200) of the Health and Safety Code.

1 ~~(3)~~

2 (4) “Other entity” includes, but is not limited to, a postsecondary
3 educational institution as defined in Section 66261.5 of the
4 Education Code.

5 (5) “*Sexual misconduct*” means *inappropriate contact or*
6 *communication of a sexual nature.*

7 (b) A health care facility ~~or clinic~~ or other entity that makes
8 any arrangement under which a healing arts licensee is allowed to
9 practice or provide care for patients shall file a report of any
10 allegation of sexual abuse or sexual misconduct made against a
11 healing arts licensee *by a patient, if the patient makes the allegation*
12 *in writing*, to the agency within 15 days of receiving the *written*
13 allegation of sexual abuse or sexual misconduct. An arrangement
14 under which a licensee is allowed to practice or provide care for
15 patients includes, but is not limited to, full staff privileges, active
16 staff privileges, limited staff privileges, auxiliary staff privileges,
17 provisional staff privileges, temporary staff privileges, courtesy
18 staff privileges, locum tenens arrangements, and contractual
19 arrangements to provide professional services, including, but not
20 limited to, arrangements to provide outpatient services.

21 ~~(c) An employee or a healing arts licensee that works in any~~
22 ~~health facility or clinic or other entity that subdivision (b) applies~~
23 ~~to who has knowledge of any allegation of sexual abuse or sexual~~
24 ~~misconduct by a healing arts licensee shall file a report with the~~
25 ~~agency that has regulatory jurisdiction over the healing arts licensee~~
26 ~~and the administration of the health facility or clinic or other entity~~
27 ~~within 15 days of knowing about the allegation of sexual abuse or~~
28 ~~sexual misconduct.~~

29 ~~(d)~~

30 (c) A willful failure to file the report described in subdivision
31 (b) shall be punishable by a ~~fine~~ *fine*, not to exceed one hundred
32 thousand dollars (\$100,000) ~~per violation~~. *violation, that shall be*
33 *paid by the health care facility or other entity subject to subdivision*
34 *(b)*. The fine may be imposed in any civil or administrative action
35 or proceeding brought by or on behalf of any agency having
36 regulatory jurisdiction over the licensee regarding whom the report
37 was or should have been filed. If the person who is designated or
38 otherwise required to file the report under this section is a licensed
39 physician and surgeon, the action or proceeding shall be brought
40 by the Medical Board of California. If the person who is designated

1 or otherwise required to file the report required under this section
 2 is a licensed doctor of podiatric medicine, the action or proceeding
 3 shall be brought by the Podiatric Medical Board of California. The
 4 fine shall be paid to that agency, but not expended until
 5 appropriated by the Legislature. A violation of this subdivision
 6 may constitute unprofessional conduct by the licensee. A person
 7 who is alleged to have violated this subdivision may assert any
 8 defense available at law. As used in this subdivision, “willful”
 9 means a voluntary and intentional violation of a known legal duty.

10 (e)

11 (d) Except as provided in subdivision ~~(d)~~, (c), any failure to file
 12 the report described in subdivision (b) shall be punishable by a
 13 ~~fine~~ *fine*, not to exceed fifty thousand dollars (\$50,000) per
 14 ~~violation~~ *violation, that shall be paid by the health care facility*
 15 *or other entity subject to subdivision (b)*. The fine may be imposed
 16 in any civil or administrative action or proceeding brought by or
 17 on behalf of any agency having regulatory jurisdiction over the
 18 person regarding whom the report was or should have been filed.
 19 If the person who is designated or otherwise required to file the
 20 report required under this section is a licensed physician and
 21 surgeon, the action or proceeding shall be brought by the Medical
 22 Board of California. If the person who is designated or otherwise
 23 required to file the report required under this section is a licensed
 24 doctor of podiatric medicine, the action or proceeding shall be
 25 brought by the Podiatric Medical Board of California. The fine
 26 shall be paid to that agency, but not expended until appropriated
 27 by the Legislature. The amount of the fine imposed, not exceeding
 28 fifty thousand dollars (\$50,000) per violation, shall be proportional
 29 to the severity of the failure to report and shall differ based upon
 30 written findings, including whether the failure to file caused harm
 31 to a patient or created a risk to patient safety; whether any person
 32 who is designated or otherwise required by law to file the report
 33 required under this section exercised due diligence despite the
 34 failure to file or whether the person knew or should have known
 35 that a report required under this section would not be filed; and
 36 whether there has been a prior failure to file a report required under
 37 this section. The amount of the fine imposed may also differ based
 38 on whether a health care facility ~~or clinic~~ is a small or rural hospital
 39 as defined in Section 124840 of the Health and Safety Code.

40 (f)

1 (e) A person, including an employee or individual contracted
2 or subcontracted to provide health care services, a health facility
3 or clinic, care facility, or other entity shall not incur any civil or
4 criminal liability as a result of making a report required by this
5 section if made in good faith.

6 ~~(g)~~

7 (f) The agency shall investigate the circumstances underlying
8 a report received pursuant to this section.

9 SEC. 3. Section 2221 of the Business and Professions Code is
10 amended to read:

11 2221. (a) The board may deny a physician’s and surgeon’s
12 certificate to an applicant guilty of unprofessional conduct or of
13 any cause that would subject a licensee to revocation or suspension
14 of their license. The board, in its sole discretion, may issue a
15 probationary physician’s and surgeon’s certificate to an applicant
16 subject to terms and conditions, including, but not limited to, any
17 of the following conditions of probation:

18 (1) Practice limited to a supervised, structured environment
19 where the licensee’s activities shall be supervised by another
20 physician and surgeon.

21 (2) Total or partial restrictions on drug prescribing privileges
22 for controlled substances.

23 (3) Continuing medical or psychiatric treatment.

24 (4) Ongoing participation in a specified rehabilitation program.

25 (5) Enrollment and successful completion of a clinical training
26 program.

27 (6) Abstention from the use of alcohol or drugs.

28 (7) Restrictions against engaging in certain types of medical
29 practice.

30 (8) Compliance with all provisions of this chapter.

31 (9) Payment of the cost of probation monitoring.

32 (b) The board may modify or terminate the terms and conditions
33 imposed on the probationary certificate upon receipt of a petition
34 from the licensee. The board may assign the petition to an
35 administrative law judge designated in Section 11371 of the
36 Government Code. After a hearing on the petition, the
37 administrative law judge shall provide a proposed decision to the
38 board.

39 (c) The board shall deny a physician’s and surgeon’s certificate
40 to an applicant who is required to register pursuant to Section 290

1 of the Penal Code. This subdivision does not apply to an applicant
2 who is required to register as a sex offender pursuant to Section
3 290 of the Penal Code solely because of a misdemeanor conviction
4 under Section 314 of the Penal Code.

5 (d) An applicant shall not be eligible to reapply for a physician’s
6 and surgeon’s certificate for a minimum of three years from the
7 effective date of the denial of their application, except that the
8 board, in its discretion and for good cause demonstrated, may
9 permit reapplication after not less than one year has elapsed from
10 the effective date of the denial.

11 (e) The board shall disclose a probationary physician’s and
12 surgeon’s certificate issued pursuant to this section and the
13 operative statement of issues to an inquiring member of the public
14 and shall post the certificate and statement on the board’s internet
15 website for 10 years from issuance.

16 SEC. 4. Section 2234 of the Business and Professions Code is
17 amended to read:

18 2234. The board shall take action against any licensee who is
19 charged with unprofessional conduct. In addition to other
20 provisions of this article, unprofessional conduct includes, but is
21 not limited to, the following:

22 (a) Violating or attempting to violate, directly or indirectly,
23 assisting in or abetting the violation of, or conspiring to violate
24 any provision of this chapter.

25 (b) Gross negligence.

26 (c) Repeated negligent acts. To be repeated, there must be two
27 or more negligent acts or omissions. An initial negligent act or
28 omission followed by a separate and distinct departure from the
29 applicable standard of care shall constitute repeated negligent acts.

30 (1) An initial negligent diagnosis followed by an act or omission
31 medically appropriate for that negligent diagnosis of the patient
32 shall constitute a single negligent act.

33 (2) When the standard of care requires a change in the diagnosis,
34 act, or omission that constitutes the negligent act described in
35 paragraph (1), including, but not limited to, a reevaluation of the
36 diagnosis or a change in treatment, and the licensee’s conduct
37 departs from the applicable standard of care, each departure
38 constitutes a separate and distinct breach of the standard of care.

39 (d) Incompetence.

1 (e) The commission of any act involving dishonesty or
2 corruption that is substantially related to the qualifications,
3 functions, or duties of a physician and surgeon.

4 (f) Any action or conduct that would have warranted the denial
5 of a certificate.

6 (g) The failure by a certificate holder, in the absence of good
7 cause, to attend and participate in an interview by the board. This
8 subdivision shall only apply to a certificate holder who is the
9 subject of an investigation by the board.

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SB 601

AMENDED IN SENATE MARCH 28, 2019

SENATE BILL

No. 601

Introduced by Senator Morrell
(Coauthors: Senators Bates, Borgeas, and Nielsen)
(Coauthors: Assembly Members Dahle and Mathis)

February 22, 2019

An act to add Section 11009.5 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 601, as amended, Morrell. State agencies: licenses: fee waiver.

Existing law requires various licenses to be obtained by a person before engaging in certain professions or vocations or business activities, including licensure as a healing arts professional by various boards within the Department of Consumer Affairs.

This bill would authorize any state agency that issues any business license to reduce or waive any required fees for licensure, renewal of licensure, or the replacement of a physical license for display if a person or business establishes to the satisfaction of the state agency that the person or business has been displaced *or affected* by a declared ~~emergency~~, *federal emergency or proclaimed state emergency*, as defined.

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

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

- 1 SECTION 1. Section 11009.5 is added to the Government
- 2 Code, to read:

1 11009.5. (a) Notwithstanding any other law, a state agency
2 that issues any business license may, within one year of the
3 ~~declaration~~ *proclamation* of an emergency as defined in Section
4 ~~8558, 8558~~ *or a declared federal emergency*, reduce or waive any
5 required fees for licensure, renewal of licensure, or the replacement
6 of a physical license for display if a person or business establishes
7 to the satisfaction of the state agency that the person or business
8 has been displaced *or affected* by the *proclaimed or* declared
9 emergency.

10 (b) For purposes of this section, “license” includes, but is not
11 limited to, a certificate, registration, or other required document
12 to engage in business.

REGULATORY UPDATE



Acupuncture Board Regulatory Update

Updated: May 21, 2019

In the table below is a list of the Board’s regulations proposed for rulemaking packages in the 2019 calendar year. This list may be incomplete and subject to change depending upon Legislative or Executive action. Due date reflects the final due date when regulatory filing is anticipated to be submitted for rulemaking to Office of Administrative Law (OAL).

Note: Authority for regulatory changes is provided under California Business and Professions (B&P) Code Chapter 12, Article 1, Code section 4933.

Pending Regulations					
	Subject	Title 16, California Code of Regulations (CCR) Section referred	Original authorizing vote date/ subsequent vote	Current Status	Due Dates / Anticipated Filing Date
1	AB 2138: Denial of Application, Revocation or Suspension of Licensure for a Criminal Conviction	Adopt new Sections: <ul style="list-style-type: none"> • 1399.469.4 • 1399.469.5 • 1399.469.6 	3/28/19	Rulemaking package under staff development	Aug 2019
2	SB 1441: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines	Amend existing Section <ul style="list-style-type: none"> • 1399.469 	3/28/19	Rulemaking package under staff development	Aug 2019
3	SB 1448: Disclosure of Probation Status to Patients	Section 1399.469 (Implementation through Disciplinary Guidelines)	3/28/19	Rulemaking package under staff development	Aug 2019
4	SB 1246: Align Curriculum Standards and Approval Related Regulations with the Statutes	Amend existing Sections: <ul style="list-style-type: none"> • 1399.415 • 1399.416 • 1399.435 • 1399.438 • 1399.439 	TBD	Amendments scheduled for discussion at Edu/ Research Comm. Meeting on 6/14/19	Dec 2019
5	AB 2190: Application Process, Criteria, and Procedures for Approval of a Credential Evaluation Service	Amend existing Sections: <ul style="list-style-type: none"> • 1399.411 • 1399.413 • 1399.414 • 1399.415 • 1399.416 Adopt new Sections: <ul style="list-style-type: none"> • 1399.416.1 • 1399.416.2 	TBD	Language drafted and under review. Proposed regulatory language expected to be presented at August 2019 Lic/Exam Comm mtg	Dec 2019

2019 Rulemaking Tracking Form

AB 2138: Denial of Application, Revocation or Suspension of Licensure for a Criminal Conviction													
Added to Rulemaking Calendar	Researching	Language Originally Proposed	Board Approved Language to Notice	Notice Published by OAL	45-Day Comment Period Ended	Hearing Held	Board Approved Final Language	15-Day Notice of Modified Text	2 nd 15 Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date
11/28/18	1/11/19	3/28/19	3/28/19										
OAL No.:													
Notes: Proposed regulatory language was presented at the March 2019 Board meeting. The Board approved the proposed language and directed staff to initiate the formal rulemaking process. Staff and DCA Legal Counsel are working on preparing the initial rulemaking package.													
SB 1441: Implement Uniform Standards Related to Substance Abusing Licensees and Update of Disciplinary Guidelines													
Added to Rulemaking Calendar	Researching	Language Originally Proposed	Board Approved Language to Notice	Notice Published by OAL	45-Day Comment Period Ended	Hearing Held	Board Approved Final Language	15-Day Notice of Modified Text	2 nd 15 Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date
11/28/18	2012	2012	3/28/19										
OAL No.:													
Notes: Proposed regulatory language was presented at the March 2019 Board meeting. The Board approved the proposed language and directed staff to initiate the formal rulemaking process. Staff and DCA Legal Counsel are working on preparing the initial rulemaking package.													

2019 Rulemaking Tracking Form

SB 1448: Disclosure of Probation Status to Patients													
Added to Rulemaking Calendar	Researching	Language Originally Proposed	Board Approved Language to Notice	Notice Published by OAL	45-Day Comment Period Ended	Hearing Held	Board Approved Final Language	15-Day Notice of Modified Text	2 nd 15 Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date
2/11/19	2/1/19	3/28/19	3/28/19										
OAL No.:													
Notes: Proposed probationary language within the Disciplinary Guidelines incorporated by reference in the proposed regulatory language was presented at the March 2019 Board meeting. The Board approved the proposed language and directed staff to initiate the formal rulemaking process. Staff and DCA Legal Counsel are working on preparing the initial rulemaking package.													
SB 1246: Align Curriculum Standards and Approval Related Regulations with the Statutes													
Added to Rulemaking Calendar	Researching	Language Originally Proposed	Board Approved Language to Notice	Notice Published by OAL	45-Day Comment Period Ended	Hearing Held	Board Approved Final Language	15-Day Notice of Modified Text	2 nd 15 Day Notice of Modified Text	Submitted to Agency for Review	Submitted to OAL for Review	Filed with Secretary of State	Effective Date
2/11/19	4/1/19	6/13/19											
OAL No.:													
Notes: Proposed regulatory language and amendments are being brought to the June 2019 Education and Research Committee meeting for discussion and possible recommendation for approval to the full Board.													

2019 Rulemaking Tracking Form

SB 2190: Application Process, Criteria, and Procedures for Approval of a Credential Evaluation Service



11/28/18 2018/2019

OAL No.:

Notes: Staff has developed proposed regulatory language and drafted applications for the process. Staff has met with more than one NACES member and discussed operations of the evaluation of foreign applicants for the California Acupuncture Licensing Exam. Staff plans to bring proposed regulatory language to the Licensing and Examination Committee in August 2019.

ENFORCEMENT UPDATE



**CALIFORNIA
ACUPUNCTURE
BOARD**

1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



DATE	June 13, 2019
TO	Board Members
FROM	Cricket Borges, Enforcement Coordinator
SUBJECT	Enforcement Update for Quarter (Q3) FY 2018/2019: January 1, 2019 to March 31, 2019

COMPLAINTS/CONVICTIONS & ARRESTS

DCA Category	Received
Unprofessional Conduct	36
Unlicensed/Unregistered	5
Criminal Charges/Convictions*	11
Sexual Misconduct	0
Fraud	3
Non-jurisdictional	2
Incompetence/Negligence	6
Unsafe/Unsanitary Conditions	0
Other	1
Substance Abuse/Drug & Mental/Physical Impairment	0
Discipline by Another State Agency	1
Total	65

*Of the 23 Criminal Charges/Convictions, 7 were received on Applicants and 4 were received on Licensees.

The graph above shows the number of complaints received by complaint type for this quarter. When each complaint is logged into the database it is assigned a complaint type based upon the primary violation.

INVESTIGATIONS

DCA Category	Initiated	Pending	Closed
Unprofessional Conduct	36	31	35
Unlicensed/Unregistered	6	26	7
Criminal Charges/Convictions (includes pre-licensure)	11	10	19
Sexual Misconduct	0	15	0
Fraud	4	25	0
Non-jurisdictional	2	3	0
Incompetence/Negligence	7	28	13
Unsafe/Unsanitary Conditions	0	8	0
Other	2	1	0
Substance Abuse/Drug & Mental/Physical Impairment	0	0	0
Discipline by Another State Agency	2	1	0
Total	62	148	73

* Includes formal investigations by DCA category conducted by DOI and desk investigations conducted by staff.

Statistics Report

PM1 Volume Convictions/Arrests received

Complaint Intake

	FY 2017/18	Fiscal Year 2018/19						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM1: Total Complaints Received	159	32		65		54		151
PM1: Total Convictions/Arrest Received	58	4		23		11		38
PM1: Total Received	217	36		88		65		189

*Of the Convictions/Arrests, 7 were received on Applicants and 4 were received on Licensees.

PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

Intake

Target: 10 Days	FY 2017/18	Fiscal Year 2018/19						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM2: Intake/Avg. Days	5	7		3		6		5.3

PM3 Cycle Time - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

Investigations

Target: 180 Days	FY 2017/18	Fiscal Year 2018/19						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
PM3: All Investigations Received	227	46		52		74		172
PM3: Average Cycle Time Investigations	174	177		137		94		136

The percent reflects how many investigation cases were closed in the respective time frames.

	FY 2017/18	Fiscal Year 2018/19						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Up to 90 Days	110%	27		35		53		61%
91 - 180 Days	52%	11		9		5		13%
181 Days - 1 Year (364)	44%	3		7		15		13%
1 to 2 Years (365-730)	26%	6		5		3		7%
2 to 3 Years (731- 1092)	10%	6		0		0		3%
Over 3 Years (1093 +)	2%	1		1		0		1%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

Citations

	FY 2017/18	Fiscal Year 2018/19						
	YTD	Q1		Q2		Q3	Q4	YTD
		Jul	Sep	Oct	Dec	Jan - Mar	Apr - Jun	
Final Citations	47	6		19		15		40
Average Days to Close	151	469		216		31		238.7

PM4 Cycle Time-Discipline Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)							
Target: 540 Days	FY 2017/18	Fiscal Year 2018/19					
	YTD	Q1		Q2		Q4 Apr - Jun	YTD
		Jul	Sep	Oct	Dec		
PM4:Volume AG Cases	14	6		2		6	14
PM4: Total Cycle Time	462	412		0		607	340

	FY 2017/18	Fiscal Year 2018/19					
	YTD	Q1		Q2		Q4 Apr - Jun	YTD
		Jul	Sep	Oct	Dec		
AG Cases Initiated	13	9		2		2	13
AG Cases Pending	16	18		18		13	49
SOIs Filed	0	1		1		0	2
Accusations Filed	9	3		3		2	8
Total Closed after Transmission	14	6		0		6	12
Revoked	0	0		0		0	0
Voluntary Surrender	2	2		0		1	3
Probation	1	1		0		3	4
License Denied	0	0		0		0	0
Public Reprimand	0	0		0		0	0
Closed w/out Disciplinary Action	2	3		0		2	5

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision							
	FY 2017/18	Fiscal Year 2018/19					
	YTD	Q1		Q2		Q4 Apr - Jun	YTD
		Jul	Sep	Oct	Dec		
Up to 90 Days	0%	0		0		0	0%
91 - 180 Days	1%	0		0		0	0%
181 Days - 1 Year (364)	4%	0		0		0	0%
1 to 2 Years (365-730)	6%	3		0		2	71%
2 to 3 Years (731- 1092)	0%	0		0		1	14%
Over 3 Years (1093 +)	1%	0		0		1	14%

Other Legal Actions							
	FY 2017/18	Fiscal Year 2018/19					
	YTD	Q1		Q2		Q4 Apr - Jun	YTD
		Jul	Sep	Oct	Dec		
PC 23 Ordered	0	0		1		1	2
Interim Suspension	0	0		0		0	0

LICENSING REPORT



1747 N. Market Blvd., Suite 180
Sacramento, CA 95834
P 916.515.5200 F 916.928.2204
www.acupuncture.ca.gov



DATE	June 3, 2019
TO	Board Members
FROM	Jay Herdt – Licensing Manager
SUBJECT	Licensing Report: Q1 and Q2 18/19 FY (July 1, 2018 – December 31, 2018)

Acupuncture Training Programs:

There are currently 35 approved acupuncture training programs as defined by Business and Professions Code section (BPC§) 4927.5(a).

Status of Curriculum Reviews - Curriculum Compliance Status as of FY 17- 18:

Twenty-eight (28) programs are in full compliance.

One out-of-state program is currently actively working with staff in the curriculum compliance review process:

- Austin Oriental Medical College Austin, TX

The remaining six training programs are in compliance review and have submitted their curriculum and clinical corrective actions to the Acupuncture Board (Board) and are pending staff review of their curriculum:

- American College of Traditional Chinese Medicine, Houston TX
- Bastyr University, Seattle WA
- National University for Natural Medicine
- New England School of Acupuncture, Worcester MA
- Southwest Acupuncture College Santa Fe, NM
- Southwest Acupuncture College Boulder, CO

All approved educational and training programs requesting curriculum-change after January 1, 2017, are required to complete and submit the Application for Board Approval of Curriculum.

New Applications for Board Approval of Curriculum (ABAC):

The Board has received a total of three ABAC's in Q1-Q3 FY 18-19. Programs have typically averaged three application submissions to reach full compliance.

Curriculum Applications are currently under review for:

1. The American College of Traditional Chinese Medicine at California Institute of Integral Studies (ACTCM), for their Doctorate of Acupuncture and Chinese Medicine (DACM) program.

The ACTCM at CIIS application has exceeded the statutorily mandated 30-day statutory reporting requirement due to temporary staff vacancies, which are anticipated to be filled by the end of Q4 FY 18/19. The Education Desk is expected to meet its deadlines moving forward. ACTCM currently has an approved curriculum in their master's program, that is either identical or embedded within the applicant doctoral program's curriculum. Students completing these programs will have met the curriculum requirements enabling these students to qualify for the California Acupuncture Licensing Exam (CALE).

2. Five Branches University Santa Cruz and San Jose campuses, for their Doctorate of Traditional Chinese Medicine (DTCM) program.

This application was denied for non-compliance with the regulatory curriculum requirements.

3. Whitewater Institute of CA, in Cupertino, CA,

The Whitewater Institute has received curriculum approval for FY 18/19 after demonstrating full compliance with the Board's requirements. The program has also received the Approval to Operate from the Bureau of Private Post-Secondary Education. However, Whitewater Institute has yet to obtain the approval from the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). Thus, the program currently only meets two of the three requirements of an approved education and training program as defined by BPC § 4927.5, preventing the program from qualifying applicants for the CALE.

Professional Doctorate

There are currently three professional doctoral (PD) training programs that have met the requirements of an approved education and training program:

- Acupuncture and Integrative Medicine College, Berkeley, CA
 - Doctor of Acupuncture and Integrative Medicine (DAIM)
- Southern California University of Health Sciences, Whittier, CA
 - Doctor of Acupuncture and Chinese medicine (DACM)
- University of Bridgeport Acupuncture Institute, Bridgeport CT
 - Doctor of Traditional Chinese Medicine (DTCM)

ACAOM Degree Structure and Naming Convention

On February 16, 2019, ACAOM released a Degree Structure and Naming Convention. (The full document has been included at the end of this section as part of the meeting materials.)

The following table presents a general comparative summary of **ACAOM** degree programs:

Current Degrees	New Degree Titles	Admission Requirements	Total Semester Credits	Total Program Hours	Clinical Hours
Masters Acupuncture (MAc)	MAc	60 credits + MAc or DAc	105	1905	660
Masters Oriental Medicine (MOM)	Mac + Masters of Chinese Herbal Medicine (MCHM)	60 credits + MAc or DAc	146	2625	870
Professional Doctorate-Acupuncture - PD Ac	Doctor of Acupuncture	90 credits	121	2210	790
Professional Doctorate-Oriental Medicine PD-OM	DAc + MCHM	90 credits	162	2930	1000
Doctor of Acupuncture and Oriental Medicine DAOM Note - This degree is for post-Licensure professional training	DAOM	MAc, DAc, or MAc+MCHM, DAc+MCHM	Not specified	1200	650

Yellow highlighted sections represent degree combinations in a format that represent the current California approved Education and training programs. Green highlighted sections note where additional hours are required to fulfill CA minimum hourly requirements to be able to qualify for the CALE.

Continuing Education (CE) Audit Update:

The Continuing Education Desk has made the change of prioritizing auditing the current month in the interest of conducting an effective audit and managing workload. Board staff are now randomly selecting 5% of the renewing population of licensees every month ongoing. As staffing allows, licensee audits for past months will be conducted. To date, 18 months of CE Audit letters have been processed, with November 30, 2016 as the final month for FY 2015/2016 and also the current months audits of February and March, 2019.

Continuing Education Update

- 2532 CE Course applications processed in Q1-Q3 FY 18-19.
- 561 CE Providers with a current and valid approval status.

Tutorial Program Update:

There are currently 44 active tutorials in progress.

- Tutorial training statistics for Q1–Q3 FY 18-19:
 - Six programs completed
 - 12 new tutorial program approvals
 - Two programs were terminated



Accreditation Commission for Acupuncture and Oriental Medicine

8941 Aztec Dr., Eden Prairie, MN 55347 || tel 952-212-2434 || fax 952-657-7068 || info@acaom.org

ACAOM Degree Structure and Naming Convention

Approved 16 February 2019

Introduction

As a result of interest from the acupuncture and Oriental medicine community and other stakeholders, the Accreditation Commission for Acupuncture and Oriental Medicine ('ACAOM' or 'Commission') initiated efforts in 2014 to clarify its degree structure and title designations. After review of this extensive work, including the results of ACAOM's modified-Delphi project, associated surveys, and subsequent public comment, the Commission approved a revised degree structure with title designations that will bring consistency to the field of degree programs that ACAOM accredits.

CURRENT ACAOM ACCREDITABLE DEGREE PROGRAMS

Entry-level programs: (qualify graduates for professional license)

- Master's degree program in acupuncture
 - minimum 105 semester credits
- Master's degree program in Oriental medicine
 - minimum 146 semester credits
 - 105 semester credits (Master's degree program in acupuncture)
 - 41 semester credits in Chinese herbal medicine
- Professional doctorate program in acupuncture
 - minimum 121 semester credits
- Professional doctorate program in Oriental medicine
 - minimum 162 semester credits
 - 121 semester credits (Professional doctorate program in acupuncture)
 - 41 semester credits in Chinese herbal medicine

Post-professional doctoral-level program:

- Doctor of Acupuncture and Oriental Medicine [DAOM]
 - minimum 1200 clock hours

REVISED ACAOM DEGREE STRUCTURE AND NAMING CONVENTION

The 41 credit Chinese herbal medicine curriculum currently accredited as a certificate of Chinese herbal medicine or embedded in the Master's degree and professional doctorate programs in Oriental medicine is being converted to an accreditable master's degree in Chinese herbal medicine (MCHM), resulting in the following degree structure:

Entry-level programs:

Qualification for professional licensure and national certification in acupuncture

- Master of Acupuncture (MAc or M.Ac)
 - minimum 105 semester credits
 - unchanged from prior master's degree program in acupuncture
- Doctor of Acupuncture (DAc or D.Ac)
 - minimum 121 semester credits
 - unchanged from prior professional doctorate program in acupuncture

Qualification for professional licensure where Chinese herbal medicine is required, and national certification in Chinese herbology

- Master of Chinese Herbal Medicine (MCHM): minimum 41 total credits
 - Minimum 41 semester credits
 - Applicants must be graduates of, or concurrently enrolled in, an accredited/pre-accredited entry-level program leading to qualification for professional licensure and national certification in acupuncture [as listed above].
 - The MCHM degree may only be conferred upon holders of entry-level degrees but may be awarded concurrently with an entry-level degree program leading to qualification for professional licensure and national certification in acupuncture [as listed above].

Advanced practice doctoral program:

- Doctor of Acupuncture and Oriental Medicine (DAOM)
 - minimum 1200 clock hours

IMPLEMENTATION

Effective no later than 31 December 2022, all ACAOM accredited/pre-accredited degree programs must convert to the new degree structure and naming convention.

GENERAL COMPARATIVE SUMMARY OF DEGREE PROGRAMS

Current Degrees	New Degree Titles	Admission Requirements	Total Semester Credits	Total Program Hours	Clinical Hours
MAc	MAc	60 credits	105	1905	660
MOM	MAc+MCHM	60 credits + MAc or DAC	146	2625	870
PD-Ac	DAC	90 credits	121	2210	790
PD-OM	DAC+MCHM	90 credits	162	2930	1000
DAOM	DAOM	MAc, DAC, or MAc+MCHM, DAC+MCHM	not specified	1200	650

STRATEGIC PLAN

2018 - 2022 Acupuncture Board Strategic Plan Items

Goal Area/#	Item	Status	Staff Rec to Refer to:
Lic 1.1	Develop and implement a computerized licensing examination to increase access and facilitate entry into the profession.	Completed 11/2018	Completed
Lic 1.2	Seek legislative or regulatory authority to require a passing Test of English as a Foreign Language (TOEFL) score for applicants who have completed their education in a language other than English to enhance communication with the healthcare industry.	Pending	LE Comm
Lic 1.3	Research the feasibility of establishing a clinical inspection program to promote compliance with the laws and regulations governing the practice of acupuncture in California	Pending	Enf. Comm
Lic 1.4	Improve pocket license material quality to reduce fraudulent activity.	Pending	LE Comm
Enf 2.1	Develop and implement the continuing education provider audit process to increase compliance.	Pending	ER Comm
Enf 2.2	Recruit additional Subject Matter Experts (SMEs) to meet the needs of the Examination, Enforcement, and Education Units to increase enforcement resources.	Pending	Staff
Enf 2.3	Research the feasibility of requiring licensees to maintain medical records in English to facilitate enforcement efforts and increase accessibility.	Pending	Enf. Comm
Enf 2.4	Update the Board's Disciplinary Guidelines to preserve consistency, fairness, and ensure effective consumer protection when taking disciplinary actions against licensees.	Pending	Full Board
Enf 2.5	Amend regulations to implement the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees, developed pursuant to Senate Bill No. 1441 (2007-2008 Sess.), to safeguard the health and safety of licensees and consumers.	Pending	Full Board
Edu 3.1	Research and develop transfer credit evaluation policies and procedures to ensure compliance with education requirements.	Pending	ER Comm
Edu 3.2	Conduct a cost analysis on training program curriculum application reviews to properly allocate costs and ensure training program compliance.	Pending	Full Board
Edu 3.3	Review current curriculum standards to ensure it prepares licensees for entry level practice and consumer safety.	Pending	ER Comm
Edu 3.4	Define what constitutes "live continuing education courses" to ensure that hands-on training for continuing education in treatment methods is received in the proper setting with the appropriate supervision to practice on the public.	Pending	ER Comm

Leg/Reg 4.1	Recommend legislation relating to the number of times an applicant can take the examination for licensure to reduce fraud and enhance qualification of licensees.	Pending	LE Comm
Leg/Reg 4.2	Investigate the feasibility of obtaining site inspection authority of licensees to increase enforcement resources and access.	Pending	LE Comm
Leg/Reg 4.3	Seek legislative citation authority over curriculum violations of training programs to enforce existing curriculum requirements established in regulation.	Pending	ER Comm
Leg/Reg 4.4	Review and update regulations to align with existing statutory requirements.	Pending	Assigned as identified
Leg/Reg 4.5	Research and seek amendments to Business and Professions Code section 4935, subdivision (a)(2) to increase the penalty for violations to be equivalent with the penalty provided by Business and Professions Code section 585 and to further deter violations and enhance consumer protection.	Pending	Enf. Comm
Leg/Reg 4.6	Implement a continuing education course and monitoring fee structure pursuant to Business and Professions Code section 4945, subdivision (b) to allocate the cost of the process to the continuing education provider applicant.	Pending	ER Comm
Outreach 5.1	Develop and implement a communication plan to inform the public about the practice and regulation of the acupuncture profession.	Pending	Staff
Outreach 5.2	Develop and release a digital newsletter to inform, educate, and update the public on the practice of acupuncture in California.	Pending	Staff
Outreach 5.3	Determine and communicate licensing reciprocity to and from California to convey California's standards to the public and ensure consumer protection.	Completed 10/2018	Completed
Outreach 5.4	Update and publish an informational brochure to educate the public on the standards of practice.	Pending	Full Board
Admin 6.1	Conduct a yearly workload study to ensure adequate staffing levels.	Pending	Staff
Admin 6.2	Map the Board's business processes to procure an information technology system that addresses the Board's functions.	Completed 11/2018	Completed
Admin 6.3	Conduct a fee study at the appropriate time to address the Board's budgetary structural imbalance.	Pending	Staff/ Full Board
Admin 6.4	Respond to the Department of Consumer Affairs' routine internal audit to address any findings.	Pending	Staff
Admin 6.5	Expand targeted training and materials to educate Board members on Board governance and subject matter.	Pending	EL Comm