



DENTAL BOARD OF CALIFORNIA

**NOTICE OF MEETING
August 25-26, 2022**

Board Members

Alan Felsenfeld, MA, DDS, President
James Yu, DDS, MS, Vice President
Sonia Molina, DMD, MPH, Secretary
Steven Chan, DDS
Joni A. Forge, DDS
Lilia Larin, DDS
Meredith McKenzie, Esq., Public Member
Angelita Medina, Public Member
Steven Morrow, DDS, MS
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH, MAOB

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

The Dental Board of California (Board) will meet at 1:00 p.m., on Thursday, August 25, 2022, and 9:00 a.m., on Friday, August 26, 2022, at the following location¹:

Department of Consumer Affairs
1747 N. Market Blvd., Hearing Room #186
Sacramento, CA 95834

For technical difficulties, call the Dental Board of California Office at:
(916) 263-2300 or (877) 729-7789

Important Notice to the Public: This in-person meeting will be accessible via WebEx Events. Instructions to connect to the meeting can be found [HERE](#).

To participate in the WebEx Events meeting on Thursday, August 25, 2022, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m1f2ba4629a7ed25dfcc4db53261fbb89>

**Event number: 2486 190 2407
Event password: DBC08252022 (32208252 from phones)**

¹ Face masks may or may not be required at the location depending upon state and local laws and business preferences on the date of the meeting.

To participate in the WebEx Events meeting on Friday, August 26, 2022, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m8d2bd31f84c4e8cc92ed5193c19b99f2>

Event number: 2484 555 0482

Event password: DBC08262022 (32208262 from phones)

Due to potential technical difficulties, please consider submitting written comments by August 19, 2022, to dentalboard@dca.ca.gov for consideration.

AGENDA

1:00 p.m., Thursday, August 25, 2022

1. Call to Order/Roll Call/Establishment of a Quorum
2. Public Comment on Items Not on the Agenda
Note: The Board may not discuss or take action on any matter raised during this Public Comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125 and 11125.7(a).)
3. Discussion and Possible Action on May 12-13, 2022 and June 28, 2022 Board Meeting Minutes **[7-33]**
4. Board President Report **[34]**
5. Acting Assistant Executive Officer Report **[35]**
6. Report on Department of Consumer Affairs Activities, which may include updates on the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters **[36]**
7. Budget Report **[37-42]**
8. Enforcement – Review of Statistics and Trends **[43-52]**
9. Examinations
 - a. Report from Commission on Dental Competency Assessment, Western Regional Examining Board, and The Council of Interstate Testing Agencies **[53]**
 - b. Update on Department of Consumer Affairs Office of Professional Examination Services Acceptance of Dental Licensing Examinations **[54-57]**
 - c. Discussion and Possible Action Regarding the Central Regional Dental Testing Service, Inc. Dental Examination as a Pathway to Licensure **[54-57]**
10. Licensing, Certifications, and Permits **[58-74]**

- a. Review of Dental Licensure and Permit Statistics
 - b. Presentation from the Department of Health Care Access and Information (HCAI)
11. Update, Discussion, and Possible Action on Proposed Regulations **[75-93]**
- a. Diversion Evaluation Committee Membership (California Code of Regulations (CCR), Title 16, Section 1020.4)
 - b. Dentistry Law and Ethics Examination Scoring (CCR, Title 16, Section 1031)
 - c. Continuing Education Requirements (CCR, Title 16, Sections 1016, 1016.2, and 1017)
 - d. Telehealth Notification (CCR, Title 16, Section 1065)
 - e. Dental Assisting Comprehensive Rulemaking (CCR, Title 16, Sections 1067-1081.3)
 - f. Radiographic Decision Making and Interim Therapeutic Restoration Course Requirements (CCR, Title 16, Section 1071.1)
 - g. Elective Facial Cosmetic Surgery Permit Application and Renewal Requirements (CCR, Title 16, Sections 1044.6 – 1044.8)
 - h. Mobile and Portable Dental Unit Registration Requirements (CCR, Title 16, Section 1049)
 - i. Minimum Standards for Infection Control (CCR, Title 16, Section 1005)
 - j. Implementation of Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018) regarding Anesthesia and Sedation (CCR, Title 16, Sections 1016, 1017, 1017.1, 1018.1, 1021, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1043.8.1, 1043.9, 1043.9.1, 1043.9.2, 1044, 1044.1, 1044.2, 1044.3, 1044.5, and 1070.8)
 - k. Discussion and Possible Action on a Regular Rulemaking to Adopt CCR, Title 16, Section 1066 Relating to Dentists Initiating and Administering Vaccines
 - l. Discussion and Possible Action to Initiate a Rulemaking and Adopt Proposed CCR, Title 16, Section 1006 to Implement AB 107 (Temporary Licensure for Military Spouses/Domestic Partners)
12. Recess Open Session Until August 26, 2022, at 9:00 a.m.

CLOSED SESSION (WILL NOT BE WEBCAST)

13. Convene Closed Session
14. Pursuant to Government Code Section 11126(a)(1), the Board Will Meet in Closed Session to Discuss and Take Possible Action on Selection Process and Appointment of “Acting” or “Interim” Executive Officer
15. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions
16. Pursuant to Government Code Section 11126(c)(2), the Board Will Meet in Closed Session to Deliberate and Vote on Whether or Not to Grant, Deny, or Request Further Evaluation of a Conscious Sedation Permit as it Relates to an Onsite Inspection and Evaluation Failure

17. Adjourn Closed Session

9:00 a.m., Friday, August 26, 2022

18. Reconvene Open Session – Call to Order/Roll Call/Establishment of a Quorum

19. President’s Report on Closed Session Items **[94]**

- a. Actions Taken on Whether or Not to Grant, Deny, or Request Further Evaluation of a Conscious Sedation Permit as it Relates to an Onsite Inspection and Evaluation Failure
- b. Executive Officer Selection and Appointment Process – Action Taken to Appoint or Employ an “Acting” or “Interim” Executive Officer

20. Dental Assisting Council Meeting Report **[95]**

21. Substance Use Awareness

- a. Diversion Program Report and Statistics **[96]**
- b. Discussion and Possible Action Regarding Appointment of Diversion Evaluation Committee Member **[97-99]**
- c. Controlled Substance Utilization Review and Evaluation System Report **[100-110]**

22. Anesthesia **[111-138]**

- a. General Anesthesia and Conscious Sedation Permit Evaluations Statistics
- b. Update Regarding Board Implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018)
- c. Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1646.9 and Repeal Business and Professions Code Section 2079 Regarding Physician and Surgeon General Anesthesia Permit
- d. Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1647.18, 1647.19, 1647.20, and 1724 Regarding Oral Conscious Sedation for Adults Certificate Requirements

23. Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1701.5 and 1804 Regarding Fictitious Name Permit and Dental Corporation Name Requirements **[139-148]**

24. Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession: **[149-546]**

- a. 2022 Tentative Legislative Calendar – Information Only
- b. [Assembly Bill \(AB\) 225](#) (Gray, 2021) Department of Consumer Affairs: boards: veterans: military spouses: licenses.
- c. [AB 562](#) (Low, 2021) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: health care providers: mental health services.
- d. [AB 646](#) (Low, 2021) Department of Consumer Affairs: boards: expunged convictions.
- e. [AB 1102](#) (Low, 2021) Telephone medical advice services.
- f. [AB 1604](#) (Holden, 2022) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

- g. [AB 1662](#) (Gipson, 2022) Licensing boards: disqualification from licensure: criminal conviction.
- h. [AB 1733](#) (Quirk, 2022) State bodies: open meetings.
- i. [AB 1756](#) (Smith, 2022) Department of Consumer Affairs.
- j. [AB 1795](#) (Fong, 2022) Open meetings: remote participation.
- k. [AB 1982](#) (Santiago, 2022) Telehealth: dental care.
- l. [AB 1996](#) (Cooley, 2022) State government: administrative regulations: review.
- m. [AB 2055](#) (Low, 2022) Controlled substances: CURES database.
- n. [AB 2104](#) (Flora, 2022) Professions and vocations.
- o. [AB 2145](#) (Davies, 2022) Dental services: long-term health care facilities.
- p. [AB 2276](#) (Carrillo, 2022) Dental assistants.
- q. [AB 2539](#) (Choi, 2022) Public health: COVID-19 vaccination: proof of status.
- r. [AB 2948](#) (Cooper, 2022) Consumer protection: Department of Consumer Affairs: complaints.
- s. [SB 652](#) (Bates, 2021) Dentistry: use of sedation: training.
- t. [SB 731](#) (Durazo, 2021) Criminal records: relief.
- u. [SB 889](#) (Ochoa Bogh, 2022) Nurse anesthetists.
- v. [SB 1031](#) (Ochoa Bogh, 2022) Healing arts boards: inactive license fees.
- w. [SB 1237](#) (Newman, 2022) Licenses: military service.
- x. [SB 1310](#) (Leyva, 2022) Professions and vocations: consumer complaints.
- y. [SB 1365](#) (Jones, 2022) Licensing boards: procedures.
- z. [SB 1443](#) (Roth, 2022) The Department of Consumer Affairs.
- aa. [SB 1471](#) (Archuleta, 2022) Dentistry: foreign dental schools.
- bb. [SB 1495](#) (Committee on Business, Professions and Economic Development, 2022) Professions and vocations.

25. Discussion of Prospective Legislative Proposals **[547]**

Stakeholders are encouraged to submit proposals in writing to the Board before or during the meeting for possible consideration by the Board at a future meeting.

26. Discussion and Possible Action Regarding 2023 Meeting Dates **[548]**

27. Adjournment

This agenda can be found on the Dental Board of California website at dbc.ca.gov. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. Items scheduled for a particular day may be moved to an earlier or later 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 meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate

opportunities to comment on any issue 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, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

This meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications to participate in the meeting may make a request by contacting Tracy Montez, Acting Assistant Executive Officer, at Dental Board of California, 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five (5) business days prior to the meeting will help ensure availability of the requested accommodations. TDD Line: (877) 729-7789



DENTAL BOARD OF CALIFORNIA MEETING MINUTES

May 12-13, 2022

Sheraton Garden Grove
12221 Harbor Blvd., Emerald/White Diamond Room
Garden Grove, CA 92840

Members Present:

Alan Felsenfeld, MA, DDS, President
James Yu, DDS, MS, Vice President
Sonia Molina, DMD, MPH, Secretary
Steven Chan, DDS
Lilia Larin, DDS
Angelita Medina, Public Member
Steven Morrow, DDS, MS
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH, MAOB

Members Absent:

Meredith McKenzie, Esq., Public Member

Staff Present:

Sarah Wallace, Interim Executive Officer
Tina Vallery, Chief of Administration and Licensing
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
David Bruggeman, Legislative and Regulatory Specialist
Patrick Morrissey, Supervisory Special Investigator
Mirela Taran, Administrative Analyst
Tara Welch, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

1:00 p.m., Thursday, May 12, 2022

Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum

The Board President, Dr. Alan Felsenfeld, called the meeting to order at 1:02 p.m. The Board Secretary, Dr. Sonia Molina, called the roll; nine Board Members were present, and a quorum was established.

Agenda Item 2: Public Comment on Items Not on the Agenda

There were no public comments made on items not on the agenda.

Agenda Item 3: Discussion and Possible Action on March 14, 2022 and March 28, 2022 Board Meeting Minutes

Motion/Second/Call (M/S/C) (Chan/Morrow) to approve the March 14, 2022 meeting minutes with no changes.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

(M/S/C) (Medina/Chan) to approve the March 28, 2022 meeting minutes with no changes.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 4: Board President Report

President Felsenfeld reported that he attended the February 22, 2022 DCA Board President's Training (alongside the Board Vice President, Dr. James Yu), March 19, 2022 Dental Hygiene Board of California (DHBC), and April 12, 2022 DCA Board Leadership (alongside Vice President Yu) meetings. He mentioned that he had an opportunity to speak at the California Dental Society of Anesthesia (CDSA) meeting to discuss the process relative to regulatory changes and the complexity of how the Board develops regulations. He noted that he continues to meet with the Board's Interim Executive Officer on a weekly basis which has helped him with setting up Board

meetings and understanding the issues before the Board. President Felsenfeld mentioned that two Board Members, Dr. Alicia Montell and Mr. Mark Mendoza, resigned from the Board.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 5: Interim Executive Officer Report

Ms. Sarah Wallace, Interim Executive Officer, provided a report on the Board's personnel updates, recruitments, Strategic Plan, and COVID-19 vaccination and testing requirements. Ms. Wallace noted that at the beginning of March 2022, she attended a DCA onboarding alongside different levels of executive leadership at DCA and learned more about their centralized services and value they provide to the Board. She also attended the March 9, 2022 DCA Board Member Orientation Training, March 14, 2022 Board meeting, and March 28, 2022 Board meeting. Additionally, the Board has continued to work on the implementation of Senate Bill (SB) 501, which included the regulation development and the Breeze implementation. Ms. Wallace stated that the Board held staff meetings over the last several months, and Board Executive Management has been working on providing a True Colors training with all Board staff.

Board Member Steven Morrow thanked Ms. Wallace for stepping in and taking over her current position.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 6: Report on Department of Consumer Affairs (DCA) Activities

Ms. Carrie Holmes, Deputy Director of DCA Board and Bureau Relations, provided a departmental update. On April 5, 2022, Board and Bureau Relations distributed its iteration of a new quarterly newsletter titled "Board Members Do you Know." On April 1, 2022, boards and bureaus returned to meeting in accordance with all aspects of the Open Meeting Act, including publicly noticing all meeting locations. Board and Bureau Relations distributed guidelines and requirements to adhere to when conducting in-person meetings. DCA has also shared guidance and tips from the California Health and Human Services Agency to reduce the spread of COVID-19 for in-person meetings. Ms. Holmes verbalized that legislation was introduced that would permanently allow boards and committees to meet remotely, while also providing physical options for members of the public to participate. Additionally, Assembly Bill (AB) 1733 was not heard in committee in time to move and has become a dead bill. Ms. Holmes addressed surveys that would capture the costs and attendance for various meeting formats, vacancies, and board appointments. On a personal note, Ms. Holmes noted that her last day with DCA would be on May 13, 2022.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 7: Budget Report

Mr. Wilbert Rumbaoa, Administrative Services Unit Manager, provided a report on the State Dentistry Fund, which the Board manages, for fiscal year (FY) 2021-22.

Dr. Morrow made a comment to correct a spelling error in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 8: Report on Dental Hygiene Board of California (DHBC) Activities

Dr. Carmen Dones, President of the DHBC, provided a verbal report on their activities.

Dr. Morrow asked if the DHBC reviews educational programs that are accredited by the Commission on Dental Accreditation (CODA) or only those approved by the DHBC. Mr. Anthony Lum, DHBC Executive Officer, replied that the DHBC investigates and does site visits for both programs. Programs have to be CODA approved and Board approved in order to offer their educational programs in the State of California. Dr. Morrow requested a ballpark figure of the number of hygiene programs in California that are not CODA approved. Mr. Lum did not believe there were any and voiced that over the years, the DHBC has had numerous requests to open up new schools. Since that time, the DHBC has implemented some laws that provide the authority for the DHBC to accept feasibility studies in order to identify needs.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 9: Enforcement - Review of Statistics and Trends

Mr. Patrick Morrissey, Supervising Investigator I, provided the report, which is available in the meeting materials. Mr. Morrissey stated that one statistic that is noteworthy since the July 1 fiscal year is that probationers have dropped by about 40 probationers.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 10: Examinations

Agenda Item 10.a.: Report from Commission on Dental Competency Assessment and Western Regional Examining Board (CDCA-WREB)

Dr. William Pappas, President of the American Board of Dental Examiners (ADEX), provided a verbal report on their activities.

Board Member Lilia Larin noted that she was invited to be an observer at the ADEX exam and encouraged the Board members to participate at future exams. She noted that her experience had changed her perspective on education. Dr. Pappas responded that Ms. Wallace can reach out to CDCA-WREB's Executive Director, Kathleen Kelly,

and arrange an observation for any Board Member who would like to participate at future exams.

President Felsenfeld asked whether California is 100 percent mannikin-based in regard to the CompeDont teeth. Dr. Pappas replied that it is up to the school to determine what type of exam they wish to offer. If a school prefers to go 100 percent mannequin, that is up to them.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 10.b.: Discussion and Possible Action on Prioritization of Examination Reviews to be Conducted by DCA, Office of Professional Examination Services (OPES)

Ms. Wallace provided the report, which is available in the meeting materials. Based on recent meetings with OPES, it was disclosed that the Integrated National Board Dental Examination (INDBE) vendor requested that the Board push out their review as INDBE further develops their occupational analysis. OPES recommended that the Board push the review out a year, which consequently opened up a spot for the Board to reprioritize the order in which examination evaluations should be conducted by OPES.

Dr. Morrow asked if the Portfolio Examination is up for review simply due to statute requirement. Ms. Wallace replied that his statement is correct and that it is a California board examination that is currently in statute. Furthermore, the Board has an obligation in statute to ensure that its examinations are psychometrically valid and legally defensible. As far as the review of the INDBE, Dr. Morrow asked if the Board needed to statutorily go through the review process. Ms. Wallace replied that Dr. Morrow's statement is correct and that this examination had been for a long time required in statute for dental licensure, and OPES had not had an opportunity to review the exam.

Dr. Larin asked what would happen to students who have taken the INDBE before the new changes have gone into effect. Ms. Wallace replied that she has discussed this issue with OPES, and there was no reason to believe that there was any issue with the examination. Dr. Larin asked if it would be better to place the evaluation of INDBE in first place, as it is already being taken by dental students. President Felsenfeld believed OPES did not want to go that way, as there was going to be something holding that exam out for their own occupational analysis. Ms. Wallace responded that the vendor for INDBE had requested its review be delayed one year.

(M/S/C) (Morrow/Chan) to prioritize the order in which examination evaluations should be conducted by OPES in the following order: 1. Dental Licensure Objective Structured Clinical Examination (DLOSCE) California, 2. Portfolio Examination, and 3. Integrated National Board Dental Examination (INBDE).

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 11: Licensing, Certifications, and Permits

Agenda Item 11.a.: Review of Dental Licensure and Permit Statistics

Ms. Jessica Olney, Anesthesia Unit Manager, provided the report, which is available in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 12.a. Discussion and Possible Action to Consider Comments Received During the 15-Day Public Comment Period Relative to Proposed Modified Text and Amendments to CCR, Title 16, Section 1031; and b. Discussion and Consideration of Proposed Regulation to Amend CCR, Title 16, Section 1031 Related to the California Dentistry Law and Ethics Examination.

Mr. David Bruggeman, Legislative and Regulatory Specialist, presented the agenda item. At its February 2019 meeting, the Board approved regulatory language to amend California Code of Regulations (CCR), title 16, section 1031 related to the passing score of the California Dentistry Law and Ethics Examination to allow for OPES to use a criterion-referenced passing score to make the Board's California Dentistry Law and Ethics Examination legally defensible. At its August 2020 meeting, the Board approved revised regulatory language. The final rulemaking was submitted to the Office of Administrative Law (OAL) on December 7, 2021.

On January 21, 2022, OAL advised staff of a clarity issue with the Board's rulemaking text. The Initial Statement of Reasons referenced the Board would be utilizing the modified Angoff standard setting method. However, the proposed language did not specify that methodology when defining the term "criterion-referenced passing score." At the Board's February 2022 meeting, the Board approved modified regulatory language to describe the Angoff standard-setting method in connection with the law and ethics examinations.

The modified text was noticed for a 15-day comment period that ran from February 18 through March 7, 2022. The Board received one comment, and drafted a proposed response, both of which are summarized below.

Comment and Proposed Response

February 18, 2022 email from Dr. Lewis Turchi, DDS

Comment Summary:

Commenter appears to be seeking clarity on the proposed changes, but also expresses skepticism at the ability to teach ethics, given the high debt and pressure to make money facing most dentists entering practice today. Commenter would like to know how the proposed changes would encourage ethics but is not asking for a specific change.

Staff Recommended Proposed Response:

The Board has considered the comment and has decided to make no changes to the proposed text.

The comment does not make a request for a specific change. It does appear to raise a concern about the clarity of the overall proposed changes. The intent of these changes is to change the requirement for passing the law and ethics exam from a specified passing score to a criterion-based passing score. The modified text describes this criterion-based approach as involving licensees and testing experts in evaluating the examination questions to determine that the passing score represents entry-level competence in applying California law and principles of ethics to the practice of dentistry.

Shifting the assessment of a passing score to the individual questions rather than a specific percentage of questions answered correctly is expected to better connect the concepts in each exam question to California law and ethics in the practice of dentistry. The proposed modified text provides greater specificity regarding how the score will be calculated and therefore the Board believes the modified text is sufficiently clear to place licensees on notice regarding the new examination scoring process.

Staff requested that the Board reject the comment and either approve the suggested response or revise it as the Board saw fit. The Board was also requested to direct staff to provide the agreed upon response to the requestor.

There was no Board discussion.

(M/S/C) (Morrow/Chan) to reject the received comment and send the proposed response to the requestor.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

The Board was also requested to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as described in the modified text notice for 16 CCR section 1031.

There was Board discussion. Dr. Morrow expressed his support for the change.

(M/S/C) (Felsenfeld/Chan) to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as described in the modified text notice for 16 CCR section 1031.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 13: Update on Pending Regulatory Packages

Mr. Bruggeman provided the report, which is available in the meeting materials. Mr. Bruggeman disclosed that one major update since the table was prepared was that the

rulemaking file for SB 501 was filled with OAL on May 2, 2022, and is currently with them for review. Ms. Wallace indicated that the Dental Assisting Comprehensive Rulemaking, which the Board previously approved in December of 2019, went through a preliminary review by the Board's Regulatory Counsel. Ms. Wallace expressed that the language has a few issues with it relating to consistency, clarity, and non-duplication, which are all standards necessary to be met going through an OAL review. She noted that it is the recommendation that the package be re-referred, most likely to the Dental Assisting Council, and that Board staff work with Subject Matter Experts (SMEs) to reorganize the language.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 14: Recess Open Session Until May 13, 2022, at 9:00 a.m.
President Felsenfeld recessed Open Session at 2:10 p.m.

At 2:10 p.m., the Board recessed for a break.

Agenda Item 15: Convene Closed Session
At 2:25 p.m., the Board convened Closed Session.

Agenda Item 16: Pursuant to Government Code Section 11126(c)(2), the Board Will Meet in Closed Session to Deliberate and Vote on Whether or Not to Grant, Deny, or Request Further Evaluation of a Conscious Sedation Permit as it Relates to an Onsite Inspection and Evaluation Failure

The Board convened in Closed Session to deliberate and vote on whether or not to grant, deny, or request further evaluation of a Conscious Sedation Permit as it related to an onsite inspection and evaluation failure.

Agenda Item 17: Pursuant to Government Code Section 1126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on Disciplinary Matters, Including Stipulations and Proposed Decisions

This item was not discussed as there were no disciplinary matters to take action upon.

Agenda Item 18: Adjourn Closed Session
President Felsenfeld adjourned Closed Session at 2:44 p.m.

9:00 a.m., Friday, May 13, 2022

Agenda Item 19: Reconvene Open Session– Call to Order/Roll Call/Establishment of a Quorum

President Felsenfeld called the meeting to order at 9:03 a.m. Secretary Molina called the roll; nine Board Members were present, and a quorum was established.

DRAFT - Dental Board of California
May 12-13, 2022 Meeting Minutes

Agenda Item 20: President's Report on Closed Session Items

President Felsenfeld provided a verbal report to the Board regarding Closed Session items. He reported the Board denied the Conscious Sedation Permit for the following candidate: 1. CM. Additionally, Dr. Felsenfeld reported that no new Application(s) for Issuance of New License(s) to Replace Cancelled License(s) were discussed.

The Board did not take public comment on this item.

Agenda Item 21: Dental Assisting Council (DAC) Meeting Report

Ms. Jeri Fowler, Chair of the DAC, provided a verbal report on the May 12, 2022 DAC meeting. Ms. Fowler announced that two Council Members, Ms. Kandice Pliss and Ms. De'Andra Epps-Robbins, were appointed to fill the two vacancies for RDAs employed in a private dental practice or public safety net or dental health care clinics. Ms. Fowler advised the Board regarding DAC discussion of DAC meeting agenda items 3 through 10.

For DAC Agenda Item 11.a., Ms. Fowler advised the Board the DAC made a recommendation to the Board to oppose AB 2276 unless amended to address the following: (1) remove the pit and fissure component from the bill, leaving just coronal polishing; (2) require permitting for coronal polishing administered by the Board, with required proof of Basic Life Support and infection control submitted to the Board for renewal of the coronal polish permit; (3) direct supervision over the dental assistant by a dentist; and (4) require 400 hours of direct clinical patient care before taking the coronal polishing course. [See DAC, May 12, 2022 Meeting Minutes for full DAC recommendation.]

Dr. Morrow expressed his thanks and sincere appreciation for all of the effort and time Ms. Fowler had put into her position as Chair of the DAC.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 22: Substance Use Awareness

Agenda Item 22.a.: Diversion Program Report and Statistics

Ms. Wallace provided the report, which is available in the meeting materials. The Diversion Evaluation Committee (DEC) was able to return to in-person meetings and held their first in-person meeting in two years on April 6, 2022. Ms. Wallace mentioned that the next DEC Meeting was scheduled for July 13, 2022.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 22.b.: Discussion and Possible Action Regarding Appointment of Diversion Evaluation Committee (DEC) Member

Ms. Wallace provided the report, which is available in the meeting materials. Ms. Wallace stated that the DEC had a resignation of one of its members, and there was a need to fill the vacancy. Board staff posted a recruitment notice and received an application from a previous DEC member – James Tracy, DDS.

(M/S/C) (Chan/Yu) to accept the recommendation to appoint Dr. Tracy to the DEC.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 22.c.: Controlled Substance Utilization Review and Evaluation System (CURES) Report

Ms. Wallace provided the report, which is available in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 23: Anesthesia

Agenda Item 23.a.: General Anesthesia and Conscious Sedation Permit Evaluations Statistics

Ms. Olney provided the report, which is available in the meeting materials.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 23.b.: Discussion and Possible Action Regarding Appointment of General Anesthesia and Conscious Sedation Evaluators

Ms. Olney provided the report, which is available in the meeting materials. Ms. Olney commented that the on-site inspection evaluators are required of permit holders, depending on the type of permit, every five to six years.

President Felsenfeld asked if it was critical that the Board appoint Dr. Han as both a conscious sedation and general anesthesia evaluator or just appoint him as a general anesthesia evaluator, which would allow him to also evaluate Conscious Sedation permits. Ms. Olney responded that she believed that appointing Dr. Han as a general anesthesia evaluator will allow him to also be an evaluator for conscious sedation onsite inspection.

(M/S/C) (Chan/Yu) to appoint Dr. James Bum-Suk Han as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Larin) to appoint Dr. Christopher Chiu as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

(M/S/C) (Chan/Pacheco) to appoint Dr. Feras Al Rezk as an evaluator for the general anesthesia onsite inspection and evaluation program.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment. As a general anesthesia evaluator for 30 years, Dr. Bruce Witcher, representing himself, inquired as to why the Board had to appoint evaluators, as it delayed the appointment of new evaluators. Ms. Wallace responded that the Board had consulted with Legal Counsel and determined that per statute, it should be referred to the Board for appointment.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 23.c.: Update Regarding Board Implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018)

Ms. Olney provided the report, which is available in the meeting materials. Ms. Olney mentioned that Senator Bates submitted a bill, SB 652, which was to be used as a vehicle to carry the Board's amendments. The bill was not yet amended to include the Board's legislative proposal, but the Board anticipated that it would. Ms. Wallace stated that SB 652 was intended to carry the Board's legislation, and she had been in contact with the bill's sponsor, the lobbyist for CalAMOS, and explained that it was likely that the Board would no longer need the SB 501 implementation date to be pushed back as part of the legislative proposal. However, the Board was still in need of the fee authority for the pediatric endorsement and the clarification for the moderate sedation renewal. She believed the bill had been referred to the Assembly Committee on Business and Professions; therefore, it was still in the legislative process.

President Felsenfeld requested public comment on this item. The Board received public comment. Dr. Guy Acheson, general dentist, stated that the *Education Courses Acceptable In Lieu of Pediatric Advanced Life Support (PALS)* topic bubbled up from those who are evaluators. Dr. Acheson stated that both Pediatric Advanced Life Support (PALS) and Advanced Cardiovascular Life Support (ACLS) are frankly adequate in providing high level airway management training. Dr. Acheson stated that he understood the difficulty the Board had in trying to come up with an alternative to PALS or ACLS as the American Heart Association (AHA) was constantly refining their requirements and the course. He suggested an alternative consideration for the Board would be to create or approve a hands-on advanced airway management course that would be taken in addition to PALS or ACLS. Dr. Acheson requested the Board consider bringing up an agenda item in the future to look at creating an addendum course in advanced airway management that would go along with moderate sedation.

Agenda Item 23.d.: Discussion and Possible Action on Supplemental Report to California State Legislature Regarding Findings Relevant to Inform Dental Anesthesia and Sedation Standards as Required by SB 501 (Glazer, Chapter 929, Statutes of 2018) and Business and Professions Code Section 1601.4, subdivision (a)(2)

Ms. Olney provided the report, which is available in the meeting materials.

(M/S/C) (Yu/Chan) to direct staff to finalize the Supplemental Report and submit it to the California State Legislature.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment. Dr. Acheson commented this report that the Board and staff have complied together was important, especially the refinements to break it down by location of sedation and the type of provider. He applauded the Board Members and staff for the report. Furthermore, Dr. Acheson stated that it would be wonderful if the Board were able to find the total number of sedations that are happening in the state; perhaps incorporating a requirement to provide the number of different types of sedation that were provided during each licensed renewal period.

Dr. Whitcher thanked President Felsenfeld's Committee and Board staff for the hard work and for going back over all of the reporting forms and making corrections. He stated that with respect to the number of cases, there were very practical considerations involved in collecting the n (denominator) number. The challenge is that it is essential to have at least a million cases before rare events start becoming apparent. Even if you have an n or a number, that gives you a measure of the prevalence or incidence of bad outcomes, it does not tell you why they occurred or what to do to prevent them. Dr. Whitcher stated that the question was how do we get the numbers lower.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

Agenda Item 24: Legislation – Update, Discussion, and Possible Action on:
Agenda Item 24.a.: 2022 Tentative Legislative Calendar – Information Only

Mr. Bruggeman provided an overview of the 2022 Tentative Legislative Calendar, which is available in the meeting materials. Mr. Bruggeman stated that one relevant deadline recently passed on April 29, 2022, which was the last day for policy committees to hear and report to fiscal Committees fiscal bills introduced in their house. Some of the bills

that the Board had been tracking did not make that deadline. Mr. Bruggeman noted that the last day for each house to pass bills introduced in that house was May 27, 2022, and the last day for each house to pass bills was August 31, 2022.

President Felsenfeld requested public comment on this item. There were no public comments made on this item.

Agenda Item 24.b.-dd.: Update, Discussion, and Possible Action on Legislation

Mr. Bruggeman provided the report, which is available in the meeting materials. Board staff identified 20 bills, AB 225, AB 562, AB 646, AB 657, AB 1102, AB 1604, AB 1756, AB 1795, AB 1982, AB 1996, AB 2055, AB 2104, AB 2107, AB 2145, AB 2539, AB 2948, SB 49, SB 731, SB 1237, and SB 1310 of potential interest to the Board. Board staff identified 10 bills, AB 1662, AB 1733, AB 2276, SB 652, SB 889, SB 1031, SB 1365, SB 1443, SB 1471, and SB 1495 of having a direct impact on the Board.

SB 1662

Currently with the Assembly Appropriations Committee, this bill concerned section 480 of the Business and Professions Code and it would revise that section to permit prospective applicants to inquire with the Board if any criminal conviction that they may have could result in denial of their application. Based on the information that the applicant would provide, a board would be expected to determine whether or not that conviction may result in an application being denied. The bill, as currently written, indicated that boards would be able to charge a fee for this, but it would be limited to either \$50 or the cost of administering these procedures, whichever is smaller.

(M/S/C) (Morrow/Chan) to oppose SB 1662.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

AB 1733

This bill would amend the current Bagley-Keene Open Meeting Law to allow for boards to hold meetings by teleconference. Unfortunately, this bill did not make the late April deadline in order to move forward and the bill is dead.

DRAFT - Dental Board of California
May 12-13, 2022 Meeting Minutes

Ms. Wallace verbalized that Board staff recommends the Board take a support in concept position. This would allow the Board to communicate that to the author's office and to the Legislature on what the benefits of this bill would bring to the Board.

(M/S/C) (Morrow/Chan) to support the concept of AB 1733.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

AB 2276

The bill would add section 1750.1.5 to the Business and Professions Code, which would permit dental assistants (DAs) to conduct coronal polishing or pit and fissure sealing if certain requirements are met. Mr. Bruggeman noted that the bill would require the DA to provide evidence to the Board they have completed a board-approved course in the procedure, which would place a burden on Board staff to create a certification system in which the Board would collect the evidence and track the certifications for an otherwise unlicensed population. He stated the Board staff recommendation was to support the bill if amended to remove that requirement.

Ms. Fowler discussed the amendments that the DAC agreed upon for this bill. She stated that the DAC voted to oppose AB 2776 unless amendments included the following: removing the pit and fissure component; requiring permitting for coronal polish administered by the Dental Board and require proof of current Basic Life Support (BLS) and Infection Control submitted to the Board for renewal for the coronal polish permit; direct supervision level by the licensed dentist; and 400 hours of clinical direct patient care performed by the DA before taking a coronal polishing course. Ms. Wallace mentioned that the only amendment staff is recommending is removing the requirement that the certificate of completion is submitted to the Board and instead require the certificate of completion be submitted to the supervising dentist and put the responsibility on the supervising dentist to maintain that compliance. Dr. Molina inquired if the Board was asking DAs to do 400 hours of clinical direct patient care before they can take the exam. Ms. Fowler responded that that is one of the amendments and that

there is a certain amount of clinical expertise that DAs would need to gain in order to understand and to also apply that skill set in basic dentistry.

Ms. Tina Vallery, Chief of Administration and Licensing, clarified that currently, unlicensed DAs could take coronal polishing without any formal training. She believed that the law has been this way since at least January 1, 2010. Therefore, unlicensed DAs have been able to take coronal polishing at any point of their career.

In response to Dr. Molina's Inquiry, Ms. Wallace responded that through the on-the-job training pathway, a candidate applying for a registered dental assistant (RDA) license can perform 15 months of on-the-job training through a supervising dentist and can take the coronal polishing course at any given time. When applying to the Board for RDA licensure, it is a requirement to provide a certificate of completion of the coronal polishing course. If that certificate of completion is submitted to the Board and they are deemed qualified, the candidate would be issued eligibility to take the RDA written examination. If the candidate passes the written examination, they would have the ability to become a licensed RDA.

Ms. Wallace noted that the amendment proposed by the DAC is different in that the 400 hours of direct patient care would be required to be signed off by the supervising dentist before they could enroll in the coronal polishing course. She reiterated that over the past few years, there had been an ongoing review in the Legislature of regulatory boards and determining whether unnecessary barriers to licensure are being imposed. Ms. Wallace stated that as the Board makes recommendations on bills, it is important to remember and take into consideration whether there is necessity behind recommending certain positions on bills or amendments and ensuring that the actions taken are in the best interest of public protection. She voiced concern that it could be misconstrued that requiring an unlicensed DA to take a certificate of completion for a coronal polishing course, which is required for additional licensure, but setting a higher standard for an unlicensed DA could be met with some trepidation.

Dr. Larin stated that she is in support of this bill with the amendments that the DAC provided and can see how this bill would help underserved populations and with access to care. She inquired as to what the Board should do in relation to the background checks of DAs.

Ms. Welch provided additional clarifying comments. She stated that if a permit requirement is added for a DA to perform coronal polishing, the access to care starts to drift away. The current bill is trying to increase access to care by not requiring any permitting. Therefore, if the permit aspect is included, the balance between access to care and barriers to licensure starts to get fuzzy. To answer Ms. Larin's inquiry regarding the 400 direct patient care hours, Ms. Welch indicated that the DAC did not have a discussion regarding examinations for permitting and that an exam component is not part of what the DAC was recommending. Ms. Wallace clarified that as part of the DAC's recommendations, the permitting requirement would require Board staff to

implement an entire permitting structure. The Board does not currently have the mechanism in BreEZe to track this information. She suggested the Board Members consider fee authority to offset the cost of the permitting structure and delayed implementation, as it will take upwards of a year and a half to potentially have to do regulations and implement BreEZe changes to implement these provisions. Ms. Welch added that the Board could also require fingerprinting with that permit process.

Dr. Larin asked that if a permit had to be attached if the Board decided to implement fingerprints. Ms. Wallace replied that Board staff would recommend not issuing permits and that from a staff perspective, her other concern is that there would be a disparity between RDAs and unlicensed DAs. There would be a group of DAs, who if they seek a coronal polishing certificate to perform coronal polishing, would be fingerprinted while all other DAs would not be fingerprinted. Additionally, Ms. Wallace indicated that currently fingerprinting is required as an RDA licensure requirement. Dr. Larin asked how the Board can protect the public better. Ms. Wallace replied that if the Board implemented a background check, it would take time to set that up. Furthermore, she stated that for the Board to be able to issue the permits, it would have to have a delay in the timeline to put the mechanism in place to be able to issue those permits.

Dr. Larin moved to accept the DAC recommendation without the amendment to permit. There was no second on the motion, so the motion failed.

Dr. Molina asked if the Board could support the bill without the DAC amendments. Ms. Wallace clarified the amendment is to remove the requirement for the Board to collect the certificates of completion and instead place the responsibility on the supervising dentist.

(M/S/C) (Molina/Olague) to support the bill if amended to remove the requirement for the certificate of completion to be submitted to the Board for tracking and instead place that burden on the supervising licensed dentist to oversee and ensure compliance.

President Felsenfeld requested public comment before the Board acted on the motion. The Board received public comment. Ms. Mary McCune, representing California Dental Association (CDA), agreed with the motion and informed the Board that the purpose of the bill was to provide short-term relief for the workforce shortage issues that dentistry is experiencing. Ms. McCune stated that CDA planned on having more longer-term and more expansive conversations with opposition and other stakeholders this year, and CDA would like to come back to the Board with a more comprehensive proposal for possible support as soon as next year.

Dr. Whitcher, representing CDA, pointed out that while a member of the Board, there had not been any quality of care complaints that he could think of that related to RDAs. Therefore, he did not believe it was a large enforcement issue. To complicate DAs' ability to possibly get a minor scope expansion would be an access to care issue. Dr. Whitcher reiterated CDA's support for the staff recommendation on the bill.

Ms. Melodi Randolph, California Association of Dental Assisting Teachers (CADAT) and the Dental Assisting Alliance representative, stated that they had worked very hard to oppose this bill as there were a substantial number of issues present. It would be beneficial to come back to patient safety and have the DAs learn the basics before they take a coronal polishing course. Ms. Randolph stated that they are working with CDA to work to out some sort of revision.

Ms. Fowler stated that DAs have no occlusal training and, regarding the pit and fissure sealants, questioned how DAs would adjust their occlusion on the sealants when they are unable to use hand instrumentation to adjust occlusions like RDAs can.

Ms. Zena Delling, representing California Dental Assistants Association (CDAA), commented that if the Board had the capability of permitting two other categories, she did not know why the Board was not able to permit the DA.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Yu.

Nays: None.

Abstentions: Pacheco.

Absent: McKenzie.

Recusals: None.

The motion passed.

SB 652

This bill is the placeholder bill for the extension of requirements connected to SB 501.

President Felsenfeld stated that the Board was waiting for Senator Bates to carry out her actions. Public comments were not requested on this item.

SB 889

This bill would establish an anesthesia permit process for nurse anesthetists. However, this bill did not pass the policy committee in the Senate and was essentially dead. The Board did not expect action on this bill to take place in the Legislature.

Public comments were not requested on this item.

SB 1031

This concerns the inactive license fees that boards can charge. The Dental Board currently charges the same amount for an active license as it does for an inactive license. However, this bill would cap the ability to charge a fee for an inactive license to 50 percent of the active license fee.

(M/S/C) (Morrow/Yu) to oppose SB 1031.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

SB 1365

This bill would add a section to the Business and Professions Code requiring boards posted on their websites the criteria they use for evaluating applicants with criminal conviction. It also would require DCA to establish a process for these boards to post the criteria to their websites, develop a process for boards for use in verifying applicant information in the process of background checks, and to develop an informal appeals process.

Public comments were not requested on this item.

SB 1443

This bill would extend the board sunset date until January 1, 2025.

(M/S/C) (Chan/Felsenfeld) to support SB 1443.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, Larin, Medina, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: McKenzie.

Recusals: None.

The motion passed.

SB 1471

This bill would amend section 1636.5 of the Dental Practice Act and repeal section 1636.6 concerning the deadlines for foreign dental schools to maintain their current accreditation as they shift over to CODA. The bill did not pass the late April deadline and the Board does not expect it to move forward in the legislature this year.

Public comments were not requested on this item.

SB 1495

This bill primarily makes a number of non-substantive changes connected to the revision of the name of the Office of Statewide Health Planning and Development to the Department of Health Care Access and Information. It does amend section 1936.1 of the Dental Practice Act to change the assurances made concerning continuing education of dental hygienists from prospective that when they renew, they are required to state that they will fulfill certain continuing education requirements. The bill would change that to a retrospective assertion that they have completed certain continuing education requirements.

Public comments were not requested on this item.

Agenda Item 25: Discussion on Prospective Legislative Proposals

President Felsenfeld introduced the report, which is available in the meeting materials. There were no stakeholder proposals submitted to the Board and public comments were not requested on this item.

Agenda Item 26: Adjournment

President Felsenfeld adjourned the meeting at 10:38 a.m.



**DENTAL BOARD OF CALIFORNIA
MEETING MINUTES
June 28, 2022**

The Dental Board of California (Board) met on June 28, 2022, via teleconference at the following locations:

Department of Consumer Affairs
1625 N. Market Blvd., Hearing Room
Sacramento, CA 95834

Dental Board of California
333 S. Anita Drive, Suite 930
Orange, CA 92868

In addition to the physical locations above, this meeting was also held via WebEx Events.

Members Present:

Alan Felsenfeld, MA, DDS, President
James Yu, DDS, MS, Vice President
Sonia Molina, DMD, MPH, Secretary
Steven Chan, DDS
Meredith McKenzie, Esq., Public Member
Steven Morrow, DDS, MS
Rosalinda Olague, RDA, BA
Joanne Pacheco, RDH, MAOB

Members Absent:

Lilia Larin, DDS
Angelita Medina, Public Member

Staff Present:

Sarah Wallace, Interim Executive Officer
Tina Vallery, Chief of Administration and Licensing
Jessica Olney, Anesthesia Unit Manager
Wilbert Rumbaoa, Administrative Services Unit Manager
David Bruggeman, Legislative and Regulatory Specialist
Mirela Taran, Administrative Analyst
Kristy Schieldge, Regulatory Counsel, Attorney IV, Department of Consumer Affairs
(DCA)

10:00 a.m., Tuesday, June 28, 2022

Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum

The Board President, Dr. Alan Felsenfeld, called the meeting to order at 10:10 a.m. The Board Secretary, Dr. Sonia Molina, called the roll; eight Board Members were present, and a quorum was established.

Agenda Item 2: Public Comment on Items Not on the Agenda

Dr. Nancy Gum, a practicing orthodontist in San Jose, urged that the Board consider the topic of having cognitive bias training as a requirement of dental licensure renewal for a future agenda.

Agenda Item 3: Discussion and Possible Action to Consider Adoption of Proposed Clarifying Amendments Identified by Office of Administrative Law Relating to SB 501 (Anesthesia and Sedation) Rulemaking, Proposed California Code of Regulations, Title 16, Sections 1017.1, 1021, 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1043.8.1, 1043.9, 1043.9.1, 1043.9.2, 1044, 1044.1, 1044.2, 1044.3, 1044.4, 1044.5, and 1070.8

Mr. David Bruggeman, Legislative and Regulatory Specialist, presented the agenda item.

At the November 19, 2021 meeting, the Board approved proposed language for the implementation of Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018). The language amends California Code of Regulations (CCR), title 16, sections 1021, 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1043.8.1, 1044, 1044.1, 1044.2, 1044.3, 1044.4, 1044.5, and 1070.8, adopts section 1017.1, and adopts a new article 5.1 and sections 1043.9, 1043.9.1 and 1043.9.2 concerning regulations for the permitting, ordering, and administering of sedation for dental purposes.

The Board directed staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for a 45-day public comment period, holding a public hearing if requested, and authorizing the Executive Officer to make any non-substantive changes to the rulemaking package. During the 45-day public comment period, the Board received both written public comments on the proposed regulations, as well as requests for a public hearing. The hearing was held on February 16, 2022, through WebEx teleconferencing, and seven witnesses offered public comment.

At the March 14, 2022 Board meeting, the Board approved responses to the public comments received during the 45-day public comment period, as well as adopting modified text (this included the decision to no longer repeal section 1044.4). That text was noticed for a 15-day public comment period. One comment was received and subsequently withdrawn. Board staff compiled the rulemaking file and submitted it to the Office of Administrative Law (OAL) on May 2, 2022.

On review of the file, OAL identified areas that required clarification. Addressing these areas required making substantive changes to the regulations and another 15-day public comment period. As a result, Board staff withdrew the file and developed modified text to address the areas of concern. The changes were marked in the proposed modified text presented to the Board with bold italics for new language and bold italics strikethrough for removed language. The changes were also summarized below:

Second Modifications of Regulatory Text

1. Change the word “should” in the first sentence of section 1043.3(a) to shall. This would make the language consistent with language in section 1044.5 and correctly reflect the original intent that the equipment maintenance requirement is mandatory rather than discretionary. The resulting change would read as follow:

All equipment ~~should~~**shall** be maintained, tested and inspected according to the manufacturers’ specifications.

2. Change the word “should” in the second sentence of the introductory paragraph in section 1043.9.2 to shall. This would make the language consistent with the rest of that paragraph and language in section 1044.5 and correctly reflect the original intent that the equipment maintenance requirement is mandatory rather than discretionary. The resulting change would read as follows:

All equipment ~~should~~**shall** be maintained, tested and inspected according to the manufacturers’ specifications.

3. Amend section 1043.9.2(d)(4) to further explain the documentation requirements for adequate supply of drugs. OAL sought greater clarity on the phrase “adequate supply” with respect to the documentation for drugs maintained at the facility. Staff recommended the following amended text (additions are in double underline):

(4) Documentation that all drugs maintained at the facility are checked at least ~~once a~~**once a** quarterly for expired drugs and an adequate supply **of drugs based upon patient demographics** for the patient population served, **which includes the number of patients served at the facility and the age of patients served at the facility. For the purposes of compliance with this subsection, documentation of adequate supply shall include a written explanation of how the adequate supply was calculated by the facility.**

4. Amend the forms incorporated by reference to add clarity to the consequences of an incomplete application. In each of the forms included in the rulemaking package (General Anesthesia Permit/GAP-1, Application for Moderate Sedation Permit/MSP-1, Certification of Moderate Sedation Training/MSP-2, Documentation of Deep Sedation and General Anesthesia or Moderate Sedation Cases for Pediatric

Endorsement/PE-1, Application for Pediatric Minimal Sedation Permit/PMSP-1, Certification of Pediatric Minimal Sedation Training/PMSP-2, Application for Use of Oral Conscious Sedation on Adult Patients/OSC-C), there is language that states the form or application must be completed or the application “may be rejected as incomplete.”

OAL believed that language did not represent what would actually happen (that staff would provide the opportunity to address any deficiencies before an application is considered ‘abandoned’ per the Board’s current regulations at Title 16, California Code of Regulations (16 CCR) section 1004). Staff recommended replacing the language “may be rejected as incomplete” with “will not be processed (16 CCR section 1004).” This would clarify that the application would not be processed if deficiencies were not addressed in accordance with the Board’s abandonment regulations at section 1004.

5. Amend the introductory language concerning Facilities and Equipment Requirements in three of the forms incorporated by reference. Change the word should to shall in the first sentence of the introductory matter in the Facilities and Equipment Requirements section of the Application for Moderate Sedation Permit/MSP-1, the Application for Pediatric Minimal Sedation Permit/PMSP-1, and the Application for Use of Oral Conscious Sedation on Adult Patients/OSC-C. This would make the language consistent with sections 1043.3 and 1043.9.2. The resulting change would read as follows:

ALL EQUIPMENT ~~SHOULD~~SHALL BE MAINTAINED

6. Change the language in Question 25(A) of the Application for Use of Oral Conscious Sedation on Adult Patients/OSC-C to align with section 1044.5(d). The text of Question 25 (A) should be amended to read as follows:

THE NECESSARY AND APPROPRIATE ~~EMERGENCY~~ DRUGS AND AGE-
AND SIZE-APPROPRIATE EQUIPMENT TO RESUSCITATE A
NONBREATHING AND UNCONSCIOUS PATIENT AND PROVIDE
CONTINUOUS SUPPORT WHILE THE PATIENT IS TRANSPORTED TO A
MEDICAL FACILITY.

Staff requested that the Board review the proposed modified regulatory text and consider the following motion:

Approve the proposed second modified text and forms and direct staff to take all steps necessary to complete the rulemaking process, including sending out the second modified text notice with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations, and adopt the proposed regulations as described in the

second modified text notice for 16 CCR sections 1021, 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1044, 1044.1, 1044.2, 1044.3, 1044.5, 1070.8, 1017.1, 1043.8.1, 1043.9, 1043.9.1, 1043.9.2.

Board Member, Dr. Steven Chan, asked a clarifying question about the use of the phrase “size appropriate.” Ms. Jessica Olney, Anesthesia Unit Manager, noted that the intent was to accommodate all ages and sizes, including large children and small adults. Board Secretary, Dr. Sonia Molina, asked whether there would be guidelines provided for the calculation of adequate supply of drugs. Mr. Bruggeman indicated that the proposed language was intended to permit facilities the ability to take into account the local characteristics of their patient populations. Board Member, Dr. Steven Morrow, noted that there were non-substantive changes to be made as well.

Motion/Second (M/S) (Chan/McKenzie) to approve the proposed second modified text and forms and direct staff to take all steps necessary to complete the rulemaking process, including sending out the second modified text notice with these changes for an additional 15-day comment period. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations, and adopt the proposed regulations as described in the second modified text notice for 16 CCR sections 1021, 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1044, 1044.1, 1044.2, 1044.3, 1044.5, 1070.8, 1017.1, 1043.8.1, 1043.9, 1043.9.1, and 1043.9.2.

President Felsenfeld requested public comment before the Board acted on the motion. There were no public comments made on the motion.

President Felsenfeld called for the vote on the proposed motion. Secretary Molina took a roll call vote on the proposed motion.

Ayes: Chan, Felsenfeld, McKenzie, Molina, Morrow, Olague, Pacheco, Yu.

Nays: None.

Abstentions: None.

Absent: Larin, Medina.

Recusals: None.

The motion passed.

Agenda Item 4: Recess Open Session

Dr. Felsenfeld recessed Open Session at 10:36 a.m.

Agenda Item 5: Convene Closed Session

At 10:45 a.m., the Board convened Closed Session.

Agenda Item 6: Pursuant to Government Code Section 11126(e)(1) and (2)(A), the Board will Confer with and Receive Advice from Legal Counsel and Deliberate

DRAFT - Dental Board of California
June 28, 2022 Meeting Minutes

Page 5 of 6

Regarding *Sulitzer, et al. v. Tippins et al.*, United States District Court, Central District of California, Western Division, Case No. 2:19-cv-08902-GW-MAA

The Board convened in Closed Session to discuss a pending litigation matter.

Agenda Item 7: Adjourn Closed Session

Dr. Felsenfeld adjourned Closed Session at 11:45 a.m.

Agenda Item 8: Reconvene Open Session

At 11:49 a.m., the Board reconvened Open Session.

Agenda Item 9: Adjournment

Dr. Felsenfeld adjourned the meeting at 11:50 a.m.



MEMORANDUM

DATE	August 1, 2022
TO	Members of the Dental Board of California
FROM	Mirela Taran, Administrative Analyst Dental Board of California
SUBJECT	Agenda Item 4: Board President Report

Background:

Dr. Alan Felsenfeld, President of the Dental Board of California, will provide a verbal report.

Action Requested:

No action requested.



MEMORANDUM

DATE	August 1, 2022
TO	Members of the Dental Board of California
FROM	Mirela Taran, Administrative Analyst Dental Board of California
SUBJECT	Agenda Item 5: Acting Assistant Executive Officer Report

Background:

Dr. Tracy Montez, Acting Assistant Executive Officer of the Dental Board of California, will provide a verbal report.

Action Requested:

No action requested.



MEMORANDUM

DATE	August 1, 2022
TO	Members of the Dental Board of California
FROM	Mirela Taran, Administrative Analyst Dental Board of California
SUBJECT	Agenda Item 6: Report on Department of Consumer Affairs Activities, which may include updates on the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters

Background:

Mr. Brian Clifford, Senior Planning and Implementation Manager of the Department of Consumer Affairs Executive Office, will provide a verbal report.

Action Requested:

No action requested.

Agenda Item 6: Report on Department of Consumer Affairs Activities, which may include updates on the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters
Dental Board of California Meeting
August 25-26, 2022



MEMORANDUM

DATE	August 25-26, 2022
TO	Members of the Dental Board of California
FROM	Wilbert Rumbaoa, Administrative Services Manager Dental Board of California
SUBJECT	Agenda Item 7: Budget Report

Background:

The Dental Board of California (Board) administers the State Dentistry Fund (Fund), which derives revenues (primarily) through licensing-related fees to fund the Board’s administrative, licensing, and enforcement activities.

The Board receives the legislated annual budget appropriation upon the chaptering of the Budget Act. The Board is statutorily required to remain within its appropriation spending limit and to ensure the Fund’s ongoing solvency.

2022-23 Budget Act Summary:

The following chart provides an overview of Chapter 43 (SB 154, the Budget Act of 2022) as it pertains to the Dental Board of California.

2022-23 Budget Act		
Fund	Revenue	Expenditures*
State Dentistry Fund	\$18,540,000	\$19,139,000

* \$283,000 (net) reimbursements – probation monitoring and fingerprints

Analysis of Fund Condition Statement:

The attached fund condition statement (FCS) is based on the 2022-23 Budget Act and 2021-22 Fiscal Month 11 Revenue and Expenditure projections. It has been updated with 2020-21 prior-year actual revenues and expenditures, which resulted in a fund balance reserve of \$12.45 million or 8.1 months in reserve (see below). Other adjustments for statewide expenditures have also been included.

Revenues – The Board began 2021-22 with a fund balance of \$12.5 million and collected approximately \$18.5 million in revenues with \$2.8 million from initial license fees and \$15.1 million from license renewals.

The Board notes, Chapter 929, Statutes of 2018 (SB 501), created additional anesthesia permit and certificate types and fees. The Board is currently in the process of promulgating regulations to implement SB 501, and as a result, any revenues are not included in the FCS at this time.

Expenditures – The Board’s 2021-22 current year appropriation is \$18.8 million, and projects expenditures to be \$16.2 million. The FCS projects ongoing expenditures in the future with a three percent (growth factor) increase per year. The FCS also shows the Board fully expending its appropriation ongoing which has not been the trend in recent years. To the extent the Board does not fully expend its appropriation, any savings remains in the Fund for future use.

Overall expenditures are projected to rise in future years. Personnel services, investigation costs, and statewide contributions make up the largest portion of the increases in out years.

The Board notes, future legislation or other events could require the Board to request additional resources through the annual budget process, which would increase cost pressure on the Fund.

General Fund Loan – Item 1111-011-0741, Budget Act of 2020, authorizes a \$5 million loan transfer from the Fund to the General Fund (GF). The loan is required to be repaid with interest in the event the Board needs the funds, or if the GF no longer needs the funds.

The interest accrued is estimated at \$25,000 per year. The FCS currently indicates repayment in 2023-24, which includes approximately \$75,000 of interest income.

The Board notes, the \$5 million repayment will be coordinated as part of any future regulatory and/or statutory fee increase proposals.

Dental Assistant Fund (disposition) – Chapter 865, Statutes of 2019 (AB 1519) abolished the Dental Assistant Fund, effective July 1, 2022, and any remaining funds shall be deposited into the Fund.

The current projected balance of \$2.9 million has remained in the Dental Assistant Fund since 2020 to ensure any financial obligations are paid. This budget office is currently working with the Department of Finance to facilitate the transfer.

Fund Balance Months in Reserve – The fund balance reserve reports the dollar amount remaining in the Fund at the end of any given fiscal year. This is used to calculate the Months in Reserve balance based on projected expenditures for the next fiscal year. Typically, a healthy fund has about 3 to 6 months in reserve.

The fund balance reserve is currently stable but does show a declining balance in future years due to a structural imbalance caused by the fund's revenues projected to stay stationary, and the fund's expenditures to increase by 3%. The fund should remain healthy through 2024-25, although, unforeseen expenditures can cause this to change.

Structural Imbalance – A structural imbalance occurs when projected revenues are less than anticipated expenditures.

Action Required (future) – The Board will continue to monitor the Fund and work with the DCA Budget Office to ensure solvency.

As previously noted, the Board had significant 2021-22 prior-year savings of approximately \$2.6 million related to vacant positions, and those savings are projected to continue for 2022-23. However, the Board is actively recruiting to fill these positions and any savings will likely be reduced in the future as the positions are filled.

The Board further notes, most (all) existing license fee types currently being assessed are set below their statutory maximums and may be increased through regulations, which could eliminate the existing structural imbalance. Proposals for regulatory fee changes typically take 18 to 24 months to promulgate.

Board staff will be working with the DCA Budget Office to identify possible actions to reduce or eliminate the structural imbalance to ensure the Board remains solvent and able to fully meet its licensing and enforcement mandates.

Board staff will present the findings and recommendations at future board meetings to allow for public input and Board Member consideration.

0741 - Dental Board of California Fund Analysis of Fund Condition
(Dollars in Thousands)
2022-23 Governor's Budget with 2021-22 FM 11 Projections

	Actual 2020-21	PY 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25
BEGINNING BALANCE	\$ 14,318	\$ 12,447	\$ 12,560	\$ 13,167	\$ 15,298
Prior Year Adjustment	\$ -138				
Adjusted Beginning Balance	\$ 14,180	\$ 12,447	\$ 12,560	\$ 13,167	\$ 15,298
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 314	\$ 337	\$ 285	\$ 285	\$ 285
4127400 - Renewal fees	\$ 14,934	\$ 15,069	\$ 14,903	\$ 14,903	\$ 14,903
4129200 - Other regulatory fees	\$ 151	\$ 174	\$ 144	\$ 144	\$ 144
4129400 - Other regulatory licenses and permits	\$ 3,184	\$ 2,826	\$ 2,966	\$ 2,966	\$ 2,966
4141200 - Sales of Documents	\$ 0	\$ 1	\$ 0	\$ 0	\$ 0
4143500 - Miscellaneous Services to the Public	\$ 0	\$ 19	\$ 48	\$ 48	\$ 48
4163000 - Income from surplus money investments	\$ 75	\$ 61	\$ 177	\$ 152	\$ 175
4171400 - Escheat of unclaimed checks and warrants	\$ 12	\$ 10	\$ 15	\$ 15	\$ 15
4172500 - Miscellaneous revenues	\$ 0	\$ 3	\$ 2	\$ 2	\$ 2
4173500 - Settlements and Judgements - Other	\$ 7	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 18,677	\$ 18,500	\$ 18,540	\$ 18,515	\$ 18,538
Loan from the State Dentistry Fund (0741) to the General Fund (0001) per Item 1111-011-0741, Budget Act of 2020	\$ -5,000	\$ 0	\$ 0	\$ 5,000	\$ 0
Revenue Transfer from the State Dental Assistant Fund (3142) to the State Dentistry Fund (0741) per Business and Professions Code Section 205.2	\$ 0	\$ 0	\$ 2,877	\$ 0	\$ 0
Totals, Transfers and Other Adjustments	\$ -5,000	\$ 0	\$ 2,877	\$ 5,000	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 13,677	\$ 18,500	\$ 21,417	\$ 23,515	\$ 18,538
TOTAL RESOURCES	\$ 27,857	\$ 30,947	\$ 33,977	\$ 36,682	\$ 33,836
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 14,309	\$ 16,204	\$ 19,139	\$ 19,713	\$ 20,305
Chapter 16, Statutes of 2020 (AB 84)	\$ 0	\$ 716	\$ 0	\$ 0	\$ 0
9892 Supplemental Pension Payments (State Operations)	\$ 318	\$ 318	\$ 318	\$ 318	\$ 318
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 783	\$ 1,149	\$ 1,353	\$ 1,353	\$ 1,353
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 15,410	\$ 18,387	\$ 20,810	\$ 21,384	\$ 21,976
FUND BALANCE					
Reserve for economic uncertainties	\$ 12,447	\$ 12,560	\$ 13,167	\$ 15,298	\$ 11,860
Months in Reserve	8.1	7.2	7.4	8.4	6.5

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
Expenditures General Salary 4.55% increase.

Dental Board of California
Expenditure Projections
 Fiscal Month: 11 Fiscal Year: 2021 - 2022 Run Date: 06/13/2022

PERSONAL SERVICES

Fiscal Code	PY Budget	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5100 PERMANENT POSITIONS	\$5,928,000	\$4,717,037	\$6,777,000	\$4,528,834	\$5,009,632	\$1,767,368
5100 TEMPORARY POSITIONS	\$284,000	\$48,134	\$284,000	\$5,000	\$5,000	\$279,000
5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$130,000	\$124,882	\$130,000	\$175,726	\$179,356	-\$49,356
5150 STAFF BENEFITS	\$3,367,000	\$2,718,488	\$3,654,000	\$2,468,077	\$2,729,809	\$924,191
PERSONAL SERVICES	\$9,709,000	\$7,608,542	\$10,845,000	\$7,177,638	\$7,923,797	\$2,921,203

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	PY Budget	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5301 GENERAL EXPENSE	\$172,000	\$116,396	\$150,000	\$96,238	\$99,315	\$50,685
5302 PRINTING	\$79,000	\$176,644	\$79,000	\$168,198	\$168,879	-\$89,879
5304 COMMUNICATIONS	\$49,000	\$43,843	\$44,000	\$57,246	\$61,403	-\$17,403
5306 POSTAGE	\$72,000	\$18,850	\$52,000	\$36,468	\$36,767	\$15,233
5308 INSURANCE	\$2,000	\$9,457	\$2,000	\$9,312	\$9,326	-\$7,326
53202-204 IN STATE TRAVEL	\$159,000	\$5,379	\$159,000	\$24,545	\$40,000	\$119,000
5322 TRAINING	\$12,000	\$19,586	\$10,000	\$3,023	\$3,013	\$6,987
5324 FACILITIES	\$827,000	\$684,553	\$827,000	\$650,743	\$655,736	\$171,264
5326 UTILITIES	\$1,000	\$0	\$1,000	\$0	\$0	\$1,000
53402-53403 C/P SERVICES (INTERNAL)	\$2,564,000	\$2,303,068	\$2,564,000	\$2,132,642	\$2,519,376	\$44,624
53404-53405 C/P SERVICES (EXTERNAL)	\$869,000	\$786,171	\$805,000	\$1,091,114	\$1,092,510	-\$287,510
5342 DEPARTMENT PRORATA	\$2,955,000	\$2,820,346	\$3,276,000	\$3,276,000	\$3,276,000	\$0
5342 DEPARTMENTAL SERVICES	\$74,000	\$228,521	\$74,000	\$165,541	\$253,933	-\$179,933
5344 CONSOLIDATED DATA CENTERS	\$28,000	\$61,543	\$28,000	\$14,297	\$61,543	-\$33,543
5362-5368 EQUIPMENT	\$77,000	\$29,737	\$125,000	\$158,941	\$233,662	-\$108,662
5390 OTHER ITEMS OF EXPENSE	\$5,000	\$19,133	\$5,000	\$26,538	\$28,257	-\$23,257
54 SPECIAL ITEMS OF EXPENSE	\$0	\$5,157	\$0	\$8,318	\$8,748	-\$8,748
OPERATING EXPENSES & EQUIPMENT	\$7,977,000	\$7,335,160	\$8,233,000	\$7,933,607	\$8,562,911	-\$329,911
OVERALL TOTALS	\$17,686,000	\$14,943,702	\$18,795,000	\$15,111,245	\$16,203,708	\$2,591,292

16%

13.79%

Dental Board of California

Revenue Projections

Fiscal Month: 11 Fiscal Year: 2021 - 2022 Run Date: 06/13/2022

Revenue

Fiscal Code	Budget	Year to Date	Projection To Year End
Delinquent Fees	\$280,000	\$317,762	\$337,221
Other Regulatory Fees	\$142,000	\$162,075	\$174,445
Other Regulatory License and Permits	\$2,961,000	\$2,522,909	\$2,826,213
Other Revenue	\$228,000	\$67,587	\$92,669
Renewal Fees	\$14,909,000	\$14,669,474	\$15,069,730
Revenue	\$18,520,000	\$17,739,806	\$18,500,276



MEMORANDUM

DATE	July 14, 2022
TO	Members of the Dental Board of California
FROM	Ryan Blonien, Acting Enforcement Chief Dental Board of California
SUBJECT	Agenda Item 8: Enforcement – Review of Statistics and Trends

The following are the Enforcement Division statistics:

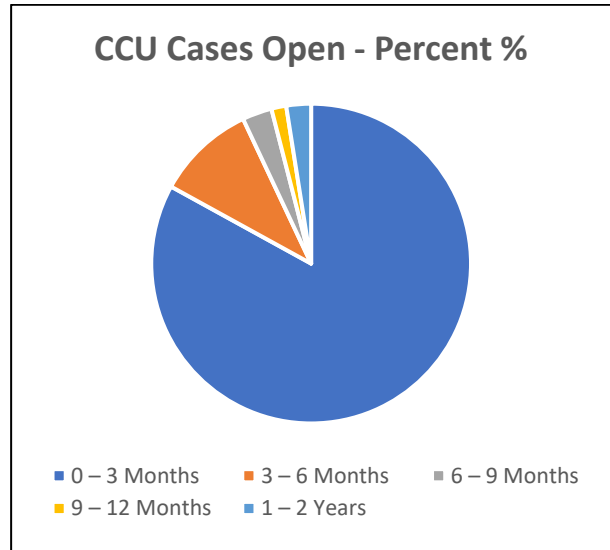
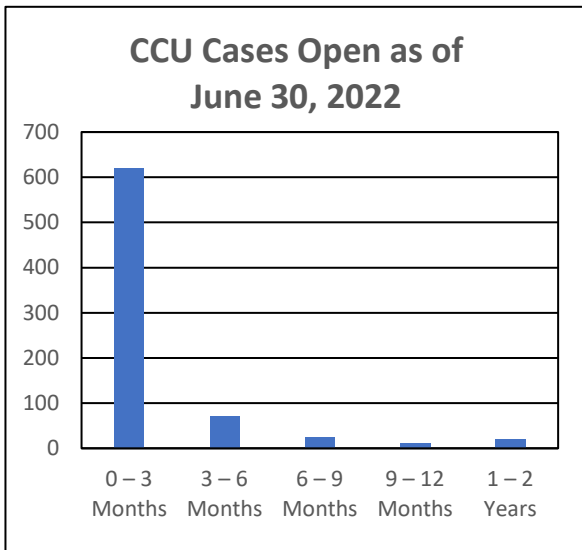
Complaint & Compliance Unit (CCU):

Between April 1, 2022, and June 30, 2022, CCU received **1169** complaints. The monthly average received was **389**.

Number of Complaint Cases Open:

As of June 30, 2022, there are **747** complaint cases open in CCU. A breakdown of the case aging is as follows:

Complaint & Compliance Cases Open		
Complaint Age	# As of June 30, 2022	Percent (%)
0 – 3 Months	619	83%
3 – 6 Months	72	10%
6 – 9 Months	26	3%
9 – 12 Months	11	1.5%
1 – 2 Years	19	2.5%
Total	747	100%



Number of Complaint Cases Closed:

Between April 1, 2022, and June 30, 2022, a total of **553** complaint cases were closed in CCU. The monthly average of complaints closed during this time was **184**.

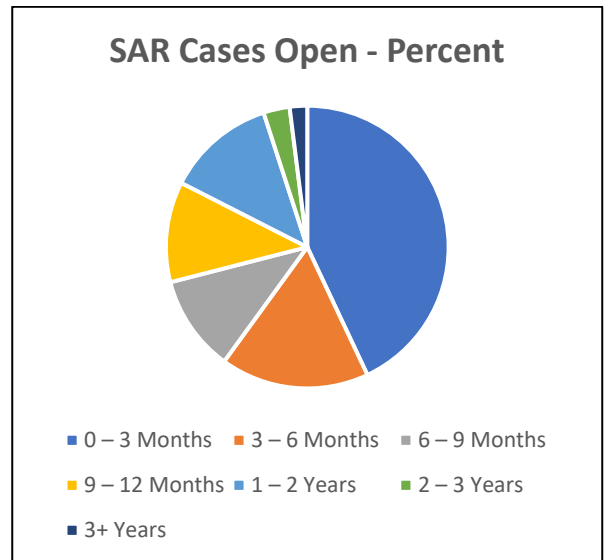
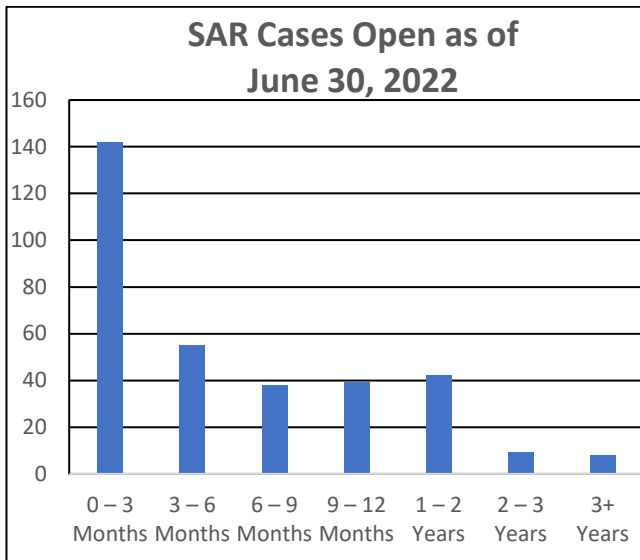
Investigative Analysis Unit (IAU):

Number of Subsequent Arrest Report (SAR) Cases Open in the IAU:

As of June 30, 2022, there are **333** SAR cases are open in the IAU. A breakdown of the case aging is as follows:

SARS Cases Open		
SAR Age	# As of June 30, 2022	Percent (%)
0 – 3 Months	142	43%
3 – 6 Months	55	17%
6 – 9 Months	38	11%
9 – 12 Months	39	11.5%
1 – 2 Years	42	12.5%
2 – 3 Years	9	3%
3+ Years	8	2%
Total	333	100%

***SARS are classified as investigative cases once all records requested are received and have been recommended for investigation by either Supervising Investigator or Enforcement Chief**



Number of SAR Cases Closed:

Between April 1, 2022 and June 30, 2022, a total of **141** SAR cases were closed in IAU.

Enforcement Units:

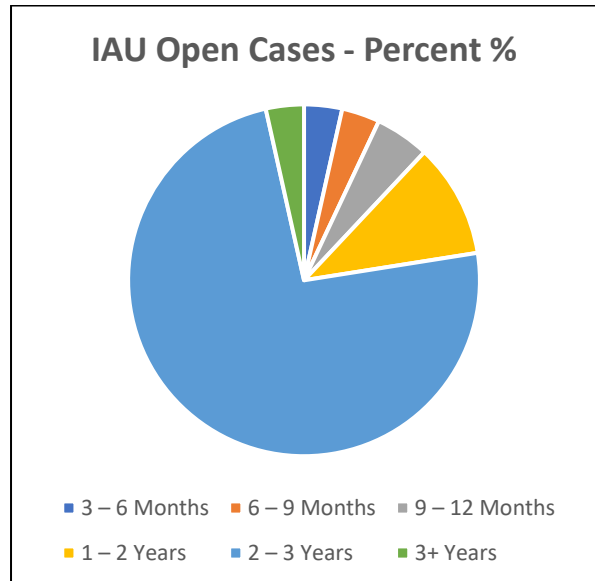
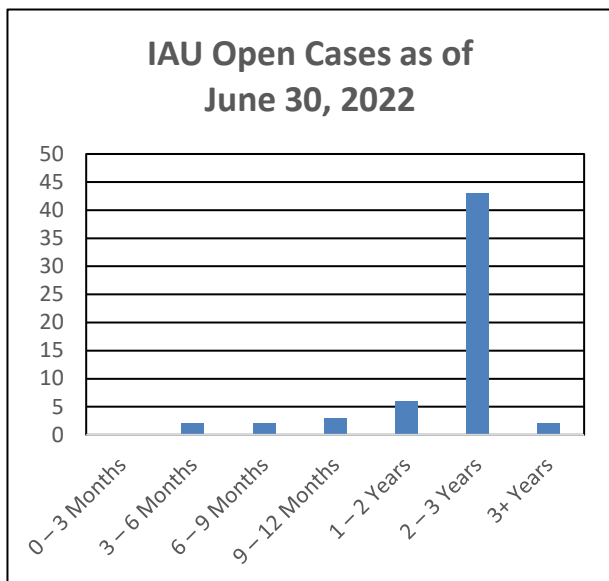
As of June 30, 2022, there are **1174** investigative cases open in the Board's Enforcement Units. A breakdown of the cases is as follows:

Enforcement Cases Open	
Enforcement Units	# As of June 30, 2022
IAU (Non-Sworn)	58
Orange Field Office (OFO) (Non-Sworn)	59
Sacramento Field Office (SFO) (Sworn)	80
Orange Field Office (OFO) (Sworn)	121
Pending Assignment	856
Total	1174

Number of Investigative Cases Open IAU (Non-Sworn):

As of June 30, 2022, there are **58** investigative cases open in the IAU. A breakdown of the cases is as follows:

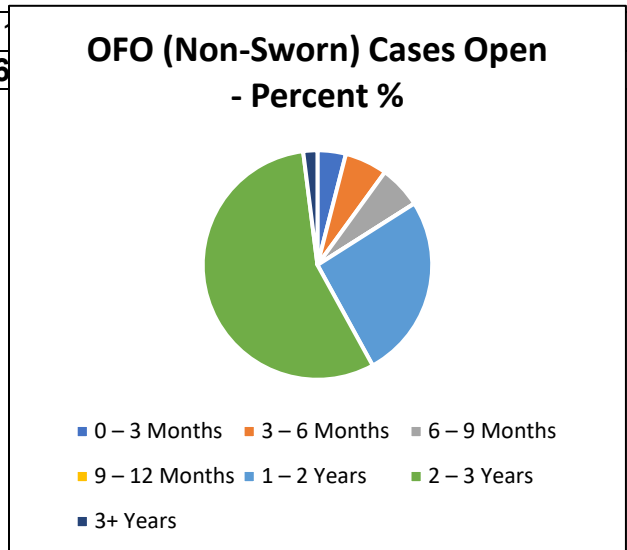
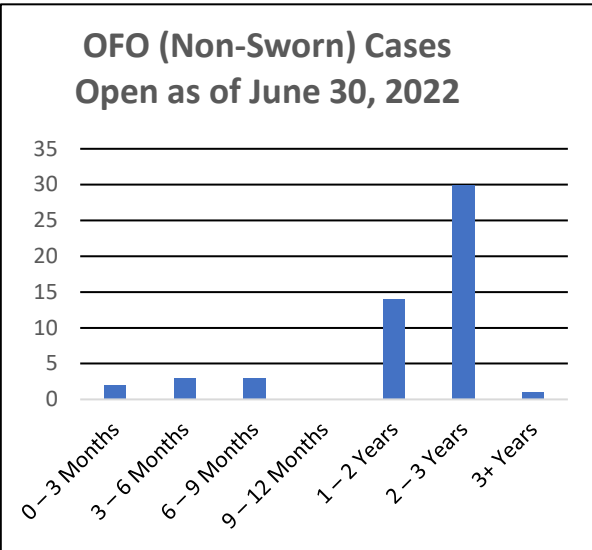
IAU Cases Open		
Investigation Age	# As of June 30, 2022	Percent (%)
0 – 3 Months	0	-
3 – 6 Months	2	3.5%
6 – 9 Months	2	3.5%
9 – 12 Months	3	5%
1 – 2 Years	6	10.5%
2 – 3 Years	43	74%
3+ Years	2	3.5%
Total	58	100%



Number of Investigative Cases Open in the OFO (Non-Sworn) Special Investigators Complaint Cases:

As of June 30, 2022, there are **60** investigative cases open in the OFO (Non-Sworn). A breakdown of the case aging is as follows:

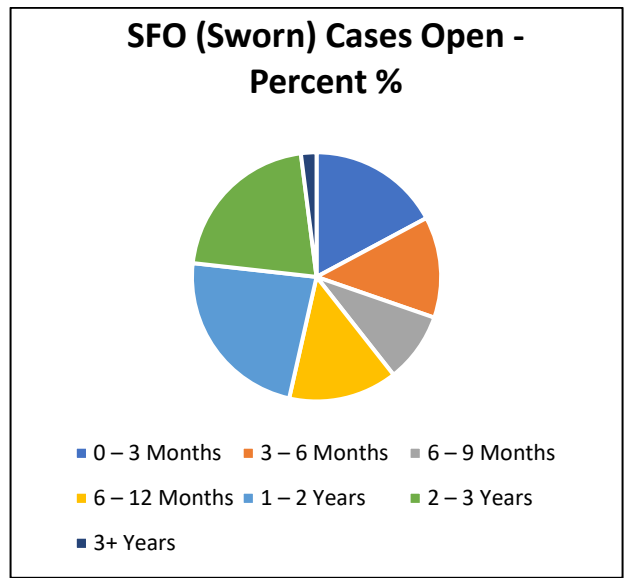
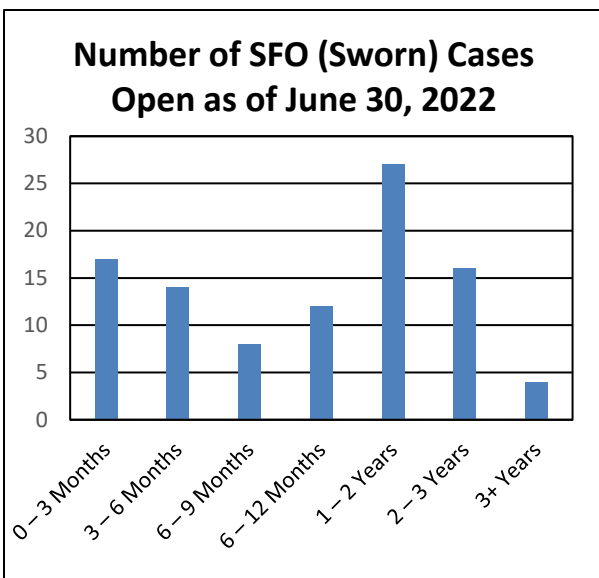
Orange Field Office (Non-Sworn) Special Investigator Complaint Cases Open		
Investigation Age	# As of June 30, 2022	Percent (%)
0 – 3 Months	0	0%
3 – 6 Months	2	3%
6 – 9 Months	2	3%
9 – 12 Months	1	2%
1 – 2 Years	16	28%
2 – 3 Years	38	64%



Number of Investigative Cases Open in the SFO (Sworn):

As of June 30, 2022, there are **98** investigative cases open in the SFO (Sworn). A breakdown of the case aging is as follows:

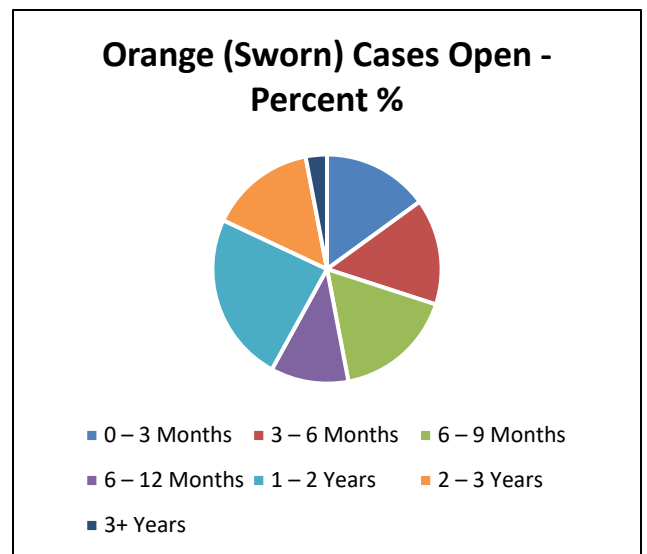
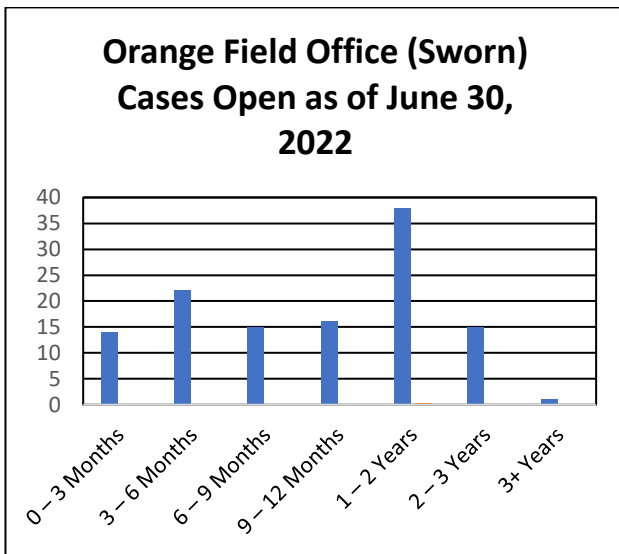
Sacramento Field Office (Sworn) Cases Open		
Investigation Age	# As of June 30, 2022	Percent (%)
0 – 3 Months	17	17%
3 – 6 Months	14	14%
6 – 9 Months	8	9%
9 – 12 Months	12	14%
1 – 2 Years	27	28%
2 – 3 Years	16	16%
3+ Years	4	2%
Total	98	100%



Number of Investigative Cases Open in the OFO (Sworn):

As of June 30, 2022, there are **120** investigative cases open with the Sworn investigators, in the Orange Field Office. A breakdown of the case aging is as follows:

Orange Field Office (Sworn) Cases Open		
Investigation Age	# As of June 30, 2022	Percent (%)
0 – 3 Months	14	15%
3 – 6 Months	22	15%
6 – 9 Months	15	17%
9 – 12 Months	16	11%
1 – 2 Years	38	24%
2 – 3 Years	15	15%
3+ Years	1	3%
Total	121	100%



Number of Investigation Cases Closed:

Between April 1, 2022, and June 30, 2022, a total of **230** investigative cases were closed in IAU, the Sacramento Field Office and the Orange Field Office.

Number of Inspection Cases Open:

As of June 30, 2022, there are **116** Inspection Cases open in the Sacramento and Orange Field Offices. A breakdown is as follows:

Field Office	Number of Cases
IAU	6
SFO	23
OFO	87
Total	116

Number of Inspection Cases Closed:

Between April 1, 2022, and June 30, 2022, a total of **23** inspection cases were closed in the Sacramento Field Office and the Orange Field Office.

Administrative and Disciplinary Action

As of June 30, 2022, there are **215** open cases in the Board’s Discipline Coordination Unit.

Accusations:

Between April 1, 2022, and June 30, 2022, there were **30** accusations filed with the AG.

Cases Assigned to the Office of the Attorney General:

Between April 1, 2022, and June 30, 2022, there were **31** cases transmitted to the AG.

Citations:

Between April 1, 2022, and June 30, 2022, there were **7** citations issued.

Number of Probation Cases Open:

As of June 30, 2022, there are **127** probationer cases being monitored. Of those, **117** are active probationers and **10** are tolling. A breakdown of the probation cases is as follows:

Field Office	Active	Tolling Probationers
Investigative Analysis Unit	17	0
Sacramento Field Office	18	5
Orange Field Office	76	4
DCU-Referred to AG	6	1
Total	117	10

Enforcement Statistics for Fiscal Years 2018-2021			
	FY 2018/19	FY 2019/20	FY 2020/21
COMPLAINTS			
Intake			
Received	3566	3301	3718
Closed without Referral for Investigation	9	7	0
Referred to INV	3568	3264	3778
Pending (close of FY)	12	40	28
Conviction / Arrest			
CONV Received	800	665	586
CONV Closed Without Referral for Investigation	0	1	0
CONV Referred to INV	751	686	576
CONV Pending (close of FY)	56	13	35
Source of Complaint	4330	3992	3760

Public	2565	2254	2770
Licensee/Professional Groups	456	337	229
Governmental Agencies	847	702	212
Internal	274	270	142
Other	33	36	16
Anonymous	155	393	391
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	3	7	6
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	3	5	9
Average Time at Intake (from receipt of complaint / conviction to closure for referral for investigation)	3	5	9
INVESTIGATION			
Desk Investigations			
Opened	3361	3914	3441
Closed	3992	3467	3617
Average days to close (from assignment to investigation closure)	145	61	86
Pending (close of FY)	790	1239	1044
Non-Sworn Investigation			
Opened	366	120	288
Closed	549	96	182
Average days to close (from assignment to investigation closure)	270	251	307
Pending (close of FY)	146	172	279
Sworn Investigation			
Opened	622	356	478
Closed	671	424	500
Average days to close (from assignment to investigation closure)	378	378	363
Pending (close of FY)	565	552	584
All investigations			
Opened	4374	3950	4354
Closed	4795	3836	3977
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	205	150	154
Average days for investigation closures (from start investigation to investigation closure)	200	135	131
Average days for investigation when referring for prosecution (from start investigation to referral prosecution)	565	603	539
Average days from receipt of complaint to investigation closure	202	124	142
Pending (close of FY)	1887	2249	2677
CITATION AND FINE			
Citations Issued	259	206	72
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	221	70	301
Amount of Fines Assessed	231,450	102,900	42,450
Amount of Fines Reduced, Withdrawn, Dismissed	67,000	18,000	0
Amount Collected	89,750	64,225	21,650
CRIMINAL ACTION			
Referred for Criminal Prosecution	12	4	6
ACCUSATION			
Accusations Filed	80	60	96
Accusations Declined	0	0	1
Accusations Withdrawn	5	1	6

Accusations Dismissed	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	86	55.37	70.5
INTERIM ACTION			
ISO & TRO Issued	2	2	6
PC 23 Orders Issued	2	1	3
Other Suspension/Restriction Orders Issued	0	0	0
Referred for Diversion	1	0	0
Petition to Compel Examination Ordered	2	1	2
DISCIPLINE			
AG Cases Initiated (cases referred to the AG in that year)	152	83	209
AG Cases Pending Pre-Accusation (close of FY)	46	25	44
AG Cases Pending Post-Accusation (close of FY)	50	27	82
DISCIPLINARY OUTCOMES			
Revocation	13	15	21
Surrender	14	11	19
Suspension only	0	0	3
Probation with Suspension	0	0	0
Probation only	44	21	38
Public Reprimand / Public Reproval / Public Letter of Reprimand	24	16	7
Other	1	0	16
DISCIPLINARY ACTIONS			
Proposed Decision	22	14	21
Default Decision	14	12	8
Stipulations	49	51	31
Average Days to Complete After Accusation (from Accusation filed to closure of the case)	375	370	387
Average Days from Closure of Investigation to Imposing Formal Discipline	533	544	555
Average Days to Impose Discipline (from complaint receipt to final outcome)	1184	1104	1080
PROBATION			
Probations Completed	31	24	35
Probationers Pending (close of FY)	187	225	171
Probationers Tolled	39	26	16
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	7	13	18
SUBSEQUENT DISCIPLINE			
Probations Revoked	4	4	13
Probationers License Surrendered	1	2	9
Additional Probation Only	0	0	3
Suspension Only Added	0	0	0
Other Conditions Added Only	0	0	0
Other Probation Outcome	0	0	0
SUBSTANCE ABUSING LICENSEES			
Probationers Subject to Drug Testing	33	35	25
Drug Tests Ordered	394	368	319
Positive Drug Tests	30	24	71
PETITIONS			
Petition for Termination or Modification Granted	5	4	4
Petition for Termination or Modification Denied	2	0	1

Petition for Reinstatement Granted	2	3	1		
Petition for Reinstatement Denied	1	4	0		
DIVERSION					
New Participants	6	1	3		
Successful Completions	2	3	2		
Participants (close of FY)	18	15	12		
Terminations	2	3	1		
Terminations for Public Threat	0	0	0		
Drug Tests Ordered	727	498	415		
Positive Drug Tests	0	0	1		
Enforcement Aging					
	FY 18/19	FY 19/20	FY 20/21	Cases Closed	Average %
Investigations (Average %)					
Closed Within:					
90 Days	1,895	2051	2603	6549	52
91 - 180 Days	1118	1080	601	2799	22
181 - 1 Year	1002	313	190	1505	12
1 - 2 Years	467	228	364	1059	8
2 - 3 Years	256	145	190	591	5
Over 3 Years	57	19	29	105	1
Total Investigation Cases Closed	4795	3836	3977	12608	100%
Attorney General Cases (Average %)					
Closed Within:					
0 - 1 Year	5	27	42	97	28
1 - 2 Years	22	21	33	92	26
2 - 3 Years	17	41	11	100	29
3 - 4 Years	47	4	6	59	17
Over 4 Years	*	*	*		
Total Attorney General Cases Closed	116	93	92	185	100%



MEMORANDUM

DATE	August 1, 2022
TO	Members of the Dental Board of California
FROM	Mirela Taran, Administrative Analyst Dental Board of California
SUBJECT	Agenda Item 9(a): Report from Commission on Dental Competency Assessment, Western Regional Examining Board, and The Council of Interstate Testing Agencies

Background:

Representatives from Commission on Dental Competency Assessment, Western Regional Examining Board, and The Council of Interstate Testing Agencies will be available to respond to questions.

Action Requested:

No action requested.



MEMORANDUM

DATE	August 2, 2022
TO	Members of the Dental Board of California (Board)
FROM	Paige Ragali, Licensing and Examination Unit Manager Dental Board of California
SUBJECT	Agenda Item 9(b) & 9(c): Update on Department of Consumer Affairs Office of Professional Examination Services Acceptance of Dental Licensing Examinations and Discussion and Possible Action Regarding the Central Regional Dental Testing Service, Inc. Dental Examination as a Pathway to Licensure

9(b) Update on Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) Acceptance of Dental Licensing Examinations

At its November 2021 meeting, the Board received an update from Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) representatives regarding the prioritization of dental examinations to be reviewed and a presentation regarding the acceptance of multiple dental licensing examinations.

OPES representatives summarized the recent discussions regarding prioritization of examination reviews with Board staff and advised, in these discussions, that the Western Regional Examining Board (WREB) and the American Board of Dental Examiners (ADEX) examinations were recently reviewed and found to meet psychometric standards. OPES representatives further recommended the following:

- Review the INBDE examination first. This examination is currently required for licensure and should be evaluated by OPES to comply with B&P Code section 139.
- Review the California Portfolio Examination. This examination needs to be updated and suffers from administration issues and limited use.
- Review the DLOSCE when more data become available. Only a limited number of states are currently accepting the DLOSCE so a review at this time would be premature to allow.

OPES representatives further advised that they are concerned with the number and varied formats of the dental examinations available for consideration by the Board. Further, OPES

Agenda Item 9(b) & 9(c): Update on Department of Consumer Affairs Office of Professional Examination Services Acceptance of Dental Licensing Examinations and Discussion and Possible Action Regarding the Central Regional Dental Testing Service, Inc. Dental Examination as a Pathway to Licensure
 Dental Board of California Meeting
 August 25-26, 2022

representatives also advised that using multiple examinations makes it hard to determine if candidates are being assessed in a standardized manner.

During the Board meeting, OPES representatives will be available to discuss their input on acceptance of various dental licensure examinations.

9(c) Discussion and Possible Action Regarding the Central Regional Dental Testing Service, Inc. (CRDTS) Dental Examination as a Pathway to Licensure

At its February 2022 meeting, the Board received an update from Richael “Sheli” Cobler, Executive Director of CRDTS. At that meeting, Ms. Cobler provided a presentation to the Board regarding the CRDTS dental examination for licensure in California and also requested that the Board initiate review of the CRDTS examination as a possible pathway to licensure.

CRDTS is a testing service comprised of state boards of dentistry to develop and administer competency examinations for the practice of dentistry and dental hygiene. Current CRDTS members include Alabama, Arkansas, Georgia, Hawaii, Illinois, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, South Carolina, South Dakota, Texas, Washington, West Virginia, Wisconsin, and Wyoming. The Dental Hygiene Board of California is also a CRDTS member.

Staff Recommendation:

Board staff do not recommend reviewing the CRDTS examination for licensure in California at this time.

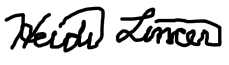
Action Requested:

The Board is asked to consider the acceptance of the CRDTS examination as a pathway to Licensure by initiating a review of the examination.

Attachment: Memorandum on OPES Recommendations for Prioritizing and Accepting Multiple National Examinations



MEMORANDUM

DATE	November 3, 2021
TO	Karen M. Fischer, MPA, Executive Officer Dental Board of California
FROM	 Heidi Lincer, Ph.D., Chief Office of Professional Examination Services
SUBJECT	OPES Recommendations for Prioritizing and Accepting Multiple National Examinations

Licensing boards and bureaus within the California Department of Consumer Affairs (DCA) must ensure that examination programs used in the California licensure process comply with psychometric and legal standards. Boards must ensure that every licensing examination is subject to a periodic psychometric evaluation. To become a dentist licensed by the Dental Board of California (Board), candidates are currently required to pass the following examinations:

- Integrated National Board Dental Examination (INBDE) developed by the Joint Commission on National Dental Examinations (JCNDE).
- Western Regional Examining Board (WREB) Dental Examination, **or** American Board of Dental Examiners, Inc. (ADEX) examination developed by the Commission on Dental Competency Assessments (CDCA), **or** California Portfolio Examination developed by the Board.
- California Dentistry Law and Ethics Examination developed by the Board.

Discussions recently took place between Board staff and DCA's Office of Professional Examination Services (OPES). In these discussions, it was determined that the INBDE has never been psychometrically evaluated as mandated by Business and Professions (B&P) Code section 139. It was also conveyed that the Board is considering potential evaluations of additional examinations for licensure as a dentist in California, and that the California Portfolio Examination is in need of its periodic evaluation. The Board staff requested that OPES assist the Board with prioritizing evaluations of examinations during the November 18–19, 2021 Board Meeting.

The WREB and ADEX examinations were recently reviewed by OPES and were found to meet psychometric standards and assess entry level competencies. The two examination organizations are merging; beginning in 2023, only the ADEX will be offered.

The following examinations are under consideration for evaluation by OPES for the Board:

- California Portfolio Examination.
- Dental Licensure Objective Structured Clinical Examination (DLOSCE) developed by JCNDE and the Department of Testing Services (DTS) of the American Dental Association (ADA).

Both the examinations currently required for licensure and the examinations under consideration use different formats including multiple-choice, clinical, portfolio, computer simulation, and OSCE or a combination of formats. Some test psychomotor skills, some test clinical judgment, and some test both.

OPES is encouraged by efforts made by the various dental examination providers to continuously improve the technology used to assess dental competencies. However, OPES is concerned about the number and varied formats of the dental examinations available for consideration by the Board. Although multiple examination formats provide greater choices and portability for candidates, the different examinations may measure different competencies or measure the same competencies in different ways, making it difficult to determine if candidates are being assessed in a standardized manner. In addition, accepting multiple examinations incurs more responsibility and cost for the Board. DCA boards should be selective in evaluating and using multiple examinations offered by national associations or credentialing organizations.

Moving forward, OPES would like the Board to consider whether both psychomotor skills and clinical judgment should be assessed by a licensure examination or whether assessment of clinical judgment is sufficient. Are psychomotor skills adequately assessed during education and training? Clarifying this issue will help the Board and OPES make decisions about accepting potential licensure examinations.

Equally important, the Board and OPES should evaluate whether required examinations *add value and assess different, required competencies, or whether assessments are unnecessary barriers for candidates.*

During the Board meeting, OPES will discuss the advantages and disadvantages of different examination formats and criteria for accepting multiple national examinations.

OPES will make the following examination-specific recommendations:

- Review the INBDE examination first. This examination is currently required for licensure and should be evaluated by OPES to comply with B&P Code section 139.
- Review the California Portfolio Examination. This examination needs to be updated and suffers from administration issues and limited use.
- Review the DLOSCE when more data become available. Only a limited number of states are currently accepting the DLOSCE so a review at this time would be premature.

cc: Tracy A. Montez, Ph.D., Chief, Division of Programs and Policy Review



MEMORANDUM

DATE	July 5, 2022
TO	Members of the Dental Board of California
FROM	Paige Ragali, Licensing and Examination Unit Manager Dental Board of California
SUBJECT	Agenda Item 10(a): Review of Dental Licensure and Permit Statistics

Dental License Application Statistics

The following are monthly dental license application statistics by pathway for fiscal year 2018/19, 2019/20, 2020/21, and 2021/22 as of June 30, 2022.

Dental Applications Received by Month													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
WREB 18/19	134	64	32	30	32	33	41	30	31	71	142	278	918
WREB 19/20	110	61	24	25	55	132	30	11	18	35	103	185	789
WREB 20/21	140	156	99	66	29	20	28	27	26	78	158	217	1,044
WREB 21/22	138	85	75	22	28	27	38	31	71	83	109	123	830
Residency 18/19	55	15	7	5	5	4	4	3	7	11	10	20	146
Residency 19/20	64	8	7	4	3	10	11	6	8	11	13	33	178
Residency 20/21	42	15	8	5	2	2	5	7	4	8	20	29	147
Residency 21/22	93	23	12	5	1	6	3	8	8	6	3	14	182
Credential 18/19	22	17	18	16	14	8	18	13	23	13	13	22	197
Credential 19/20	16	9	6	21	14	15	16	18	22	21	20	28	206
Credential 20/21	15	19	22	27	16	16	18	13	16	19	20	22	223
Credential 21/22	45	51	44	20	8	17	19	19	23	14	19	27	306
Portfolio 18/19	3	0	0	0	0	0	0	0	0	0	0	4	7
Portfolio 19/20	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 20/21	0	0	0	0	0	0	0	0	0	0	3	1	4
Portfolio 21/22	0	0	0	0	0	1	0	0	0	0	1	1	3
ADEX 18/19	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADEX 19/20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	1	17	19
ADEX 20/21	22	28	9	16	4	5	9	3	17	41	112	87	353
ADEX 21/22	82	34	17	11	5	9	17	20	19	22	78	117	431

Dental Applications Approved by Month													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
WREB 18/19	208	120	71	38	31	36	39	25	19	31	55	163	836
WREB 19/20	250	121	52	32	32	156	32	8	11	5	8	46	753
WREB 20/21	135	199	140	100	37	61	38	41	16	14	14	150	945
WREB 21/22	367	128	98	29	12	48	44	35	21	20	29	48	879
Residency 18/19	39	48	8	3	5	4	5	4	5	1	8	6	136
Residency 19/20	46	35	11	8	4	9	4	5	4	1	1	9	137
Residency 20/21	25	49	16	8	5	4	3	4	1	3	2	5	125
Residency 21/22	110	54	27	12	6	7	2	4	0	1	7	5	235
Credential 18/19	21	19	17	12	9	16	10	12	15	10	20	13	174
Credential 19/20	16	13	11	10	7	18	13	10	14	14	12	13	151
Credential 20/21	9	25	25	20	16	14	24	10	23	22	16	16	220
Credential 21/22	36	60	38	20	9	19	9	13	14	4	24	5	251
Portfolio 18/19	4	1	0	0	0	0	0	0	0	0	0	0	5
Portfolio 19/20	3	1	0	0	0	0	0	0	0	0	0	0	4
Portfolio 20/21	0	0	0	0	0	0	0	0	0	0	0	4	4
Portfolio 21/22	0	0	0	0	0	0	0	0	0	0	0	0	0
ADEX 18/19	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADEX 19/20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	1	0	1
ADEX 20/21	2	24	17	19	10	6	6	4	2	7	10	93	200
ADEX 21/22	189	79	43	21	4	7	13	5	3	5	16	31	416
Dental Licenses Issued by Month													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
WREB 18/19	222	146	80	43	30	41	40	33	19	28	51	155	888
WREB 19/20	246	123	52	40	31	140	39	20	12	8	13	45	769
WREB 20/21	133	190	140	90	41	59	39	38	23	21	16	115	905
WREB 21/22	198	71	48	35	14	42	35	28	22	20	24	51	588
Residency 18/19	38	55	8	4	5	4	8	5	6	2	8	5	148
Residency 19/20	42	39	9	8	3	5	9	2	5	0	2	9	133
Residency 20/21	27	49	16	9	6	3	3	2	2	5	1	7	130
Residency 21/22	51	30	15	12	6	5	4	2	1	3	7	5	141
Credential 18/19	22	16	19	9	10	12	18	13	15	11	17	14	176
Credential 19/20	15	15	11	12	7	13	16	8	11	12	17	16	153
Credential 20/21	9	22	24	22	19	11	20	11	20	20	17	16	211
Credential 21/22	8	16	22	19	10	19	11	9	9	4	18	10	155
Portfolio 18/19	3	2	0	0	0	0	0	0	0	0	0	0	5
Portfolio 19/20	3	1	0	0	0	0	0	0	0	0	0	0	4
Portfolio 20/21	0	0	0	0	0	0	0	0	0	0	0	4	4

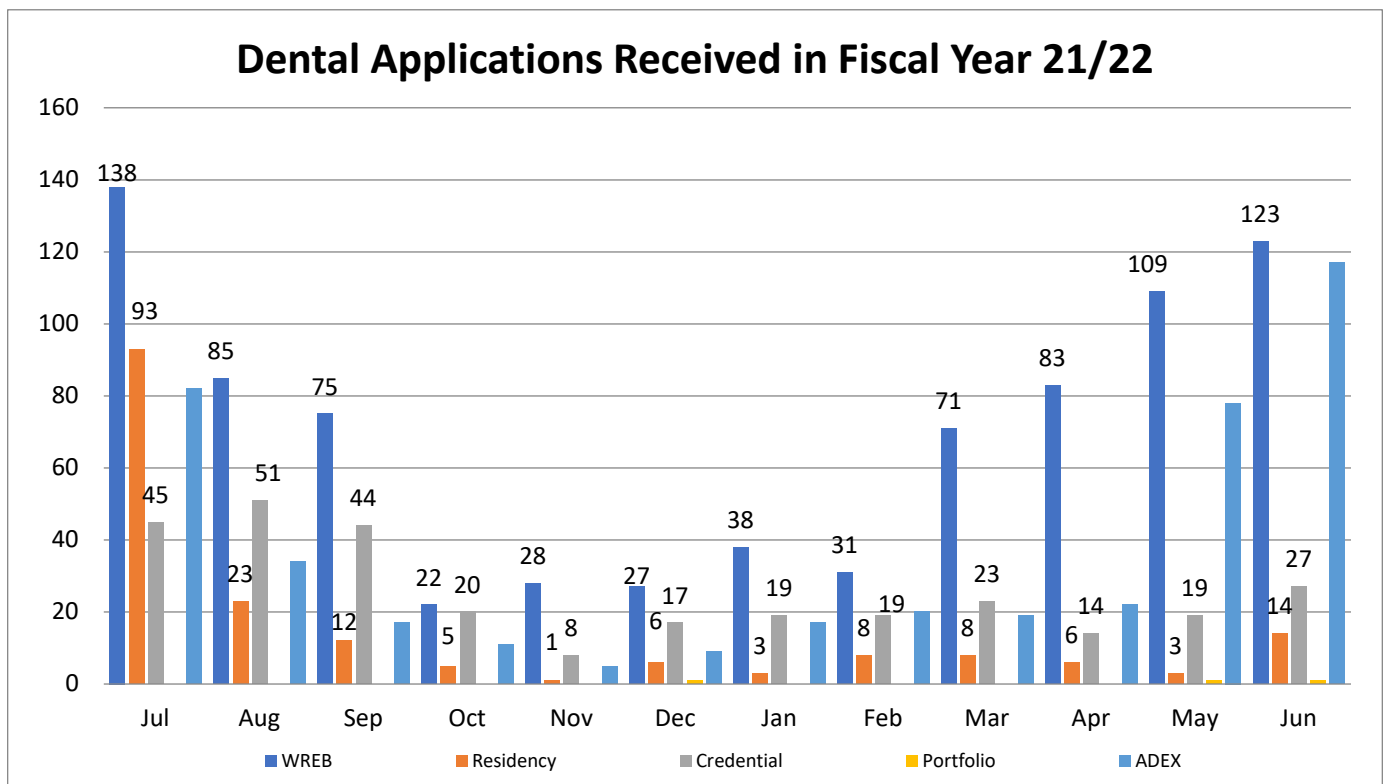
Portfolio 21/22	0	0	0	0	0	0	0	0	0	0	0	0	0
ADEX 18/19	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADEX 19/20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	1	0	1
ADEX 20/21	2	25	17	17	10	5	4	3	4	7	11	75	180
ADEX 21/22	107	40	22	23	6	7	9	5	5	5	17	26	272
Cancelled Dental Applications by Month													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
WREB 18/19	16	12	68	5	4	13	3	2	6	5	12	7	153
WREB 19/20	23	6	1	2	2	129	4	5	1	6	22	41	242
WREB 20/21	38	31	3	2	2	0	1	1	0	1	3	0	82
WREB 21/22	1	1	0	0	1	2	0	1	0	0	0	0	6
Residency 18/19	9	9	10	1	0	1	0	0	0	1	0	1	32
Residency 19/20	12	3	1	1	0	17	3	1	1	4	3	5	51
Residency 20/21	8	0	0	0	2	0	1	0	0	0	1	1	13
Residency 21/22	0	0	0	0	0	1	0	1	0	0	0	0	2
Credential 18/19	0	0	12	0	1	0	0	2	0	0	2	0	17
Credential 19/20	1	1	2	0	0	4	1	0	0	0	0	0	9
Credential 20/21	0	2	1	1	0	0	1	0	0	0	1	0	6
Credential 21/22	2	0	0	2	1	0	1	0	0	0	0	0	6
Portfolio 18/19	0	0	2	0	0	0	0	0	0	0	0	0	2
Portfolio 19/20	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 20/21	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 21/22	0	0	0	0	0	0	0	0	0	0	0	0	0
ADEX 18/19	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADEX 19/20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	1	2	3
ADEX 20/21	8	2	0	0	0	0	0	0	1	0	0	1	12
ADEX 21/22	0	0	0	0	0	0	0	1	0	0	0	0	1
Withdrawn Dental Applications by Month													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
WREB 18/19	22	1	7	1	0	1	2	1	3	4	0	4	46
WREB 19/20	4	1	3	0	2	35	0	2	0	0	1	2	50
WREB 20/21	8	17	30	20	8	6	6	13	8	35	28	45	224
WREB 21/22	34	11	12	78	7	13	19	7	15	6	1	20	223
Residency 18/19	8	2	2	0	1	1	0	0	1	0	1	0	16
Residency 19/20	1	0	0	0	0	9	0	0	1	0	1	0	12
Residency 20/21	1	4	2	3	2	0	2	1	1	0	5	7	28
Residency 21/22	13	5	0	24	2	3	16	0	4	1	3	1	72
Credential 18/19	0	1	0	0	0	1	1	0	0	0	1	2	6

Credential 19/20	1	1	0	0	1	1	0	0	0	0	0	0	4
Credential 20/21	1	4	2	3	0	0	0	0	3	0	0	5	18
Credential 21/22	5	2	1	1	2	0	0	0	0	2	2	2	17
Portfolio 18/19	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 19/20	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 20/21	0	0	0	0	0	0	0	0	0	0	0	1	1
Portfolio 21/22	0	0	0	0	0	0	0	0	1	0	0	0	1
ADEX 18/19	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADEX 19/20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADEX 20/21	2	4	5	2	0	1	0	4	2	10	23	26	79
ADEX 21/22	16	2	5	17	0	2	6	0	0	5	0	11	64
Denied Dental Applications by Month													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
WREB 18/19	0	0	0	0	0	0	0	0	1	0	0	0	1
WREB 19/20	0	0	0	0	0	0	0	0	0	0	0	0	0
WREB 20/21	1	0	0	0	0	0	0	2	0	0	0	0	3
WREB 21/22	0	0	0	0	0	0	0	0	0	0	0	0	0
Residency 18/19	0	0	0	0	0	0	0	0	0	0	0	0	0
Residency 19/20	0	0	0	0	0	0	0	0	0	0	0	0	0
Residency 20/21	0	0	0	0	0	0	0	0	0	0	0	0	0
Residency 21/22	0	0	0	0	0	0	0	0	0	0	0	0	0
Credential 18/19	0	0	0	0	0	0	0	0	0	0	0	0	0
Credential 19/20	0	0	0	0	0	0	0	0	0	0	0	0	0
Credential 20/21	2	0	0	1	0	0	1	0	0	0	0	0	4
Credential 21/22	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 18/19	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 19/20	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 20/21	0	0	0	0	0	0	0	0	0	0	0	0	0
Portfolio 21/22	0	0	0	0	0	0	0	0	0	0	0	0	0
ADEX 18/19	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADEX 19/20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ADEX 20/21	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0
ADEX 21/22	0	0	0	0	0	0	0	0	0	0	0	0	0

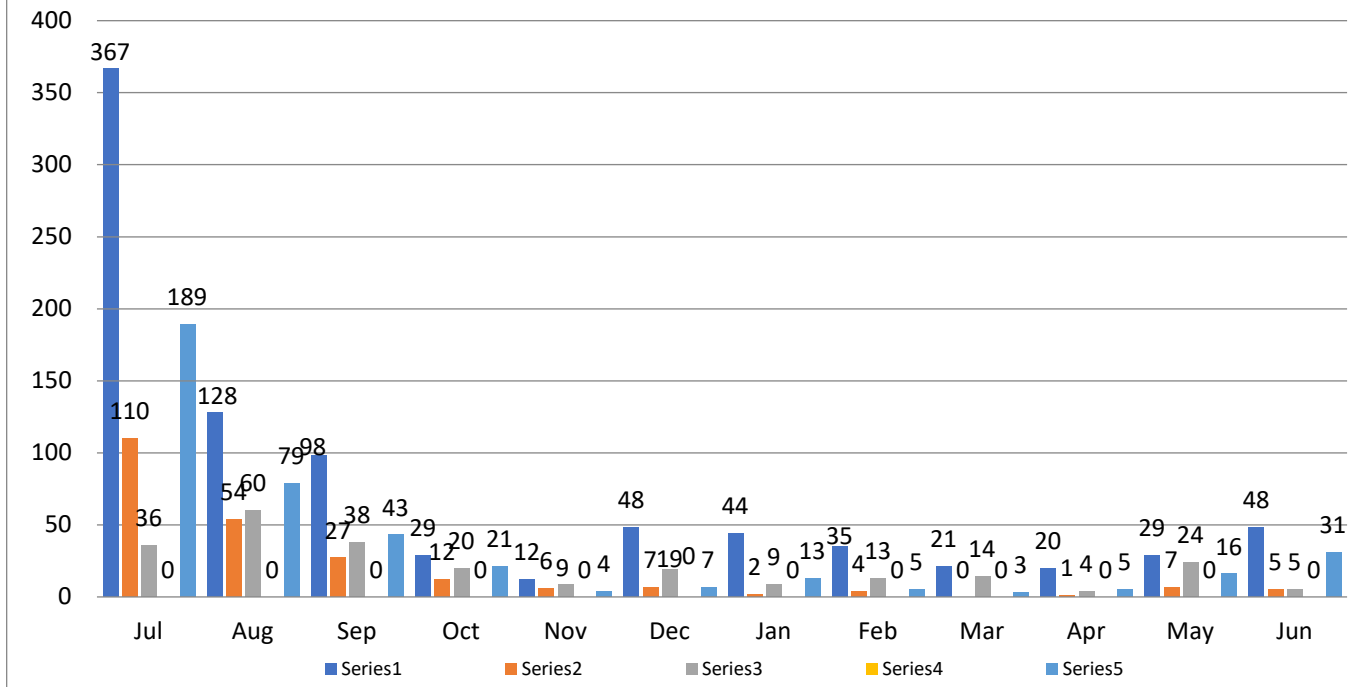
Application Definitions	
Received	Application submitted in physical form or digitally through Breeze system.
Approved	Application for eligibility of licensure processed with all required documentation.
License Issued	Application processed with required documentation and paid prorated fee for initial license.
Cancelled	Board requests staff to remove application (i.e. duplicate).
Withdrawn	Applicant requests Board to remove application
Denied	The Board denies an application on the on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline; in accordance with Business and Professions Code, Division 1.5, Chapter 2, Denial of Licenses.

Dental License Application Statistic Graphs

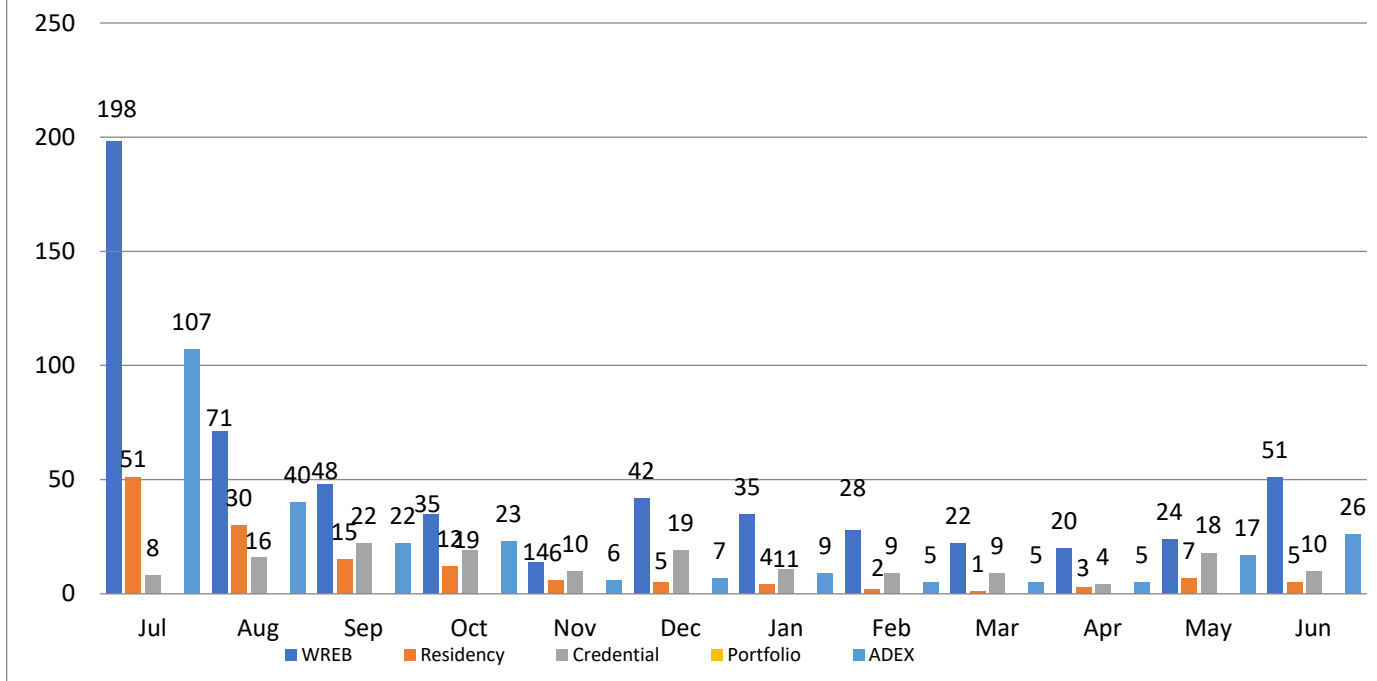
The following graphs represent monthly dental license application statistics by pathway for fiscal year 2021/22 as of June 30, 2022.



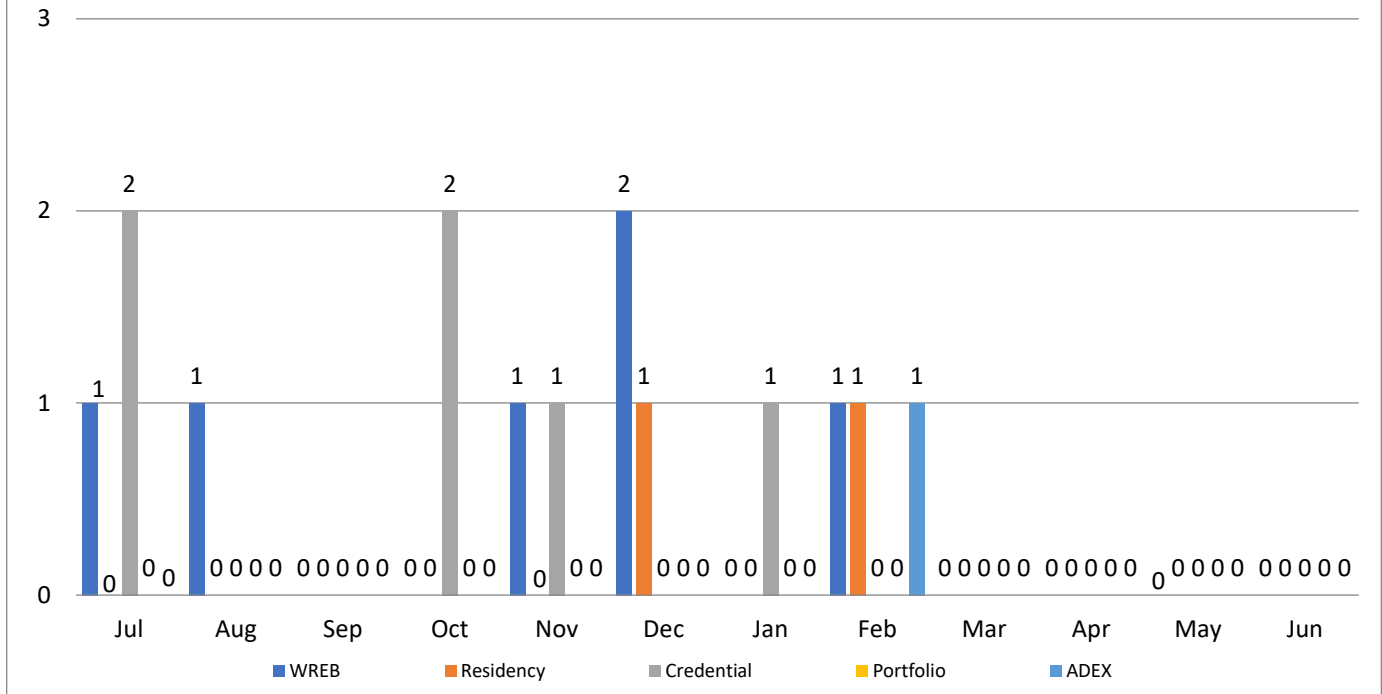
Dental Applications Approved in Fiscal Year 21/22



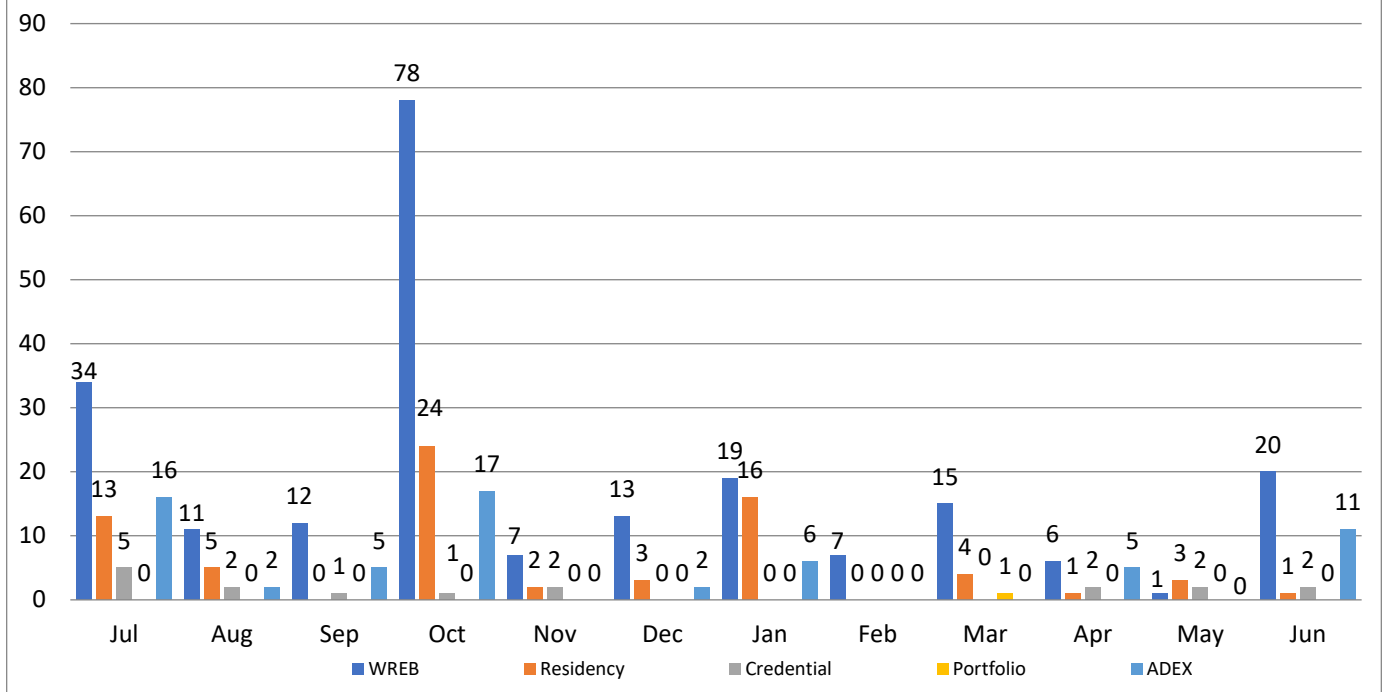
Dental Licenses Issued in Fiscal Year 21/22



Cancelled Dental Applications in Fiscal Year 21/22



Withdrawn Dental Applications in Fiscal Year 21/22



Dental Law and Ethics Written Examination Statistics

License Type		DDS			
Exam Title		Dental Law and Ethics Examination			
Licensure Pathway		WREB	LBR	PORT	ADEX
2018/19	# of 1 st Time Candidates	806	135	4	N/A
	Pass %	89.33%	94.07%	100.00%	N/A
2019/20	# of 1 st Time Candidates	698	105	N/A	5
	Pass %	94.13%	95.24%	N/A	100.00%
2020/21	# of 1 st Time Candidates	824	89	4	232
	Pass %	86.89%	91.01%	50.00%	82.33%
2021/22	# of 1 st Time Candidates	326	61	0	164
	Pass %	72.70%	77.05%	N/A	79.88%
Date of Last Occupational Analysis: 2018					
Name of Developer: Office of Professional Examination Services					
Target OA Date: 2025					

Dental License and Permits Statistics

The following table provides statistics on dental licenses issued by pathway to licensure by fiscal year 2018/19, 2019/20, 2020/21, and 2021/22 as of June 30, 2022.

Dental Licenses Issued via Pathway	Total Issued in 18/19	Total Issued in 19/20	Total Issued in 20/21	Total Issued in 21/22	Total Issued to Date	Date Pathway Implemented
WREB Exam	888	769	905	588	12,049	January 1, 2006
Licensure by Residency	148	133	130	141	2,197	January 1, 2007
Licensure by Credential	176	153	211	155	3,382	July 1, 2002
(LBC Clinic Contract)	10	9	14	14	52	July 1, 2002
(LBC Faculty Contract)	7	5	6	1	17	July 1, 2002

Portfolio	5	4	4	0	79	November 5, 2014
ADEX	N/A	1	180	272	453	November 15, 2019
Total	1,217	1,060	1,430	1,156	18,160	

The following table provides statistics on dental license and permit status statistics by fiscal year 2018/19, 2019/20, 2020/21, and 2021/22 as of June 30, 2022.

License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Dental License	Active	34,921	34,586	34,922	34,619
	Inactive	1,826	1,784	1,751	1,727
	Retired/Reduced Fee	1,682	1,274	1,297	1,251
	Disabled	108	106	98	95
	Delinquent	5,405	5,445	5,540	6,002
	Cancelled	16,756	17,602	18,720	19,604
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Additional Office Permit	Active	2,527	2,717	2,750	2,556
	Delinquent	870	890	992	1,204
	Cancelled	6,667	6,926	7,181	7,418
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Conscious Sedation	Active	531	535	543	554
	Delinquent	41	38	43	63
	Cancelled	515	552	586	606
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Continuing Education Registered Provider Permit	Active	945	901	854	744
	Delinquent	803	810	744	776
	Cancelled	2,059	2,185	2,344	2,471
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Elective Facial Cosmetic Surgery Permit	Active	29	29	30	29
	Delinquent	4	5	5	6
	Cancelled	1	1	2	3
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Extramural Facility Registration*	Active	182	186	203	205
	Delinquent	N/A	N/A	N/A	N/A
	Cancelled	N/A	N/A	N/A	N/A
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fictitious Name Permit	Active	6,790	7,099	7,250	6,782
	Delinquent	1,695	1,706	1,782	2,394
	Cancelled	6,343	6,802	7,361	7,808
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
General Anesthesia Permit	Active	881	897	918	925
	Delinquent	31	22	31	38
	Cancelled	973	1,008	1,042	1,067

Agenda Item 10(a): Review of Dental Licensure and Permit Statistics
Dental Board of California Meeting
August 25-26, 2022

License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Mobile Dental Clinic Permit	Active	40	45	55	44
	Delinquent	47	43	29	44
	Cancelled	43	52	78	81
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Medical General Anesthesia	Active	86	111	136	156
	Delinquent	29	27	30	27
	Cancelled	189	203	211	226
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Oral Conscious Sedation Certification (Adult Only 1,195; Adult & Minors 1,163)	Active	2,420	2,402	2,391	2,352
	Delinquent	661	647	638	702
	Cancelled	804	930	1,096	1,185
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Oral and Maxillofacial Surgery Permit	Active	92	96	93	94
	Delinquent	5	4	10	10
	Cancelled	21	22	22	25
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Referral Service Registration*	Active	156	157	159	161
	Delinquent	N/A	N/A	N/A	N/A
	Cancelled	N/A	N/A	N/A	N/A
License Type	License Status	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Special Permit	Active	40	37	35	35
	Delinquent	11	9	9	7
	Cancelled	175	184	190	195
Status Definitions					
Active	Current and can practice without restrictions (<i>BPC §1625</i>)				
Inactive	Current but cannot practice, continuing education not required (<i>CCR §1017.2</i>)				
Retired/Reduced Fee	Current, has practiced over 20 years, eligible for Social Security and can practice with restrictions (<i>BPC §1716.1a</i>)				
Disabled	Current with disability but cannot practice (<i>BPC §1716.1b</i>)				
Delinquent	Renewal fee not paid within one month after expiration date (<i>BPC §163.5</i>)				
Cancelled	Renewal fee not paid 5 years after its expiration and may not be renewed (<i>BPC §1718.3a</i>) Total number of licenses / permits cancelled to date.				



The following table provides statistics on population (Pop.), current & active dental licenses by County, and population (Pop.) per dental license by County in 2019, 2020, and 2021 as of June 30, 2022.

County	DDS per County in 2019/20	Pop. in 2019/20	Pop. per DDS in 2019/20	DDS per County in 2020/21	Pop. in 2020/21	Pop. per DDS in 2020/21	DDS per County in 2021/22	Pop. in 2021/22	Pop. per DDS in 2021/22
Alameda	1,458	1,645,359	1,128	1,497	1,670,834	1,116	1,492	1,651,979	1,107
Alpine	1	1,151	1,151	1	1,142	1,142	1	1,200	1,200
Amador	22	38,382	1,744	23	37,676	1,638	22	40,297	1,831
Butte	141	226,404	1,605	126	210,291	1,668	124	201,608	1,666
Calaveras	16	45,168	2,823	18	45,023	2,501	18	45,049	2,516
Colusa	5	22,043	4,408	6	21,902	3,650	6	21,807	3,639
Contra Costa	1,093	1,139,513	1,042	1,123	1,153,561	1,027	1,098	1,156,555	1,065
Del Norte	11	27,124	2,465	15	27,298	1,819	13	27,218	1,981
El Dorado	161	185,062	1,149	161	193,227	1,200	157	190,465	1,213
Fresno	597	995,975	1,668	622	1,023,358	1,645	613	1,011,273	1,649
Glenn	9	28,731	3,192	10	29,400	2,940	6	28,750	4,791
Humboldt	69	136,953	1,984	68	133,302	1,960	64	135,168	2,099
Imperial	39	188,334	4,829	38	188,777	4,967	38	179,329	4,719
Inyo	12	18,619	1,551	9	18,584	2,064	8	18,978	2,372
Kern	336	895,112	2,664	350	917,553	2,621	340	909,813	2,605
Kings	64	149,537	2,336	64	153,608	2,400	49	152,023	2,209
Lake	46	64,945	1,411	45	64,040	1,423	26	67,407	1,450
Lassen	24	30,918	1,288	24	28,833	1,201	23	30,274	1,363
Los Angeles	8,342	10,241,278	1,227	8,502	10,172,951	1,196	8,418	9,861,224	1,184
Madera	53	156,492	2,952	43	158,147	3,677	45	157,396	3,720
Marin	312	263,604	844	304	260,831	857	308	257,135	860
Mariposa	7	18,148	2,592	7	18,067	2,581	7	17,045	2,435
Mendocino	56	89,134	1,591	52	87,946	1,691	54	89,999	1,666
Merced	90	274,665	3,051	91	283,521	3,115	97	284,338	3,023

County	DDS per County in 2019/20	Pop. in 2019/20	Pop. per DDS in 2019/20	DDS per County in 2020/21	Pop. in 2020/21	Pop. per DDS in 2020/21	DDS per County in 2021/22	Pop. in 2021/22	Pop. per DDS in 2021/22
Modoc	4	9,580	2,395	5	9,570	1,914	3	8,690	1,740
Mono	3	13,713	4,571	3	13,464	4,488	5	13,379	2,675
Monterey	268	442,365	1,650	259	441,143	1,703	257	433,716	1,669
Napa	112	142,408	1,271	113	139,088	1,230	112	136,179	1,215
Nevada	87	98,828	1,135	77	98,114	1,274	77	101,242	1,294
Orange	3,890	3,194,024	821	4,005	3,194,332	797	4,059	3,162,245	788
Placer	463	382,837	826	471	403,711	857	466	409,025	879
Plumas	14	19,819	1415	15	18,260	1,217	14	18,942	1,353
Riverside	1,058	2,384,783	2,254	1,111	2,442,304	2,198	1,122	2,435,525	2,170
Sacramento	1,116	1,514,770	1,431	1,159	1,555,365	1,341	1,175	1,576,618	1,344
San Benito	21	56,854	2,707	23	62,353	2,711	24	65,479	3,057
San Bernardino	1,340	2,160,256	1,612	1,381	2,180,537	1,578	1,370	2,187,665	1,572
San Diego	2,748	3,316,192	1,206	2,779	3,343,355	1,203	2,764	3,287,306	1,187
San Francisco	1,237	874,228	706	1,225	897,806	732	1,175	842,754	730
San Joaquin	373	746,868	2,002	371	773,632	2,085	371	784,298	2,114
San Luis Obispo	233	280,101	1,202	225	277,259	1,232	207	280,721	1,357
San Mateo	873	770,203	882	858	773,244	901	853	744,662	900
Santa Barbara	320	450,663	1,408	324	451,840	1,394	312	445,164	1,436
Santa Clara	2,273	1,938,180	852	2,292	1,961,969	856	2,284	1,894,783	848
Santa Cruz	180	276,603	1,536	170	271,233	1,595	166	255,564	1,651
Shasta	113	178,605	1,580	115	178,045	1,548	107	180,531	1,718
Sierra	1	3,207	3,207	1	3,201	3,201	0	3,229	0
Siskiyou	23	44,688	1,942	24	44,461	1,852	21	43,830	2,003
Solano	278	436,023	1,568	287	440,224	1,533	282	447,241	1,574
Sonoma	397	505,120	1,272	393	492,980	1,254	383	482,404	1,256
Stanislaus	279	548,057	1,964	273	557,709	2,042	271	549,466	2,017
Sutter	52	96,956	1,864	56	100,750	1,799	52	99,145	1,879

County	DDS per County in 2019/20	Pop. in 2019/20	Pop. per DDS in 2019/20	DDS per County in 2020/21	Pop. in 2020/21	Pop. per DDS in 2020/21	DDS per County in 2021/22	Pop. in 2021/22	Pop. per DDS in 2021/22
Tehama	28	63,995	2,285	29	65,129	2,245	31	65,052	2,194
Trinity	3	13,628	4,542	4	13,548	3,387	3	16,023	5,341
Tulare	213	471,842	2,215	227	479,977	2,114	218	475,014	2,131
Tuolumne	48	54,707	1,139	47	54,917	1,168	48	55,291	1,209
Ventura	663	857,386	1,293	666	842,886	1,265	666	833,652	1,265
Yolo	114	218,896	1,920	114	221,705	1,944	118	221,165	1,874
Yuba	11	74,577	6,779	7	78,887	11,269	6	82,275	11,653
Out of State/Country	2,565	N/A	N/A	2,614	N/A	N/A	2,369	N/A	N/A
Total	34,365	39,523,613	N/A	34,922	39,782,870	N/A	32,049	39,185,605	N/A

*Population data obtained from Department of Finance, Demographic Research Unit

*The counties with the highest Population per DDS are:	Yuba County (1:13,712)	*The counties with the lowest Population per DDS are:	San Francisco County (1:717)
	Trinity County (1:5,341)		Orange County (1:779)
	Glenn County (1:4,791)		Santa Clara County (1:829)
	Imperial County (1:4,719)		Marin County (1:834)
	Colusa County (1:3,634)		San Mateo County (1:872)

Action Requested:

None.



MEMORANDUM

DATE	August 3, 2022
TO	Members of the Dental Board of California (Board)
FROM	Jessica Olney, Staff Services Manager I Dental Board of California
SUBJECT	Agenda Item 10(b): Presentation from the Department of Health Care Access and Information (HCAI)

Background

Assembly Bill (AB) 269 (Eng, Chapter 262, Statutes of 2007) added Business and Professions Code (BPC) section 1715.5, which requires the Board to collect data from all licensees at the time of renewal to be used to determine the number of dental professionals with cultural and linguistic competency who are practicing dentistry in California. Subsequently, Senate Bill (SB) 1575 (Committee on Business, Professions and Economic Development, Chapter 799, Statutes of 2012), among other things, updated the statute to remove obsolete references to the Committee on Dental Auxiliaries.

Data collected from Board licensees pursuant to BPC section 1715.5 includes the following data points:

- Completion of any advanced educational program accredited by the Committee on Dental Accreditation (CODA) in a dental specialty recognized by the American Dental Association (ADA).
- Practice or employment status designated as one of the following:
 - Full-time practice or employment in a dental practice of 32 hours per week or more in California.
 - Full-time practice or employment in a dental practice outside of California.
 - Part-time practice or employment in a dental practice for less than 32 hours per week in California.
 - Dental administrative employment that does not include direct patient Care.
 - Retired.
 - Other practice or employment status.
- A licensee may report information regarding the licensee’s cultural background and foreign language proficiency.

Agenda Item 10(b): Presentation from the Department of Health Care Access and Information (HCAI)
 Dental Board of California Meeting
 August 25-26, 2022

A Dental Workforce Survey was created to capture the required data, which was implemented into the renewal transaction. Licensees are required to answer a series of questions as part of their renewal; however, Board staff have found that some information collected may not be accurate. For example, a non-dentist licensee may indicate that they have completed an advanced educational program accredited by CODA, which are reserved for graduates of predoctoral (DDS/DMD) dental education programs. Of the 17,172 surveys collected from Registered Dental Assistant (RDA) licensees in 2020, 1,943 indicated they had completed at least five years of advanced educational program accredited by CODA in a dental specialty recognized by the ADA. 12,815 indicated they had completed at least six years of advanced educational program accredited by CODA in a dental specialty recognized by the ADA. If corrections or edits are needed, the licensee would need to contact Board staff as they cannot make changes to the renewal once it is submitted.

The data is compiled and aggregated on an annual basis and posted on the Board's website, which can be found online at https://www.dbc.ca.gov/formspubs/dental_workforce_survey.shtml. The data is also shared with the Office of Statewide Health Planning and Development (OSHPD). Once a month, an interface extracts data from the BreEZe system (batch process) and transfers the data to OSHPD.

Effective on July 1, 2022, AB 133 (Committee on Budget, Chapter 143, Statutes of 2021), which impacted healing arts board licensees under the Department of Consumer Affairs (DCA), renamed OSHPD as the Department of Healthcare Access and Information (HCAI). AB 133 also eliminated the healthcare workforce clearinghouse and established the California Health Workforce Research and Data Center (Center) to serve as the state's central source of healthcare workforce and education data. That bill also established uniform requirements for the reporting and collection of workforce data from healthcare-related licensing boards by adding BPC section 502. As a result, HCAI is partnering with DCA to collect the workforce data.

Discussion

Board staff began working with the DCA, Office of Information Services (OIS) to reconfigure the BreEZe system to include the HCAI survey in the online renewal transactions for all licensees. The BreEZe changes were implemented on July 13, 2022, and licensees who renew their license are directed to the HCAI website to complete a survey to collect workforce data required by BPC section 502, subdivision (b), including the following information:

- Anticipated year of retirement
- Area of practice or specialty
- Location of practice
- Educational background
- Gender or gender identity
- Hours spent in direct patient care
- Languages spoken
- National Provider Identifier
- Ethnicity and/or race
- Practice setting
- Sexual orientation
- Work hours
- Disability status

Agenda Item 10(b): Presentation from the Department of Health Care Access and Information (HCAI)
Dental Board of California Meeting
August 25-26, 2022

Page 2 of 3

The purpose of the survey is to collect critical workforce related data that will be used to inform stakeholders and be an input into important workforce policy development. In accordance with Health and Safety Code section 128051, the Center will collect, analyze, and distribute information on educational and employment trends for healthcare occupations in the state. As required by Health and Safety Code section 128052, the Center also will produce an annual report that identifies education and employment trends in the healthcare profession, the current supply and demand of the healthcare workforce and gaps in the educational pipeline producing workers in specific occupations and geographic areas, and recommendations for state policy needed to address issues of workforce shortage and distribution.

With the introduction of the HCAI survey required under BPC section 502, many of the data points collected pursuant to BPC section 1715.5 are duplicative and no longer necessary to collect separately. Board staff would like to request that HCAI review the existing laws and data collected by the Board to determine if there is value in the data collected, and if so, provide the Board with recommendations on what it can do to update the current data points and reduce user error when responding to survey questions to collect reliable data that could be used to identify underserved areas in California.

The Board will receive a presentation from Ross Lallian, Healthcare Workforce Development Research and Evaluation Chief, Department of Health Care Access and Information on this item.

Action Requested

Direct staff to work with the Department of Healthcare Access and Information (HCAI) to review Business and Professions Code section 1715.5 and the data collected to determine the value in continuing to collect the Board’s Dental Workforce Survey at the time of renewal and provide recommendations on updating data points and/or survey questions to collect reliable data.

Attachment: Business and Professions Code Section 1715.5

DENTAL BOARD OF CALIFORNIA

Business and Professions Code Section 1715.5

Reporting Licensure Data

1715.5. (a) A licensee shall, upon his or her initial licensure and any subsequent application for renewal, report the completion of any advanced educational program accredited by the Committee on Dental Accreditation in a dental specialty recognized by the American Dental Association.

(b) The licensee shall also report, upon his or her initial licensure and any subsequent application for renewal, the practice or employment status of the licensee, designated as one of the following:

(1) Full-time practice or employment in a dental practice of 32 hours per week or more in California. This reporting requirement shall also apply to a dental auxiliary licensee.

(2) Full-time practice or employment in a dental practice outside of California.

(3) Part-time practice or employment in a dental practice for less than 32 hours per week in California.

(4) Dental administrative employment that does not include direct patient care, as may further be defined by the board.

(5) Retired.

(6) Other practice or employment status, as may be further defined by the board.

(c) Information collected pursuant to subdivision (b) shall be posted on the Internet Web site of the board.

(d) (1) A licensee may report, in his or her application for renewal, and the board shall collect, information regarding the licensee's cultural background and foreign language proficiency.

(2) Information collected pursuant to this subdivision shall be aggregated on an annual basis, based on categories utilized by the board in the collection of the data, into both statewide totals and ZIP Code of primary practice or employment location totals.

(3) Aggregated information under this subdivision shall be compiled annually, and reported on the Internet Web site of the board on or before July 1 of each year.



MEMORANDUM

DATE	July 8, 2022
TO	Members of the Dental Board of California
FROM	David Bruggeman, Legislative and Regulatory Specialist, Dental Board of California
SUBJECT	Agenda Item 11 (a-l): Update, Discussion, and Possible Action on Proposed Regulations

What follows is a description of each of the currently pending regulatory packages for the Board and the status of each:

Background Information:

a. Diversion Evaluation Committee (DEC) Membership (Cal. Code of Regs., Title 16, Section 1020.4):

Pursuant to the Board’s regulations, membership for the DECs is limited to specific license types and two four-year terms. It is becoming increasingly difficult to recruit qualified individuals to serve on the Board’s DECs. Therefore, Board staff proposed amendments to increase the potential to recruit and retain qualified DEC members.

During the February 2019 meeting, the Board approved proposed regulatory language updating the diversion evaluation committee membership found in Cal. Code of Regs., Title 16, Section 1020.4.

Board staff drafted the initial rulemaking documents and Board Legal Counsel has approved. Board staff submitted the initial rulemaking documents to the Department of Consumer Affairs on October 16, 2019, to review. The Department approved the rulemaking documents on September 24, 2020, before sending them to Agency for approval. Agency approval was received on October 30, 2020. Staff filed the approved documents with OAL for publication in the California Regulatory Notice Register on November 20, 2020. The Public Notice and Comment Period ran until January 4, 2021. One comment was received, which the Board considered at its February 25-26, 2021, meeting. It opted not to amend the text in response to the comment and the final rulemaking documents were filed with OAL in May 2021. The Office of Administrative Law approved the action on July 13, 2021, and it became effective on October 1, 2021.

b. Dentistry Law and Ethics Examination Scoring (Cal. Code of Regs., Title 16, Section 1031):

Pursuant to Business and Professions Code Section 1632, applicants for dental licensure in California are required to successfully complete an examination in California law and ethics developed and administered by the Dental Board of California (Board). Pursuant to the Board's regulations (California Code of Regulations, Title 16, Section 1031) the current passing score for the Board's Dentistry California Law and Ethics Examination is set at 75%. Board staff recommended deleting the passing score requirement in regulations to allow for OPES to use a criterion-referenced passing score to make the Board's California Dentistry Law and Ethics examination legally defensible.

At its February 2019 meeting, the Board approved regulatory language to amend California Code of Regulations, Title 16, Section 1031 related to the passing score of the California Dentistry Law and Ethics Examination to allow for the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) to use a criterion-referenced passing score to make the Board's California Dentistry Law and Ethics Examination legally defensible. At its August 2020 meeting, the Board approved revised regulatory language. The final rulemaking was submitted to the Office of Administrative Law (OAL) on December 7, 2021.

On January 21, 2022, OAL advised staff of a clarity issue with the Board's rulemaking text. The Initial Statement of Reasons referenced the Board would be utilizing the modified Angoff standard setting method. However, the proposed language did not specify that methodology when defining the term "criterion-referenced passing score." At the Board's February 2022 meeting the Board approved modified regulatory language to describe the Angoff standard-setting method in connection with the law and ethics examinations.

The modified text was noticed for a 15-day comment period that ran from February 18 through March 7, 2022. The Board received one comment, which was rejected. The modified text and related documents were filed with OAL, which approved the package on May 20, 2022. The regulation became effective on July 1, 2022.

c. Continuing Education Requirements (Cal. Code of Regs., Title 16, Sections 1016, 1016.2, and 1017):

The Dental Practice Act (Act) authorizes the board, as a condition of license renewal, to require licensees to successfully complete a portion of required continuing education (CE) hours in specific areas, including patient care, health and safety, and law and ethics. SB 1109 (Bates, Chapter 693, Statutes of 2018) added a provision allowing the Board to mandate the risks of addiction associated with the use of Schedule II drugs into the CE requirements for any dental professional seeking initial or renewal licensure.

During the February 2019 meeting, the Board approved proposed regulatory language for the updated the continuing education requirements at Cal. Code of Regs., Title 16, Section 1016 and 1017.

Agenda Item 11(a-I): Update, Discussion, and Possible Action on Proposed Regulations
Dental Board of California Meeting
August 25-26, 2022

Page 2 of 7

During the development of the supporting documents for this rulemaking, Regulatory Counsel found a clarity issue with this rulemaking which necessitated bringing it back before the Board. Specifically, the proposed language would allow licensees to receive up to three CE credit hours for volunteer work, however the formula for calculating volunteer hours worked to CE credits received is not clear. This ambiguity required an amendment to the proposed language specifying that one hour of providing volunteer services to patients would qualify licensees to receive one continuing education credit. Staff presented this proposed language to the Board at August 2020 meeting. The Board approved the change and directed staff to initiate the formal rulemaking process. After the approval of the proposed language, Regulatory Counsel recommended that this rulemaking be combined with the Continuing Education rulemaking related to Basic Life Support.

At the May 2021 meeting the Board approved language to consolidate the two Continuing Education rulemaking packages. At the same meeting the Board approved language for a rulemaking to implement SB 501 (Chapter 929, Statutes of 2018) on dentist anesthesia and sedation permits. On subsequent review, it was determined that there was a clarity issue as both packages made amendments to Section 1017 of the California Code of Regulations.

At the November 19, 2021, meeting the Board approved proposed language for the implementation of California Code of Regulations (CCR) Title 16, Division 10, sections 1016, 1016.2, and 1017 regarding continuing education requirements for renewal, and directed staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for 45-day public comment, setting the proposed language for a public hearing if necessary, and authorizing the Executive Officer to make any non-substantive changes to the rulemaking package.

During the 45-day comment period, the Board received public comments and considered them at the February 10-11, 2022 Board meeting. The Board opted not to make any changes to the text based on the comments but did make amendments to the text for additional clarity. This modified text was noticed for a 15-day comment period, which ran from February 18 through March 7, 2022. Having received no comments on the modified text, Board staff is preparing the final regulatory documents for filing with the Office of Administrative Law.

d. Telehealth Notification (Cal. Code of Regs., Title 16, Section 1065):

Assembly Bill (AB) 1519 (Chapter 865, Statutes of 2019) updated the requirements of Business and Professions Code (BPC) Section 1611.3. That statute requires that dental practitioners post a public notice inside their facilities informing consumers that dentistry practitioners are licensed by the Dental Board of California (Board). AB 1519 added the requirement that the notice include the fact that dentists and dental assistants are regulated by the Board, and the requirement that patients who receive services through telehealth also receive an electronic version of the same notification publicly posted in a physical dental office location.

Staff worked with Board Regulatory Counsel to develop proposed language for Section 1065 to implement the requirements of AB 1519. The proposed regulation would amend add the requirement that patients who receive dental services through telehealth also receive an electronic version of the same notification publicly posted in a physical dental office location. The regulation would also require updates to the notice itself, disclosing the fact that dentists and dental assistants are regulated by the Board. The Board approved proposed regulatory language at the December 4, 2020, Board meeting. Board staff are developing the full regulatory package.

e. Dental Assisting Comprehensive Rulemaking (Cal. Code of Regs., Title 16, Sections 1067-1081.3):

The Dental Assisting Council (Council) has held several stakeholder workshops to develop its comprehensive rulemaking proposal for dental assisting. As a result of each of these workshops, Board staff developed draft proposed regulatory language which will be presented to the Board at a future meeting once the draft language is ready for Board approval. This rulemaking includes educational program and course requirements, examination requirements, and licensure requirements for dental assisting.

The final stakeholder workshop took place on March 2, 2018. Based on the workshop input staff created a draft of the proposed language. Board staff presented the proposed language to a special meeting of the Dental Assisting Council on July 26, 2019. The Council received extensive comments and feedback on the proposed language from stakeholders. The Councilmembers themselves also provided extensive comments and feedback. Council and stakeholder comments required extensive staff research, drafting and editing. Staff presented the updated rulemaking at the November 2019 Council meeting. The DAC voted to accept the changes proposed by staff and moved for staff to present the rulemaking to the full Board. The Board approved final proposed language at the February 2020 Board Meeting. Staff worked with Regulatory Counsel to update and recreate the 27 forms that must be amended due to the changes called for by proposed language. The proposed language and forms will be presented at a future Board meeting for approval and initiation of the formal rulemaking process.

f. Radiographic Decision Making and Interim Therapeutic Restoration Course Requirements (Cal. Code of Regs., Title 16, Section 1071.1):

AB 1174 (Bocanegra, Chapter 662, Statutes of 2014) added specified allowed duties to Registered Dental Assistants in Extended Functions licensees. The bill requires the Board to adopt regulations to establish requirements for courses of instruction for procedures authorized to be performed by a registered dental assistant in extended functions. Additionally, the bill requires the Board to propose regulatory language for the Interim Therapeutic Restoration (ITR) for registered dental hygienists and registered dental hygienists in alternative practice. The proposed ITR regulatory language must mirror the curriculum requirements for the registered dental assistant in extended functions.

During the December 2016 Board meeting, staff presented the proposed regulatory language to the Board for comments to further develop the language. At its August 2017 meeting, the Board approved proposed regulatory language and directed staff to initiate the rulemaking.

Board staff drafted the initial rulemaking documents and are working with Board Legal Counsel to review. Once Board Legal Counsel approves, Board staff will submit the initial rulemaking documents to the Department of Consumer Affairs to review as required prior to submitting the documents to the Office of Administrative Law for noticing.

g. Elective Facial Cosmetic Surgery Permit Application and Renewal Requirements (Cal. Code of Regs., Title 16, Sections 1044.6-1044.8):

Under Business Professions Code (Code) Section 1638.1, the Dental Board of California (Board) is authorized to issue Elective Facial Cosmetic Surgery (EFCS) permits to qualified licensed dentists and to establish the EFCS Credentialing Committee (Committee) to review the qualifications of each applicant for a permit. At its December 2016 meeting, the Board approved proposed regulatory language for the elective facial cosmetic surgery permit application requirements and renewal and directed staff to initiate the rulemaking.

Board staff drafted the initial rulemaking documents and application forms. Board Legal Counsel has reviewed those documents and approved them. Staff developed the rulemaking's fiscal impact with the support of the Board's budget analyst. Budgets approved the Standard form 399 Fiscal and Economic impact statement on November 2, 2020. Staff are working with Regulatory Counsel to finalize the initial rulemaking documents before submitting the rulemaking to the Department of Consumer Affairs to review, as required prior to submitting the documents to the Office of Administrative Law for noticing.

h. Mobile and Portable Dental Unit Registration Requirements (Cal. Code of Regs., Title 16, Section 1049):

Senate Bill 562 (Galgiani Chapter 562, Statute of 2013) eliminated the one mobile dental clinic or unit limit and required a mobile dental unit or a dental practice that routinely uses portable dental units, a defined, to be registered and operated in accordance with the regulations of the Board. At its November 2014 meeting, the Board directed staff to add Mobile and Portable Dental Units to its list of regulatory priorities in order to interpret and specify the provisions relating to the registration requirements for the issuance of a mobile and portable dental unit. In December 2015, staff met and worked with the California Dental Association (CDA) to further develop regulatory language that was presented to the Board for consideration during the March 2016 meeting.

At its March 2016 meeting, the Board approved proposed regulatory language for the Mobile Dental Clinic and Portable Dental Unit Registration Requirements, however while drafting the initial rulemaking documents it was determined that the proposed

Agenda Item 11(a-l): Update, Discussion, and Possible Action on Proposed Regulations
Dental Board of California Meeting
August 25-26, 2022

language needed to be further developed. Staff presented revised language at the August 2017 meeting for the Board's consideration which was approved unanimously. However, after receiving feedback from the California Dental Hygienists' Association (CDHA) and the Dental Hygiene Committee of California (DHCC), Board staff revised the proposed language and presented it to the Board for consideration. The language was approved at the February 2018 Board Meeting which allowed Board staff to continue the rulemaking.

Board staff has drafted the initial rulemaking documents and is working with Board Legal Counsel to review. Once Board Legal Counsel approves, Board staff will submit the initial rulemaking documents to the Department of Consumer Affairs to review as required prior to submitting the documents to the Office of Administrative Law for noticing.

i. Minimum Standards for Infection Control (Cal. Code of Regs., Title 16, Section 1005):

During the May 2018 meeting, the Board approved regulatory language updating the Minimum Standards for Infection Control found in Cal. Code of Regs., Title 16, Section 1005 and directed staff to initiate rulemaking.

Board staff have drafted the initial rulemaking documents and are working with Board Legal Counsel to review. Once Board Legal Counsel approves, Board staff will submit the initial rulemaking documents to the Department of Consumer Affairs to review as required prior to submitting the documents to the Office of Administrative Law for noticing.

j. Implementation of Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018) regarding Anesthesia and Sedation (CCR, Title 16, Sections 1016, 1017, 1017.1, 1018.1, 1021, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1043.8.1, 1043.9, 1043.9.1, 1043.9.2, 1044, 1044.1, 1044.2, 1044.3, 1044.5, and 1070.8)

At the November 19, 2021, meeting the Board approved proposed language for the implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018). The language Amends Title 16, California Code of Regulations (CCR) Sections 1021, 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1043.8.1, 1044, 1044.1, 1044.2, 1044.3, 1044.4, 1044.5, & 1070.8 Adopt Sections 1017.1, Adopts a new Article 5.1 and 16 CCR Sections 1043.9, 1043.9.1 and 1043.9.2 concerning regulations for the permitting, ordering, and administering of sedation for dental purposes.

The Board directed staff to take all steps necessary to initiate the formal rulemaking process, including noticing the proposed language for a 45-day public comment period, holding a public hearing if requested, and authorizing the Executive Officer to make any non-substantive changes to the rulemaking package. During the 45-day public comment period, the Board received both written public comments on the proposed regulations as well as requests for a public hearing. The hearing was held on February 16, 2022, through Webex teleconferencing and seven witnesses offered public comment.

Agenda Item 11(a-I): Update, Discussion, and Possible Action on Proposed Regulations
Dental Board of California Meeting
August 25-26, 2022

Page 6 of 7

At the March 14, 2022 Board meeting, the Board approved responses to the public comments received during the 45-day public comment period as well as adopting modified text (this included the decision to no longer repeal Section 1044.4). That text was noticed for a 15-day public comment period. One comment was received and subsequently withdrawn. Board staff compiled the rulemaking file and submitted it to the Office of Administrative Law on May 2, 2022.

On review of the file, the Office of Administrative Law (OAL) identified areas that required clarification. Addressing these areas will require making substantive changes to the regulations and will require another 15-day public comment period. As a result, Board staff withdrew the file and developed modified text to address the areas of concern. The Board approved this modified text at its June 28, 2022 Board meeting, and the text was noticed for a 15-day comment period. If any adverse comments are received during this comment period, the Board will address them at the August 2022 Board meeting. If there are no adverse comments, Board staff will proceed with finalizing the rulemaking package and submitting the updated material to the Office of Administrative Law.

Action Requested:
No action requested.



MEMORANDUM

DATE	July 28, 2022
TO	Members of the Dental Board of California (Board)
FROM	David Bruggeman, Legislative and Regulatory Specialist Dental Board of California
SUBJECT	Agenda Item 11(k): Discussion and Possible Action on a Regular Rulemaking to Adopt CCR, Title 16, Section 1066 Relating to Dentists Initiating and Administering Vaccines

Background

Assembly Bill (AB) 526 (Wood, Chapter 653, Statutes of 2021) was signed into law on October 8, 2021. The bill amended provisions of the Dental Practice Act to and, among other things, authorized dentists to prescribe and administer influenza and COVID-19 vaccines approved or authorized by the federal Food and Drug Administration to patients 3 years of age and older on a permanent basis. Dentists who would administer these vaccines must biennially complete an immunization training program offered by the CDC or a provider approved by the Board. They must also comply with all state and federal recordkeeping requirements. This includes documentation for the patient's primary care provider and entering the vaccination information into the appropriate immunization registry designed by the Immunization Branch of the California Department of Public Health.

While AB 526 provides the authority for dentists to initiate and administer influenza and COVID-19 vaccines, it does not provide specifics on the length of the required training program. AB 526 also does not provide specifics on how dentists are to provide immunization information to their patients' primary care providers or to the state immunization registry. This regulatory proposal to amend California Code of Regulations (CCR), title 16, section 1066, would establish such standards.

The law indicates that the Board may issue regulations to implement the law. The law provides that such regulations would be deemed to address an emergency and permitted the regulations to proceed through the emergency regulations process outlined in Government Code section 11346.1. (See Business and Professions Code (BPC), § 1625.6, subd. (c).) The law also extended the 180-day duration of an emergency regulation on this subject to 240 days.

Agenda Item 11(k): Discussion and Possible Action on a Regular Rulemaking to Adopt CCR, Title 16, Section 1066 Relating to Dentists Initiating and Administering Vaccines
 Dental Board of California Meeting
 August 25-26, 2022

Correction on Vaccination Location

On March 14, 2022, the Board approved a motion to, among other things, approve the emergency rulemaking to adopt regulations and a finding of emergency and initiate a regular rulemaking to adopt CCR, title 16, section 1066 relating to dentists initiating and administering vaccines. During that meeting, the issue of the location at which dentists could independently order and administer influenza and COVID-19 vaccines authorized by AB 526 was discussed. At that time, Board Counsel stated the rulemaking was primarily for the administration of vaccines in a dental office and not on voluntary terms. (Board Meeting Minutes, Mar. 14, 2022, p. 30.) After that meeting, Board Counsel reviewed the legislative history of AB 526 and other materials related to the administration of COVID-19 vaccines by dentists and determined the statement made at the March 14, 2022 meeting was incorrect.

AB 526 enacted BPC section 1625.6, which authorizes a dentist to independently prescribe and administer influenza and COVID-19 vaccines, as specified. There is no provision in that statute limiting the location at which the dentist may prescribe or administer those vaccines. Further, the legislative history of AB 526 supports authority for dentists, who comply with the specified requirements detailed in BPC section 1625.6, to independently prescribe and administer influenza and COVID-19 vaccines in any setting, not just in a dental office. The legislative committee analyses of AB 526 do not discuss any limitation on the locations where the dentist can prescribe or administer these vaccines. In addition, the Department of Consumer Affairs (DCA) Director's Orders Waiving Restrictions on Dentists Relating to Ordering and Administering COVID-19 Vaccines (DCA-21-104, issued Jan. 4, 2021; DCA-21-111, issued Jan. 27, 2021), which AB 526 sought to permanently implement, and the federal Public Readiness and Emergency Preparedness (PREP) Act for Medical Countermeasures Against COVID-19 that the DCA Director's Orders instituted, did not limit the locations at which dentists could order or administer the COVID-19 vaccines. Accordingly, this memo is intended to correct the rulemaking record on this issue and confirm that BPC section 1625.6 does not limit the location where a dentist can order or administer an influenza or COVID-19 vaccine.

Regular Rulemaking File

The emergency rulemaking package approved by the Board was filed with the Office of Administrative Law (OAL) on June 13, 2022. OAL approved the emergency regulations on June 23, 2022. The regulations will remain in effect until February 22, 2023.

There were no public comments received during the five-day public comment period that commenced on June 13, 2022.

The approved emergency regulation adopting CCR, title 16, section 1066 addresses the training, continuing education, notification, reporting, and documentation requirements for dentists to comply with AB 526. Unless the Board decides otherwise, staff would file this same language as part of the regular rulemaking.

Agenda Item 11(k): Discussion and Possible Action on a Regular Rulemaking to Adopt CCR, Title 16, Section 1066 Relating to Dentists Initiating and Administering Vaccines
Dental Board of California Meeting
August 25-26, 2022

Page 2 of 4

Section 1066 is summarized as follows:

Subsection (a) –Dentists seeking to prescribe and administer vaccinations must comply with all portions of this section and failure to do so is unprofessional conduct.

Subsection (b) – Dentists administering vaccinations must retain documentation of immunization training taken to comply with AB 526. It must be maintained on premises and kept consistent with existing regulation at section 1017 for documenting continuing education coursework.

Subsection (c) – Dentists must complete one hour of vaccination training every two years to comply with AB 526. This training must include vaccine administration, prevention and management of adverse reactions, and maintenance of vaccine records from an approved provider. An approved provider would be the Centers for Disease Control and Prevention (CDC) or a continuing education provider registered and approved by the Board pursuant to section 1016.

Subsection (d) – Dentists must notify a patient’s primary care provider or enter the vaccination information in a record system accessible by the patient’s primary care provider, within 14 days of administration of the vaccine. If a patient does not have a primary care provider or is unable to provide contact information for his or her primary care provider, the dentist shall advise the patient to consult an appropriate health care provider of the patient’s choice.

Subsection (e) – Dentists must submit the required information with the Department of Public Health (currently done through the California Immunization Registry/CAIR) within 14 days of administration of the influenza vaccine or within 24 hours of administration of a COVID-19 vaccine. A dentist must complete the required registration process for reporting this information in the California Immunization Registry via the online CAIR portal designated on the California Department of Public Health’s website at: <https://igs.cdph.ca.gov/cair/>. They must notify the patient or patient’s guardian of the dentist’s information sharing requirements and of the rights of the patient and/or patient’s guardian with respect to information shared with the Department of Public Health.

Subsection (f) – For each vaccine administered, the dentist must provide each patient with a vaccine administration record as specified. A vaccine administration record must also be maintained in an automated data processing or manual record system such that the information required by Federal law (related to the reporting and recordkeeping of vaccine administration) is available during normal operating hours. The record must be maintained for at least 3 years from the date of administration of the vaccine to the patient.

A dentist must provide each patient with a personal vaccine administration record or card at the time of vaccination, which fully documents the vaccines administered by the dentist, including names of vaccines administered and the dates of administration. The dentist’s provision of the CDC’s “COVID-19 Vaccination Record Card” (Form MLS-319813_r [08/17/2020]) to patients receiving the COVID-19 vaccine, or the California

Agenda Item 11(k): Discussion and Possible Action on a Regular Rulemaking to Adopt CCR, Title 16, Section 1066 Relating to Dentists Initiating and Administering Vaccines
Dental Board of California Meeting
August 25-26, 2022

Page 3 of 4

Department of Public Health's Immunization Record and History Form (CDPH-8608P (06/17) to patients receiving the influenza vaccine shall be deemed compliance with the personal vaccine administration record requirement.

Subsection (g) - This proposal would add definitions for the following terms used in this section: (1) "patient vaccine administration record," (2) "Vaccine Information Statement," and the (3) "COVID-19 Vaccine Emergency Use Authorization Fact Sheet or EUA Fact Sheet."

Action Requested

At the March 14, 2022 meeting, the Board moved to direct staff to initiate the emergency rulemaking process, and it also directed staff to proceed with a regular rulemaking. Board staff is not requesting additional action at this time, but the Board may wish to discuss the proposed regular rulemaking and propose changes to the regulatory language.

**TITLE 16. DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

PROPOSED LANGUAGE

Legend: Added text is indicated with an underline.
 Deleted text is indicated by ~~strikeout~~.

Adopt Section 1066 in Article 9 of Chapter 2 of Division 10 of Title 16 of the California Code of Regulations, to read as follows:

1066. Dentists Initiating and Administering Vaccines.

(a) A dentist prescribing and administering any vaccine pursuant to section 1625.6 of the Code shall follow the requirements specified in subdivisions (b) through (f) of this section. Failure to comply with this section constitutes unprofessional conduct in accordance with section 1680 of the Code.

(b) Training. A dentist who prescribes and administers any vaccine shall keep documentation of completion of an immunization training program from an approved provider as set forth in subdivision (c). A dentist who prescribes and administers vaccines shall retain certificates of course completion for any approved training program on premises and according to the requirements of section 1017.

(c) Continuing Education. A dentist must complete one hour of continuing education from an approved provider once every two years focused on immunization training that includes, at a minimum, training in vaccine administration, prevention and management of adverse reactions, and maintenance of vaccine records. For the purposes of this section, an “approved provider” means: (1) the federal Centers for Disease Control and Prevention (CDC); or, (2) a continuing education provider registered and approved by the Board pursuant to section 1016.

(d) Notifications: A dentist shall notify each patient’s primary care provider of any vaccine administered to the patient, or enter the appropriate information in a patient record system shared with the primary care provider, as permitted by the primary care provider. Primary care provider notification must take place within 14 days of the administration of any influenza or COVID-19 vaccine. If a patient does not have a primary care provider, or is unable to provide contact information for his or her primary care provider, the dentist shall advise the patient to consult an appropriate health care provider of the patient’s choice. A dentist shall notify each pregnant patient’s prenatal care provider, if known, of any influenza or COVID-19 vaccine administered to the patient within 14 days of the administration of any vaccine.

(e) Immunization Registry: A dentist shall report, in accordance with section 1625.6, subdivision (b)(2) of the Code, the information described in section 120440, subdivision (c), of the Health and Safety Code in the registry designated by the Immunization Branch of the California Department of Public Health known as the “California Immunization Registry” or “CAIR” within 14 days of the administration of any influenza vaccine and within 24 hours of the administration of any COVID-19 vaccine. A dentist shall complete the required registration process for reporting this information in the California Immunization Registry via the online CAIR portal designated on the California Department of Public Health’s website at: <https://igs.cdph.ca.gov/cair/>. A dentist shall inform each patient or the patient’s guardian of immunization record sharing preferences, detailed in section 120440, subdivision (e), of the Health and Safety Code.

(f) Documentation: For each vaccine administered by a dentist, a patient vaccine administration record shall be maintained for at least 3 years from the date of administration of the vaccine to the patient in an automated data processing or manual record mode such that the information required under section 300aa-25 of title 42 of the United States Code is readily retrievable during normal operating hours. A dentist shall provide each patient with a patient vaccine administration record or card at the time of vaccination, which fully documents the vaccines administered by the dentist, including names of vaccines administered and the dates of administration. The dentist’s provision of the CDC’s “COVID-19 Vaccination Record Card” (Form MLS-319813 r [08/17/2020]) to patients receiving the COVID-19 vaccine, or the California Department of Public Health’s Immunization Record and History Form (CDPH 8608P (06/17) to patients receiving the influenza vaccine shall be deemed compliant with the patient vaccine administration record requirement.

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

(1) “patient vaccine administration record” shall mean the patient record that fully documents the vaccines administered by the dentist including (A) names of vaccines administered, (B) dates of administration, (C) the dates of the provision of a Vaccine Information Statement (for influenza vaccines) if applicable or a COVID-19 Vaccine Emergency Use Authorization Fact Sheet (EUA Fact Sheet) to the patient (for COVID-19 vaccines) if applicable, and D) any other information required to be documented pursuant to section 300aa-25 of title 42 of the United States Code.

(2) “Vaccine Information Statement” means a document produced by the CDC that informs vaccine recipients, or their parents or legal representatives, about the benefits and risks of the influenza vaccine they are receiving as required by 300aa-26 of title 42 of the United States Code.

(3) “COVID-19 Vaccine Emergency Use Authorization Fact Sheet” or “EUA Fact Sheet” means a document, produced by the manufacturer of the particular COVID-19 vaccine and authorized by the federal Food and Drug Administration

under authority of the Federal Food, Drug and Cosmetic Act pursuant to section 360bbb-3 of title 21 of the United States Code, that informs vaccine recipients, or their parents or legal representatives, about the benefits and risks of a particular COVID-19 vaccine.

Note: Authority cited: Sections 1614 and 1625.6, Business and Professions Code.
Reference: Sections 1625.6, 1645.2 and 1680, Business and Professions Code; and Section 120440, Health and Safety Code.



MEMORANDUM

DATE	August 9, 2022
TO	Members of the Dental Board of California
FROM	David Bruggeman, Legislative and Regulatory Specialist Dental Board of California
SUBJECT	Agenda Item 11(I): Discussion and Possible Action to Initiate a Rulemaking and Adopt Proposed CCR, Title 16, Section 1006 to Implement AB 107 (Temporary Licensure for Military Spouses/Domestic Partners)

Background:

AB 107 (Chapter 693, Statutes of 2021) was chaptered on October 8, 2021 and becomes operative on July 1, 2023. It amends provisions of the Business and Professions Code for all boards in the Department of Consumer Affairs relating to temporary licenses for qualified spouses or domestic partners of active duty military personnel assigned to a duty station in California under official active duty military orders. Effective July 1, 2023, such provisions would apply to the Dental Board, meaning that the Board would be required to grant temporary licenses or registrations to dentists or dental auxiliaries who qualify.

Spouses or domestic partners of military servicemembers who are assigned to a California duty station would be required to have a ‘current, active and unrestricted’ license with the same scope of practice for which the applicant seeks a temporary license from the Board from another state, district or territory of the United States in order to be eligible. They would also need to take a California law and ethics examination if required by the Board for licensure. The temporary license would last for 12 months or until the Board grants or denies a regular license. The temporary license would be nonrenewable and could be revoked if the Board finds, following notice and a hearing, that the license holder engaged in unprofessional conduct or any other action that is a cause for discipline by the Board. The temporary license could also be immediately terminated by operation of law if the Board finds that the applicant provided substantively inaccurate information that would affect the persons eligibility for temporary licensure.

Agenda Item 11(I): Discussion and Possible Action to Initiate a Rulemaking and Adopt Proposed CCR, Title 16, Section 1006 to Implement AB 107 (Temporary Licensure for Military Spouses/Domestic Partners)
 Dental Board of California Meeting
 August 25-26, 2022

The proposed text is attached to this memo.

Action Requested:

The Board should review the proposed regulatory text and consider whether they would support it as written or if there are suggested changes to the proposed text. After review, the staff requests that the Board consider one of the following motions:

Motion A: (The Board has no suggested changes for the proposed regulatory text.)

Approve the proposed regulatory text for Section 1006 and submit the text to the Director of the Department 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 text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as described in the text notice for 16 CCR section 1006.

Motion B: (The Board has suggested changes for the proposed regulatory text.)

Approve the proposed regulatory text for Section 1006, with the following changes. (Describe the proposed changes to the noticed proposed text). In addition, submit the text to the Director of the Department 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 text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as described in the text notice for 16 CCR section 1006.

TITLE 16. DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
AB 107: Temporary Licenses for Military Spouses
PROPOSED LANGUAGE

Adopt Section 1006 of Article 1 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations to read as follows:

Section 1006. Temporary Licenses for Military Spouses or Partners.

(a) Definitions: For the purposes of this section, the following definitions shall apply:

(1) "Disciplined" means that the applicant's license is not on probation, revoked, suspended, reprovved, censured, reprimanded, restricted, limited, or conditioned.

(2) "Jurisdiction" shall mean a California or another state's licensing board or agency, any agency of the federal government, or another country.

(3) "Disciplinary proceeding" shall mean any proceeding or investigation under the authority of the licensing jurisdiction pursuant to which licensee discipline may be imposed on the applicant.

(4) "Provide dental supportive services as a dental auxiliary" shall mean providing the services within the scope of practice of a registered dental assistant, registered dental assistant in extended functions, orthodontic assistant, or dental sedation assistant as defined in Sections 1752.4, 1753.5, 1753.55, 1753.6, 1750.3, and 1750.5 of the Code, as applicable, and sections 1086 and 1087 of this Division, as applicable.

(5) "Good standing" shall mean that the applicant has not been disciplined, is not the subject of an unresolved complaint or review procedure and is not the subject of any unresolved disciplinary proceeding.

(6) "Original licensing jurisdiction" shall mean the jurisdiction that issued a license to the applicant authorizing the applicant to practice within the same scope of practice for which the applicant seeks a temporary license from the Board.

(b) An applicant seeking a temporary license to practice dentistry or provide dental supportive services as a dental auxiliary pursuant to section 115.6 of the Code shall submit a completed application and meet all of the requirements of this section and section 115.6 of the Code to be eligible for a temporary license. A completed application shall include the following information:

(1) The applicant's identifying and contact information, including:

(A) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)),

(B) Other name(s) applicant has used or has been known by,

(C) Applicant's physical address,

(D) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address,

(E) Applicant's email address, if any,

(F) Applicant's telephone number,

(G) Applicant's Social Security Number or Individual Taxpayer Identification Number, and,

(H) Applicant's birthdate (month, day, and year).

(2) The applicant shall disclose whether the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. If the applicant answers in the affirmative, the applicant shall provide the following documentation with the application:

(A) certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces, and;

(B) a copy of the military orders establishing their spouse or partner's duty station in California.

(3) The applicant shall disclose whether the applicant holds a current, active and unrestricted license, or comparable authority ("license"), to practice dentistry or provide dental supportive services as a dental auxiliary in another state, district, or territory of the United States, and whether such license is the same type of license that the applicant is applying for with the Board. If the applicant answers in the affirmative, the applicant shall provide written verification from the applicant's original licensing jurisdiction that the applicant's license or other comparable authority ("license") is in good standing in that jurisdiction.

The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license type and number issued to the applicant by the original licensing jurisdiction, and the relevant law(s) and regulation(s) under which the license was issued; and

(C) the name and location of the licensing agency or entity,

(D) the issuance and expiration date of the license, and,

(E) information showing that the applicant's license is currently in good standing.

(4) The applicant shall disclose whether the applicant has committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license pursuant to Sections 141, 480, or 490 of the Code, or Articles 4 (commencing with Section 1670 of the Code) or 5 (commencing with Section 1700 of the Code) of the Act.

(5) The applicant shall disclose whether the applicant has been disciplined by a licensing entity in another jurisdiction or is the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) The applicant shall furnish a full set of fingerprints, upon request by the Board, for use by and accessible to the Board in conducting criminal history information record checks through the California Department of Justice.

(7) Successful completion of the Board's law and ethics examination for an applicant for a temporary dentist's license as set forth in section 1031, and successful completion of the examination related to the legal or ethical aspects of dentistry as set forth in section 1081 for an applicant for a temporary registered dental assistant's license.

(8) A statement attesting to the fact that the applicant meets all the requirements for the temporary license, and that the information submitted in the application is accurate, to the best of the applicant's knowledge.

(c) This section shall become operative on July 1, 2023.

Note: Authority cited: Section 115.6 and 1614, Business and Professions Code.
Reference: Sections 115.6, 1611, 1632, 1749.1, 1750.2, 1750.4, 1752.1, and 1753,
Business and Professions Code.



MEMORANDUM

DATE	August 4, 2022
TO	Members of the Dental Board of California
FROM	Mirela Taran, Administrative Analyst Dental Board of California
SUBJECT	Agenda Item 19: President's Report on Closed Session Items

Background:

Dr. Alan Felsenfeld, President of the Dental Board of California, will provide a verbal report on closed session items.

Action Requested:

No action requested.



MEMORANDUM

DATE	August 4, 2022
TO	Members of the Dental Board of California
FROM	Mirela Taran, Administrative Analyst Dental Board of California
SUBJECT	Agenda Item 20: Dental Assisting Council Meeting Report

Background:

Ms. Jeri Fowler, Chair of the Dental Assisting Council (Council), will provide a verbal report on the August 25, 2022 meeting of the Council.

Action Requested:

No action requested.



MEMORANDUM

DATE	July 6, 2022
TO	Members of the Dental Board of California
FROM	Bernal Vaba, Chief of Regulatory Compliance and Discipline Dental Board of California
SUBJECT	Agenda Item 21(a): Diversion Program Report and Statistics

Background:

The Diversion Evaluation Committee (DEC) program statistics for the ending quarter of June 30, 2022, are provided below. These statistics reflect the participant activity in the Diversion (Recovery) Program and are presented for informational purposes only.

These statistics were derived from reports received from MAXIMUS.

Diversion	FY 2021/2022												Totals	FY 20/21	FY 19/20	FY 18/19
	Quarter 1			Quarter 2			Quarter 3			Quarter 4						
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	March	Jan	Feb	March				
New Participants	0	1	1	0	0	0	0	0	1	0	0	0	3	3	1	6
Total Participants (Close of Qtr/FY)	9	9	9	7	7	7	6	6	7	7	7	7	12	12	15	18
Self-Referral	4	4	4	4	3	3	2	2	2	2	2	2	5	5	3	4
Enforcement Referral	1	1	1	1	0	0	0	0	1	1	1	1	2	2	5	6
Probation Referral	3	3	3	4	4	4	4	4	4	4	4	4	5	5	7	8
Total Completed Cases	1	1	1	0	0	0	1	0	0	0	0	0	4	3	6	4
Successful Completions	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	2
Terminations	1	1	1	1	0	0	0	0	0	0	0	0	4	1	3	2
Terminations for Public Threat	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Tests Ordered	44	28	31	34	26	30	22	22	26	37	28	24	352	415	498	727
Positive Drug Tests	1	0	1	0	0	0	0	0	0	1	0	0	3	1	0	0
Prescription Positive Tests	3	1	0	3	0	0	0	0	0	7	8	7	29	4	0	0

Of the seven (7) participants, there were two (2) self-referrals, four (4) probation referrals, and (1) one enforcement referral.

Agenda Item 21(a): Diversion Program Report and Statistics
 Dental Board of California Meeting
 August 25-26, 2022



MEMORANDUM

DATE	July 6, 2022
TO	Members of the Dental Board of California
FROM	Bernal Vaba, Chief of Regulatory Compliance and Discipline Dental Board of California
SUBJECT	Agenda Item 21(b): Discussion and Possible Action Regarding Appointment of Diversion Evaluation Committee Member

Background:

James Frier, DDS, retired from the DEC on April 29, 2022. Thomas Specht, M.D., responded to the DEC recruitment notice posted on the Dental Board of California website. Dr. Specht who previously served on the DEC from 2007 to 2018 was interviewed by current DEC Member, George Shinn, DDS, and Bernal Vaba, Chief of Regulatory Compliance and Discipline. Dr. Specht has established that he has the experience and knowledge in the evaluation and/or management of persons who have an alcohol or drug abuse impairment and comes highly recommended by members of the DEC.

Action Requested:

Accept or reject the recommendation to appoint Dr. Specht to the DEC.

Attachment:

1. Application for DEC Member Position – Thomas Specht, DDS



DIVERSION EVALUATION COMMITTEE APPLICATION

(This form is a public record, but subject to the protection of the Information Practices Act)

Please Print or Type

Name Thomas Specht MD
Address [REDACTED]
Phones (work) [REDACTED] (home) [REDACTED] (cell) [REDACTED]
Email [REDACTED]
Category for which you are applying:
 Dentist Dental Auxiliary Physician/Psychologist Public Member
Committee you wish to be on: Northern DEC Southern DEC
California License Number: G37062 SSN/FEIN/ITIN [REDACTED]
(except for public member applicants)

In the space below, briefly summarize your professional, educational, and/or personal experience which documents your expertise:

I have been involved and committed to physician and dentist well-being for over 27 years. I have enclosed my curriculum vitae which shows my involvement in this over this time. I think that this demonstrates my experience in this service work. I enjoy assisting healthcare professionals who have been affected by the disease of addiction find a path of sustained recovery. I personally have been in active recovery from the disease of addiction since 1994.

In the space below, give your philosophical beliefs relative to the treatment of chemical dependency.

I believe that chemical dependency (the disease of addiction) is treatable and that healthcare professionals (dentists) can benefit from appropriate treatment followed by a program of support and accountability for an extended period of time once an appropriate evaluation is initially done and the the diagnosis is established.

I HAVE READ AND UNDERSTAND THE REPOSIBILITIES, TIME COMMITMENTS, AND REIMBURSEMENT OF DIVERSION EVALUATION COMMITTEE MEMBERS.

Thomas C Specht MD

5/3/22

Signature

Date

SUBMIT COMPLETED APPLICATION AND RESUME TO:

**Executive Assistant of the Dental Board of California
2005 Evergreen Street, Suite 1550
Sacramento, CA 95815**

INFORMATION COLLECTION AND ACCESS

The information requested herein is mandatory and is maintained by Executive Officer, Dental Board of California, 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, 916-263-2300, in accordance with Business & Professions Code, §1600 et seq. Except for Social Security numbers, the information requested will be used to determine eligibility. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. Disclosure of your Social Security number is mandatory and collection is authorized by §30 of the Business & Professions Code and Pub. L. 94-455 (42 U.S.C.A. §405(c)(2)(C)). Your Social Security number will be used exclusively for tax enforcement purposes, for compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination board, and where licensing is reciprocal with the requesting state. If you fail to disclose your Social Security number, you may be reported to the Franchise Tax Board and be assessed a penalty of \$100. The official responsible for information maintenance is the Executive Officer (916) 263-2300, 2005 Evergreen Street, Suite 1550, Sacramento, California 95815. To comply each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure. Your name and address listed on this application will be disclosed to the public upon request if and when you become licensed.



MEMORANDUM

DATE	July 14, 2022
TO	Members of the Dental Board of California
FROM	Ryan Blonien, Acting Chief of Enforcement Field Offices Dental Board of California
SUBJECT	Agenda Item 21(c): Controlled Substance Utilization Review and Evaluation System Report

Background:

The Controlled Substance Utilization Review and Evaluation System (CURES 2.0) is a database of Schedule II, III, and IV controlled substance and prescriptions dispensed in California. The goal of the CURES 2.0 system is the reduction of prescription drug abuse and diversion without affecting the legitimate medical practice or patient care. Prescribers were required to apply before July 1, 2016, or upon receipt of a federal Drug Enforcement Administration (DEA) registration, whichever occurs later. Registration requirements are not based on dispensing, prescribing, or administering activities but, rather, on possession of a Drug Enforcement Administration Controlled Substance Registration Certificate and valid California licensure as a Dentist, or other prescribing medical provider.

The Dental Board of California currently has 34,619 active licensed dentists as of June 30, 2022.

The CURES registration statistics for the Dental Board of California as of June 30, 2022 are:

Month:	Year:	Number of Registered DDS/DMD Users:
January	2021	16,209
February	2021	16,253
March	2021	16,294
April	2021	16,332
May	2021	16,338
June	2021	16,422
July	2021	16,458

Month:	Year:	Number of Registered DDS/DMD Users:
August	2021	16,497
September	2021	16,552
October	2021	16,600
November	2021	16,639
December	2021	16,734
January	2022	16,824
February	2022	16,867
March	2022	16,913
April	2022	16,945
May	2022	16,978
June	2022	17,027

The CURES usage statistics for the Dental Board of California as of June 2022 are:

Search Statistics*:

April	2021	15,542
May	2021	17,402
June	2021	18,993
July	2021	18,408
August	2021	18,231
September	2021	16,735
October	2021	16,837
November	2021	16,424
December	2021	15,443
January	2022	17,047
February	2022	19,609
March	2022	24,086
April	2022	17,058
May	2022	16,564
June	2022	16,630

Statistics indicate the combined total number of Web Application and Information Exchange Web Services.

Times System was Accessed:

April	2021	4,000
May	2021	3,639
June	2021	3,896
July	2021	3,700
August	2021	3,862
September	2021	3,634
October	2021	3,665
November	2021	3,350
December	2021	3,634
January	2022	3,747
February	2022	3,661
March	2022	4,433
April	2022	*
May	2022	*
June	2022	*

*April, May, June 2022
not available due to
CURES implementation
issues.

Help Desk Statistics:

April	2021	173*
May	2021	152*
June	2021	168*
July	2021	175*
August	2021	191*
September	2021	163*
October	2021	152*
November	2021	189*
December	2021	276*
January	2022	289*
February	2022	204*
March	2022	220*
April	2022	34*
May	2022	23*
June	2022	26*

*Statistics indicate the combined total number of phone and email help desk inquiries.

The number of prescriptions filled by schedule for the months of April, May, and June 2022 are:

Number of Prescriptions Filled by Schedule – April – June 2022

	April	May	June
Schedule II	1,295,490	1,226,384	1,197,481
Schedule III	227,330	216,168	216,596
Schedule IV	1,133,702	1,066,092	1,053,224
Schedule V	144,307	147,710	150,271
R*	2,957	2,760	2,582
Over-the-Counter Product	61,719	59,734	60,383
Total:	2,865,505*	2,718,848	2,680,537

*R=Not classified under the Controlled Substances Act; includes all other prescription drugs.

*1. Each component of a compound is submitted as a separate prescription record. The number of distinct prescriptions rolls compound prescriptions into a single count.

*2. The number of distinct prescriptions and the number of prescriptions filled by schedule will not be equal because a compound can consist of multiple drugs with varying schedules.

Action Requested:

None.

Registration Statistics

April – June 2022

Registered Users

	April 2022	May 2022	June 2022
Clinical Roles			
Prescribers	174,789	175,581	176,115
Non-DEA Practitioner	10,787	10,728	10,987
Pharmacists	49,329	49,392	49,460
Clinical Roles	234,905	235,701	236,562
License Type			
Doctor of Dental Surgery/Dental Medicine	16,945	16,978	17,027
Doctor of Optometry	695	693	693
Doctor of Podiatric Medicine	1,608	1,611	1,616
Doctor of Veterinary Medicine	3,540	3,565	3,581
Medical Doctor	119,437	119,762	120,142
Naturopathic Doctor	476	483	488
Osteopathic Doctor	8,759	8,806	8,862
Physician Assistant	12,725	12,809	12,907
Registered Nurse Practitioner/Nurse Midwife	20,614	20,817	20,995
(Out of State) Prescribers	777	785	791
Pharmacists	48,525	48,574	48,628
(Out of State) Pharmacists	804	818	832
Breakdown by license type	234,905	235,701	236,562
Other Roles			
LEAs	1,628	1,635	1,634
Delegates	2,424	2,554	2,662
DOJ Admin	55	54	55
DOJ Analyst	87	88	91
Regulatory Board	224	227	228
Other Roles	4,418	4,558	4,670
Total Registered Users	239,323	240,259	241,232

Clinical Roles = Breakdown by license type

Clinical Roles + Other Roles = Total Registered Users

Stats are from the 1st of the month to the last day of the month

Search Statistics

April 2022

	Web Application	Delegate	IEWS	Totals
Clinical Roles				
Prescribers	1,175,702	12,112	3,578,881	4,766,595
Non-DEA Practitioner	1,516	118	4,679	6,313
Pharmacists	1,149,585	3,411	2,435,765	3,588,761
Clinical Roles	2,326,763	15,641	6,019,325	8,361,669
License Type				
Doctor of Dental Surgery/Dental Medicine	7,272	88	9,698	17,058
Doctor of Optometry	31	0	1,338	1,369
Doctor of Podiatric Medicine	4,625	10	18,974	23,609
Doctor of Veterinary Medicine	183	4	0	187
Medical Doctor	682,846	7,031	2,835,983	3,525,860
Naturopathic Doctor	1,244	17	38	1,299
Osteopathic Doctor	106,260	993	270,544	377,797
Physician Assistant	136,895	2,066	200,330	339,291
Registered Nurse Practitioner/Nurse Midwife	233,840	1,960	244,068	479,868
(Out of State) Prescribers	3,982	61	2,587	6,630
Pharmacists	1,141,544	3,390	2,424,914	3,569,848
(Out of State) Pharmacists	8,041	21	10,851	18,913
License Type	2,326,763	15,641	6,019,325	8,361,669
Other Roles				
LEAs	166	0	0	166
DOJ Administrators	169	0	0	169
DOJ Analysts	51	0	0	51
Regulatory Board	1,050	0	0	1,050
Other Roles	1,436	0	0	1,436
Total Search Counts				8,363,165

Note:

Search Counts is defined as searches performed in the system without generating the report.

Clinical Roles = License Type

Total Search Count = Clinical Roles + Other Roles



Search Statistics

May 2022

	Web Application	IEWS	Totals
Clinical Roles	Delegate		
Prescribers	1,133,883	24,387	4,645,124
Non-DEA Practitioner	1,006	170	4,905
Pharmacists	1,109,743	3,003	2,985,661
Clinical Roles	2,244,632	27,560	7,635,690
License Type			
Doctor of Dental Surgery/Dental Medicine	7,146	206	9,212
Doctor of Optometry	17	0	1,106
Doctor of Podiatric Medicine	5,026	20	23,746
Doctor of Veterinary Medicine	156	0	0
Medical Doctor	647,621	16,314	3,661,551
Naturopathic Doctor	1,379	34	46
Osteopathic Doctor	106,632	1,556	380,011
Physician Assistant	134,174	3,238	261,647
Registered Nurse Practitioner/Nurse Midwife	227,507	3,291	309,172
(Out of State) Prescribers	5,231	78	3,538
Pharmacists	1,101,481	2,946	2,971,286
(Out of State) Pharmacists	8,262	57	14,375
License Type	2,244,632	27,560	7,635,690
Other Roles			
LEAs	133	0	0
DOJ Administrators	159	0	0
DOJ Analysts	7	0	0
Regulatory Board	1,814	0	0
Other Roles	2,113	0	0
Total Search Counts			9,909,995

Note:

Search Counts is defined as searches performed in the system without generating the report.

Clinical Roles = License Type

Total Search Count = Clinical Roles + Other Roles



Search Statistics

June 2022

		Web Application		IEWS	Totals
Clinical Roles		Delegate			
	Prescribers	1,127,274	28,696	5,436,951	6,592,921
	Non-DEA Practitioner	846	156	8,881	9,880
	Pharmacists	1,113,932	2,175	2,942,609	4,058,716
	Clinical Roles	2,242,049	31,027	8,388,441	10,661,517
License Type					
	Doctor of Dental Surgery/Dental Medicine	7,056	218	9,356	16,630
	Doctor of Optometry	5	0	1,653	1,658
	Doctor of Podiatric Medicine	2,807	49	31,194	34,050
	Doctor of Veterinary Medicine	153	0	0	153
	Medical Doctor	648,466	19,630	4,322,464	4,990,560
	Naturopathic Doctor	1,415	37	48	1,500
	Osteopathic Doctor	103,074	1,738	447,858	552,670
	Physician Assistant	130,029	3,125	291,533	424,687
	Registered Nurse Practitioner/Nurse Midwife	230,343	3,978	337,190	571,511
	(Out of State) Prescribers	4,769	77	4,536	9,382
	Pharmacists	1,105,689	2,092	2,927,058	4,034,839
	(Out of State) Pharmacists	8,243	83	15,551	23,877
	License Type	2,242,049	31,027	8,388,441	10,661,517
Other Roles					
	LEAs	4,453	0	0	4,453
	DOJ Administrators	3,669	0	0	3,669
	DOJ Analysts	22,572	0	0	22,572
	Regulatory Board	2,998	0	0	2,998
	Other Roles	33,692	0	0	33,692
Total Search Counts					10,695,209

Note:

Search Counts is defined as searches performed in the system without generating the report.

Clinical Roles = License Type

Total Search Count = Clinical Roles + Other Roles



Clinical Roles		April 2022	May 2022	June 2022
	Prescribers			
	Non-DEA Practitioner			
	Pharmacists			
Clinical Roles				
License Type		April 2022	May 2022	June 2022
	Doctor of Dental Surgery/Dental Medicine			
	Doctor of Optometry			
	Doctor of Podiatric Medicine			
	Doctor of Veterinary Medicine			
	Medical Doctor			
	Naturopathic Doctor			
	Osteopathic Doctor			
	Physician Assistant			
	Registered Nurse Practitioner/Nurse Midwife			
	(Out of State) Prescribers			
	Pharmacists			
	(Out of State) Pharmacists			
License Type				
Other Roles		April 2022	May 2022	June 2022
	LEAs			
	Delegates			
	DOJ Administrators			
	DOJ Analysts			
	Regulatory Board			
Other Roles				
Total Times System was Accessed				

Note:

Clinical Roles = License Type

Total Times = Clinical Roles + Other Roles

		April		May		June	
		Phone	E-mail	Phone	E-mail	Phone	E-mail
Clinical Roles							
	Prescribers/Non-DEA Practitioners	3,041	3,514	2,084	1,992	1,777	1,483
	Pharmacists	869	596	632	336	530	269
	Clinical Roles	3,910	4,110	2,716	2,328	2,307	1,752
License Type							
	Doctor of Dental Surgery/Dental Medicine	14	20	9	14	18	8
	Doctor of Optometry	456	526	285	248	216	189
	Doctor of Podiatric Medicine	1,878	2,059	1,405	1,231	1,221	1,044
	Doctor of Veterinary Medicine	45	137	11	22	11	17
	Medical Doctor	113	116	86	67	68	39
	Naturopathic Doctor	232	231	123	124	120	67
	Osteopathic Doctor	9	22	6	20	2	4
	Physician Assistant	869	596	632	336	530	269
	Registered Nurse Practitioner/Nurse Midwife	211	304	109	168	98	88
	Pharmacists	83	99	50	98	23	27
	(Out of State) Pharmacists	0	0	0	0	0	0
	License Type	3,910	4,110	2,716	2,328	2,307	1,752
Other Roles							
	LEAs	27	44	24	57	15	49
	Delegates	137	147	57	67	38	28
	DOJ Administrators	0	0	0	0	0	0
	DOJ Analysts	0	0	0	0	0	0
	Regulatory Board	10	16	7	20	7	6
	Other Roles	174	207	88	144	60	83
Totals		4,084	4,317	2,804	2,472	2,367	

Note:

Clinical Roles = License Type

Total Calls = Clinical Roles + Other Roles



Prescriptions Filled by Schedule

April – June 2022

	April 2022	May 2022	June 2022
Number of Distinct Prescriptions	2,863,139	2,716,588	
Schedule II	1,295,490	1,226,384	1,197,481
Schedule III	227,330	216,168	216,596
Schedule IV	1,133,702	1,066,092	1,053,224
Schedule V	144,307	147,710	150,271
R	2,957	2,760	2,582
Over-the-counter product	61,719	59,734	60,383
TOTAL	2,865,505	2,718,848	2,680,537

NOTE:

1. Each component of a compound is submitted as a separate prescription record. The number of distinct prescriptions rolls compound prescriptions into a single count
2. The number of distinct prescriptions and the number of prescriptions filled by schedule will not be equal because a compound can consist of multiple drugs with varying schedules
3. R = Not classified under the Controlled Substances Act; includes all other prescription drugs



MEMORANDUM

DATE	July 5, 2022
TO	Members of the Dental Board of California
FROM	John Tran, Associate Governmental Program Analyst Dental Board of California
SUBJECT	Agenda Item 22(a): General Anesthesia and Conscious Sedation Permit Evaluations Statistics

Background:

Newly approved general anesthesia and conscious sedation permit holders are subject to an on-site inspection and evaluation. New permit holders must schedule and conduct their on-site inspection and evaluation within one-year issuances of their permit. If the permit holder passes their initial on-site inspection and evaluation, they will not have to schedule another one until five years later which is required for the continual active status and good standing of their permit.

The following statistical overview is provided for Fiscal Year 2021-2022 for on-site inspections and evaluations administered by the Board:

General Anesthesia Evaluations

	Passed Eval	Failed Eval	Failed Simulated Emergency	Cancelled Permit by Request	Cancelled Permit for Non-Compliance	Postponed (No Evaluators Available)	Postponed (By Request)
Jul 2021	12	0	0	1	0	7	5
Aug 2021	19	0	0	1	0	3	3
Sep 2021	13	0	0	0	0	2	2
Oct 2021	15	0	0	1	0	1	2
Nov 2021	5	0	0	1	0	4	5
Dec 2021	11	0	0	0	0	1	3
Jan 2022	14	0	0	0	0	2	4
Feb 2022	16	0	0	2	1	0	2
Mar 2022	16	0	1	3	0	1	2
Apr 2022	13	0	0	1	3	2	3
May 2022	11	0	1	0	2	2	4

Agenda Item 22(a): General Anesthesia and Conscious Sedation Permit Evaluations Statistics
 Dental Board of California Meeting
 August 25-26, 2022

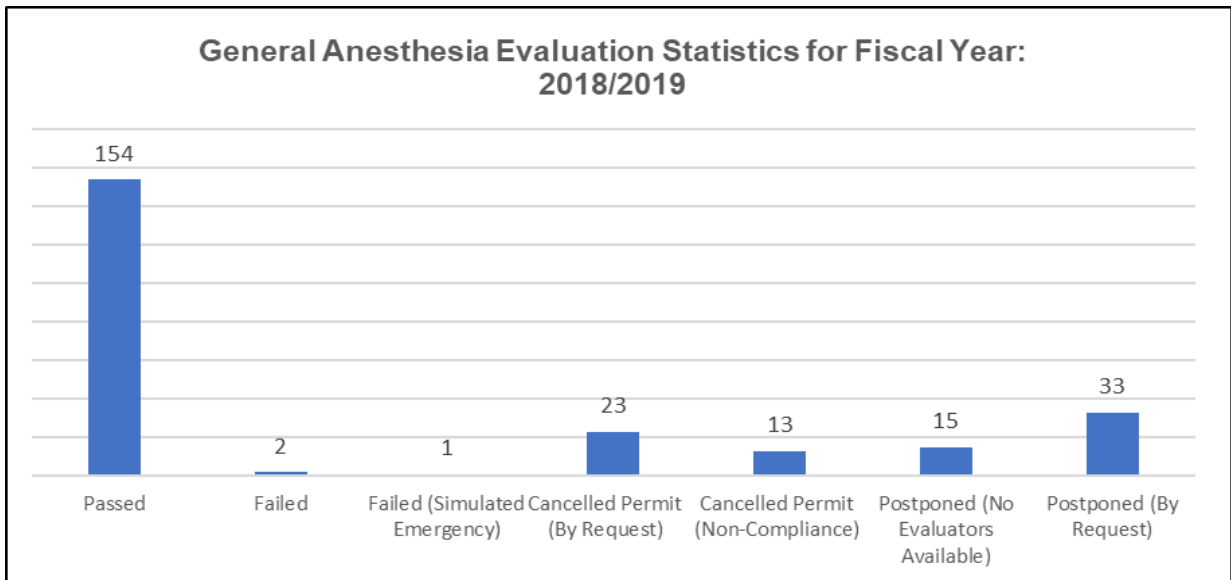
Jun 2022*	15	0	0	2	0	2	2
Total	160	0	2	12	6	27	37

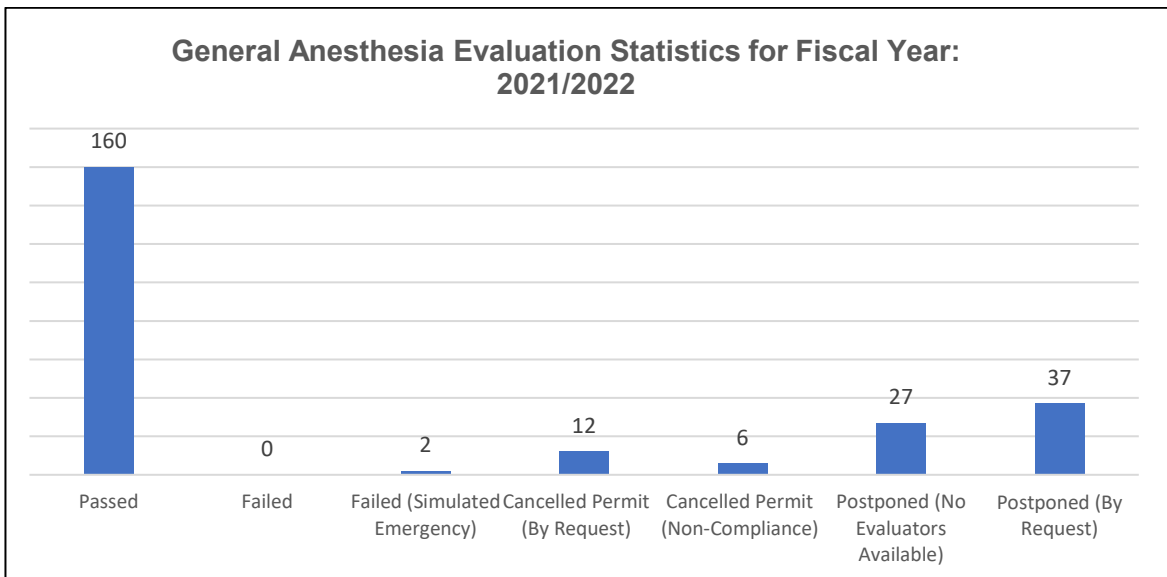
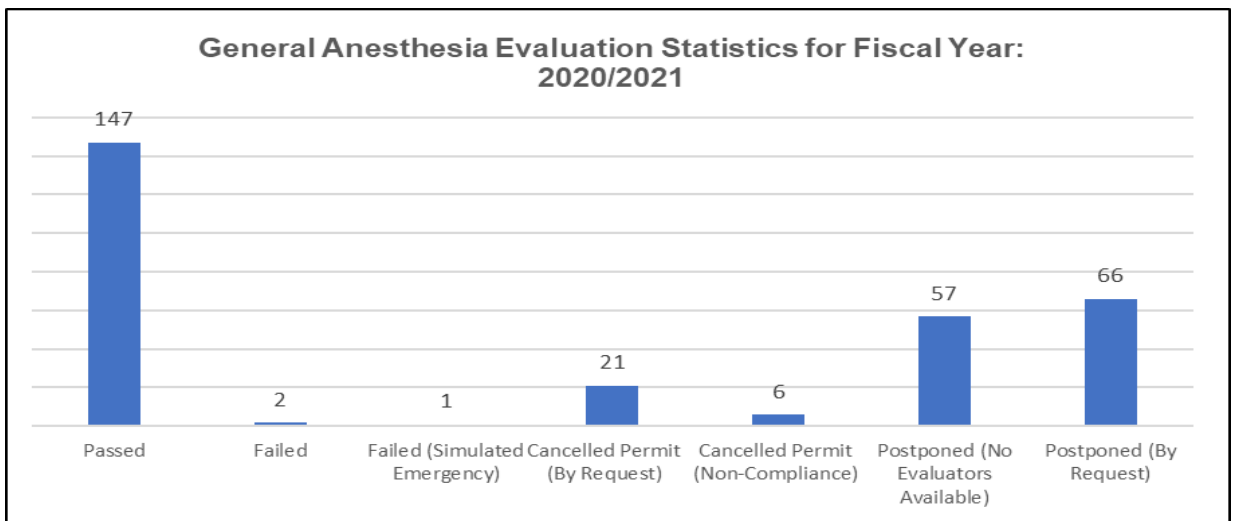
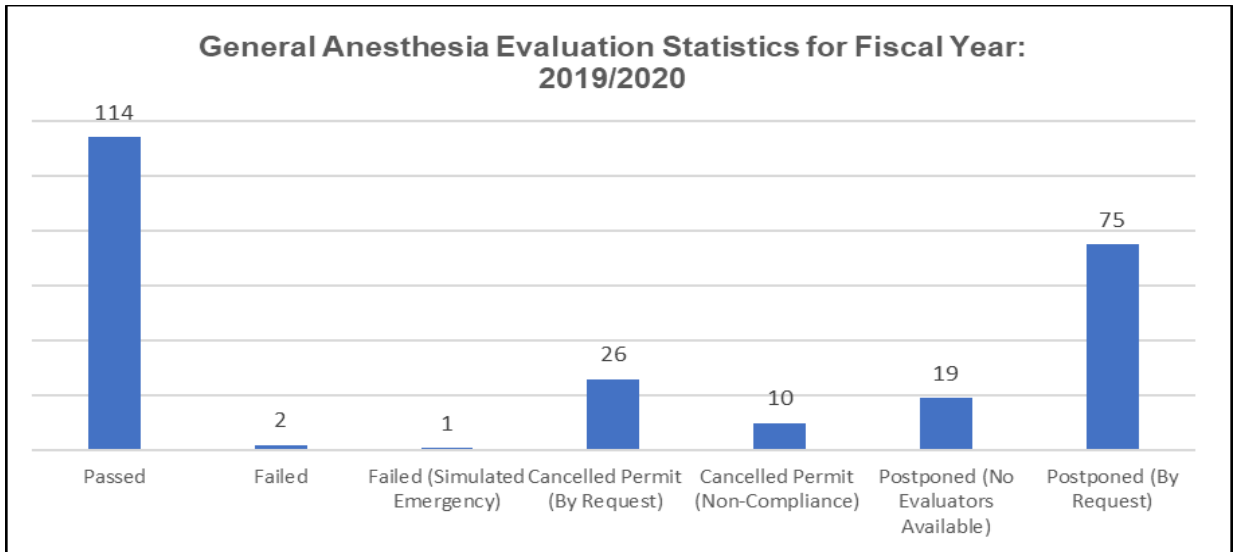
*Approximate number of evaluations scheduled for June 2022.

General Anesthesia Evaluation Statistics for Fiscal Years 18/19, 19/20, 20/21, and 21/22.

	18/19	19/20	20/21	21/22*
Passed Evaluation – Permit holder met all required components of the on-site evaluation	154	114	147	160
Failed Evaluation – Permit holder failed due to multiple deficient components that were required for the on-site evaluation	2	2	2	0
Failed Simulated Emergency – Permit holder failed one or more simulated emergency scenarios required for the on-site evaluation	1	1	1	2
Cancelled Permit by Request – Permit holder no longer needed permit, retired, went with different permit, and/or Covid-19 related issues	23	26	21	12
Cancelled Permit for Non-Compliance – Permit holder did not complete evaluation by requested time frame	13	10	6	6
Postponed (No Evaluators Available) – Permit holder evaluation was postponed due to no available evaluators for their requested evaluation	15	19	57	27
Postponed (By Request) – Permit holder had requested postponement due to scheduling conflict, emergencies, and/or Covid-19 related issues	33	75	66	37

* Approximate number of evaluations scheduled for fiscal year 21/22.





* Approximate number of evaluations scheduled for fiscal year 2021/2022.

Conscious Sedation Evaluations

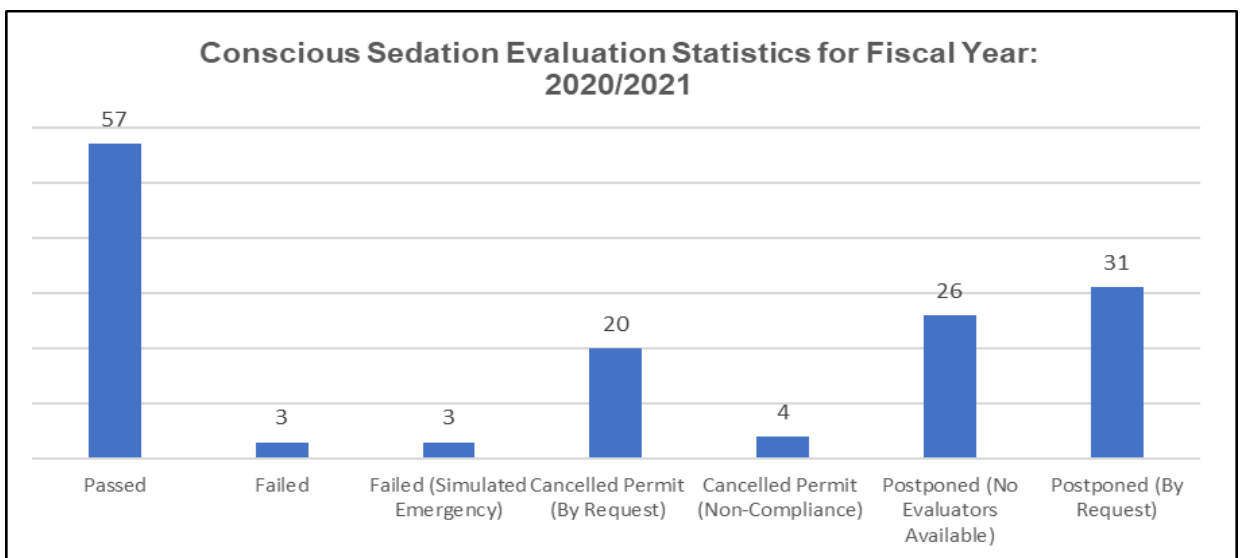
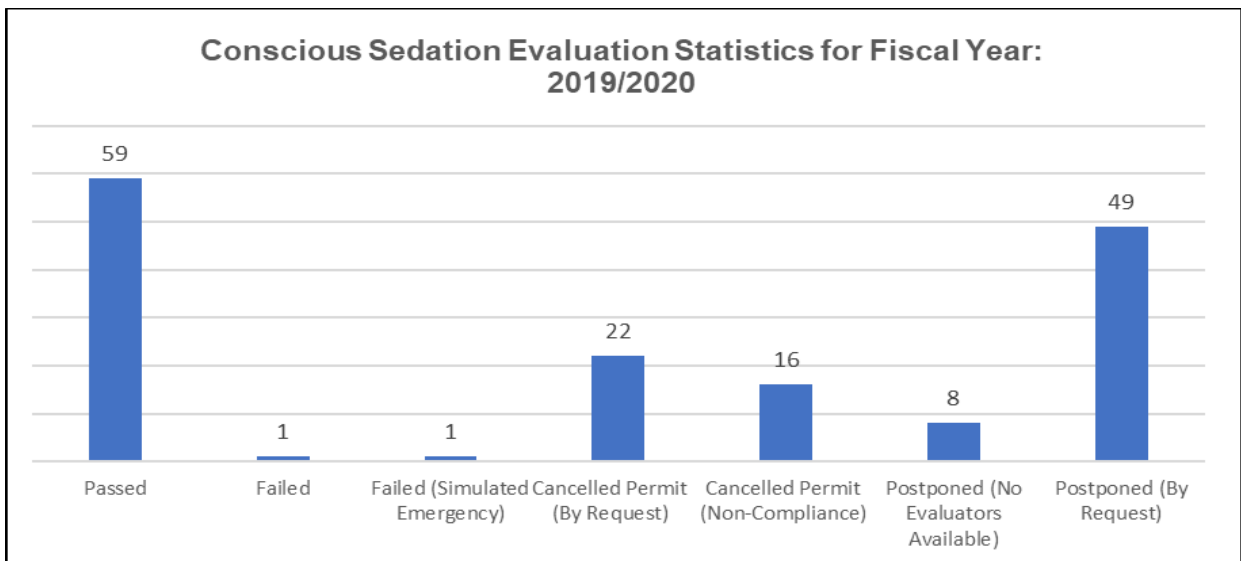
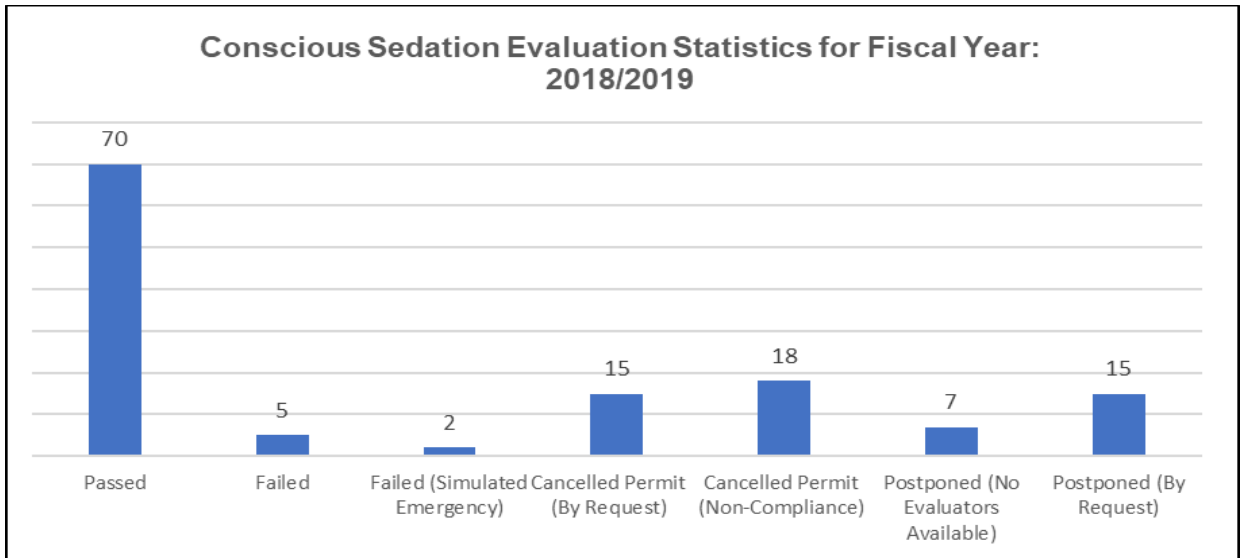
	Passed Eval	Failed Eval	Failed Simulated Emergency	Cancelled Permit by Request	Cancelled Permit for Non-Compliance	Postponed (No Evaluators Available)	Postponed (By Request)
July 2021	6	1	1	1	0	5	0
Aug 2021	4	0	0	1	0	6	1
Sept 2021	7	0	0	0	0	0	2
Oct 2021	6	0	1	1	0	2	2
Nov 2021	4	0	0	1	0	1	2
Dec 2021	4	0	1	0	3	1	2
Jan 2022	4	0	1	0	1	1	2
Feb 2022	5	1	0	2	0	0	2
Mar 2022	6	0	0	3	2	1	3
Apr 2022	9	0	0	1	1	1	2
May 2022	3	1	0	2	2	2	1
Jun 2022	9	1	0	2	2	1	1
Total	67	4	4	14	11	21	20

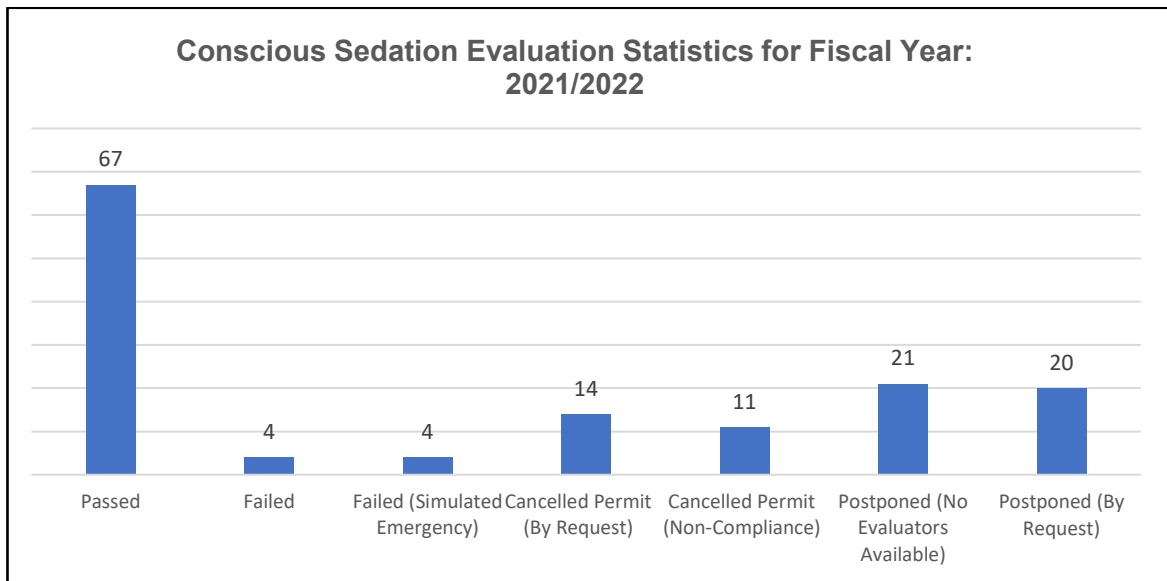
* Approximate number of evaluations scheduled for June 2022.

Conscious Sedation Evaluation Statistics for Fiscal Years 18/19, 19/20, 20/21, and 21/22.

	18/19	19/20	20/21	21/22*
Passed Evaluation – Permit holder met all required components of the on-site evaluation	70	59	57	67
Failed Evaluation – Permit holder failed due to multiple deficient components that were required for the on-site evaluation	5	1	3	4
Failed Simulated Emergency – Permit holder failed one or more simulated emergency scenarios required for the on-site evaluation	2	1	3	4
Cancelled Permit by Request – Permit holder no longer needed permit, retired, went with different permit, and/or Covid-19 related issues	15	22	20	14
Cancelled Permit for Non-Compliance – Permit holder did not complete evaluation by requested time frame	18	16	4	11
Postponed (No Evaluators Available) – Permit holder evaluation was postponed due to no available evaluators for their requested evaluation	7	8	26	21
Postponed (By Request) – Permit holder had requested postponement due to scheduling conflict, emergencies, and/or Covid-19 related issues	15	49	31	20

* Approximate number of evaluations scheduled for fiscal year 21/22.





* Approximate number of evaluations scheduled for fiscal year 2021/2022.

Medical General Anesthesia Evaluations

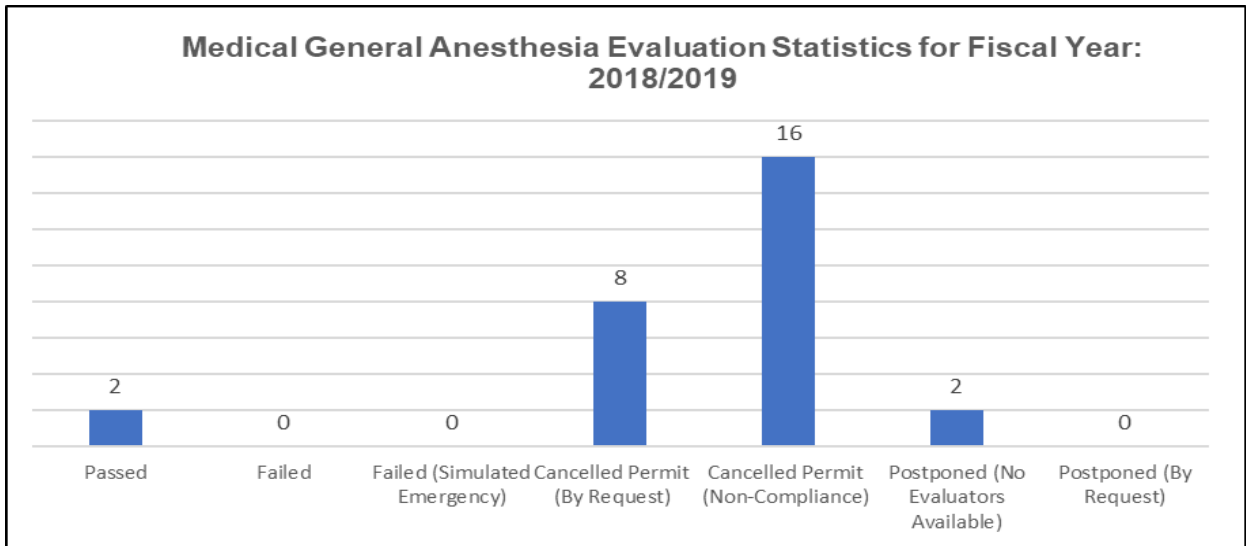
	Passed Eval	Failed Eval	Failed Simulated Emergency	Cancelled Permit by Request	Cancelled Permit for Non-Compliance	Postponed (No Evaluators Available)	Postponed (By Request)
July 2021	0	0	0	1	0	3	0
Aug 2021	0	0	0	0	0	0	2
Sept 2021	1	0	0	0	3	0	0
Oct 2021	1	0	0	0	0	3	0
Nov 2021	0	0	0	0	0	1	2
Dec 2021	0	0	0	0	3	1	0
Jan 2022	0	0	0	0	1	1	0
Feb 2022	0	0	0	0	1	1	0
Mar 2022	0	0	0	0	2	0	0
Apr 2022	0	0	0	1	1	0	0
May 2022	0	0	0	0	4	0	0
Jun 2022	1	0	0	0	0	1	0
Total	3	0	0	2	15	11	4

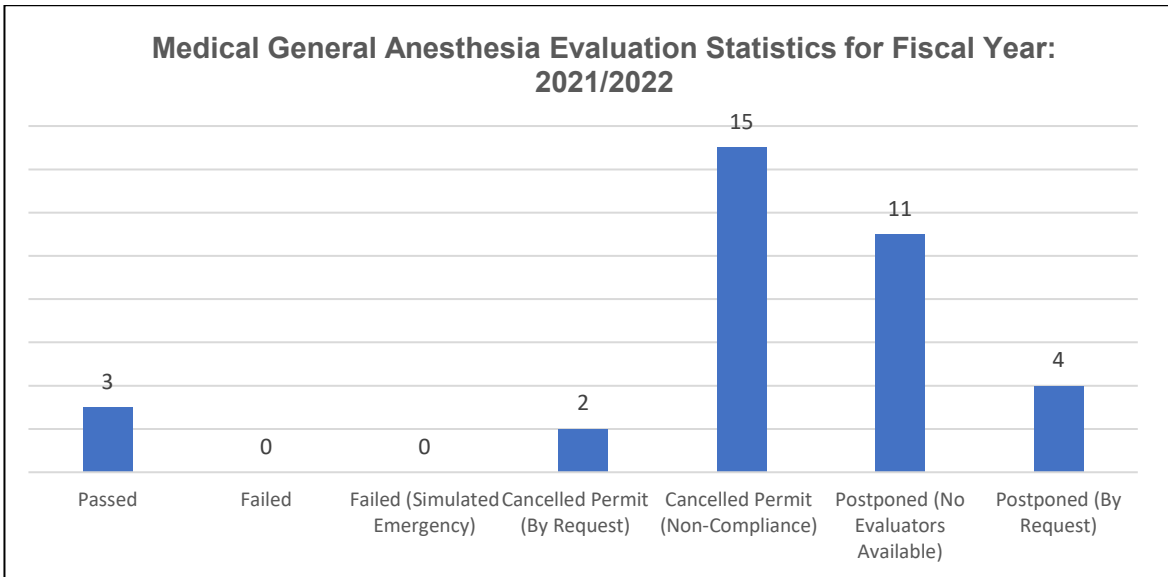
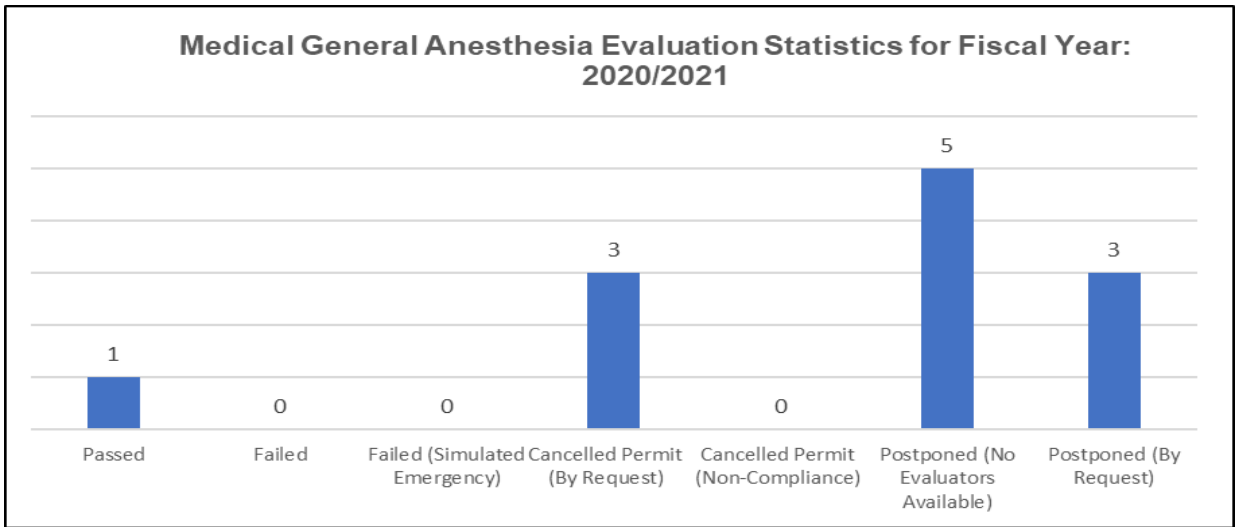
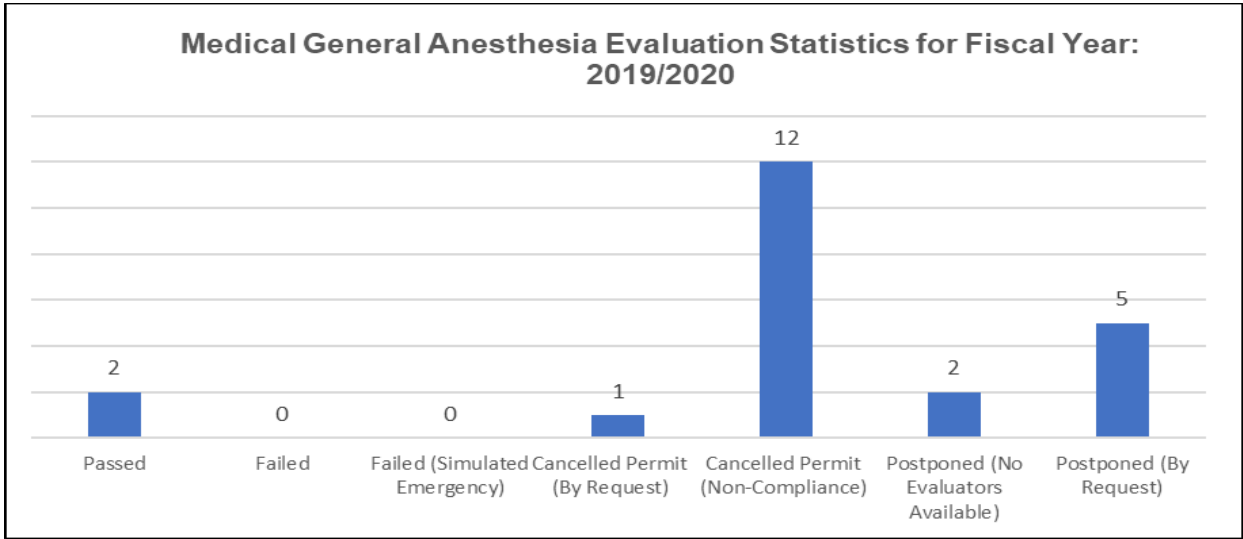
* Approximate number of evaluations scheduled for June 2022.

Medical General Anesthesia Evaluation Statistics for Fiscal Years 18/19, 19/20, 20/21, and 21/22.

	18/19	19/20	20/21	21/22*
Passed Evaluation – Permit holder met all required components of the on-site evaluation	2	2	1	3
Failed Evaluation – Permit holder failed due to multiple deficient components that were required for the on-site evaluation	0	0	0	0
Failed Simulated Emergency – Permit holder failed one or more simulated emergency scenarios required for the on-site evaluation	0	0	0	0
Cancelled Permit by Request – Permit holder no longer needed permit, retired, went with different permit, and/or Covid-19 related issues	8	1	3	2
Cancelled Permit for Non-Compliance – Permit holder did not complete evaluation by requested time frame	16	12	0	15
Postponed (No Evaluators Available) – Permit holder evaluation was postponed due to no available evaluators for their requested evaluation	2	2	5	11
Postponed (By Request) – Permit holder had requested postponement due to scheduling conflict, emergencies, and/or Covid-19 related issue	0	5	3	4

* Approximate number of evaluations scheduled for fiscal year 21/22.





* Approximate number of evaluations scheduled for fiscal year 2021/2022.

Current Evaluators per Region

Region	GA	CS	MGA
Northern California	124	62	17
Southern California	153	89	14

Action Requested:

No action requested; data provided is informational only.



MEMORANDUM

DATE	August 2, 2022
TO	Members of the Dental Board of California (Board)
FROM	Jessica Olney, Board Staff Services Manager I Dental Board of California
SUBJECT	Agenda Item 22(b): Update Regarding Board Implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018)

Background

On September 29, 2018, Governor Brown signed SB 501. Although some provisions of the bill became effective on January 1, 2019, provisions governing the use of minimal, moderate, and deep sedation and general anesthesia became effective on January 1, 2022, and impact General Anesthesia (GA), Medical General Anesthesia (MGA), Conscious Sedation (CS), and Oral Conscious Sedation (OCS) for Minors permit holders in California.

SB 501 repealed Business and Professions Code (BPC) sections 1646-1646.10 (General Anesthesia), 1647-1647.9.5 (Conscious Sedation), and 1647.10-1647.17.5 (Oral Conscious Sedation for Pediatric Patients), and added BPC sections 1601.8, 1646-1646.13 (Deep Sedation and General Anesthesia), 1647-1647.12 (Moderate Sedation), and 1647.30-1647.36 (Pediatric Minimal Sedation). As a result, significant updates to the current anesthesia and sedation permit program need to be implemented. These changes require new pediatric endorsement and patient monitoring requirements when administering anesthesia or sedation to a minor patient, and the new Pediatric Minimal Sedation (PMS) permit will be required to administer or order the administration of pediatric minimal sedation on a patient under the age of 13.

Regulations to Implement SB 501

In 2020, Board staff began working with subject matter experts and Legal Counsel to develop draft regulations needed to implement required changes. The proposed regulatory language was approved by the Board on November 19, 2021, and the Board submitted the initial rulemaking file and necessary materials to the Office of Administrative Law (OAL) for publication in the California Regulatory Notice Register, which initiated a 45-day public comment period on the proposed regulations on December 31, 2021.

During the 45-day public comment period, which closed on February 15, 2022, Board staff received several written public comments, as well as four requests for a public
 Agenda Item 22(b): Update Regarding Board Implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018)
 Dental Board of California Meeting
 August 25-26, 2022

hearing. A public hearing was held on February 16, 2022, through WebEx teleconferencing, and seven members of the public offered public comment. On March 14, 2022, the Board held a meeting for which staff prepared a summary of the comments received and proposed Board responses. In addition, staff presented additional modifications to the proposed regulations to clean-up typographical errors and correct inadvertent omissions of necessary information in the proposal that were identified during the review.

The Board discussed and took action to accept staff recommendations on the comments received. The Board approved the modified text and documents added to the rulemaking file and directed staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes and notice of the addition of documents added to the rulemaking file for an additional 15-day comment period; if after the 15-day public comment period, no adverse comments were received, the Board authorized the Executive Officer to make any non-substantive changes to the proposed regulations, and adopt the proposed regulations (including the decision not to repeal section 1044.4) as described in the modified text notice. The rulemaking file was noticed and posted to the Board's website on March 18, 2022. The 15-day public comment period closed on April 4, 2022, and staff received one adverse comment that was subsequently withdrawn.

The final rulemaking package was submitted to OAL and the Department of Finance on May 2, 2022. On June 8, 2022, Board staff began discussions with OAL staff regarding items identified in the proposed text that would require substantive changes and approval from the Board. On June 14, 2022, Board staff withdrew the rulemaking file to make changes to the proposed text necessary for final approval.

On June 28, 2022, the Board held a meeting, during which staff presented the additional modifications to the proposed regulations that were identified in the review conducted by OAL. The Board discussed and took action to approve the second modified text and forms and directed staff to take all steps necessary to complete the rulemaking process, including sending out the second modified text notice with these changes for an additional 15-day comment period; if after the 15-day public comment period, no adverse comments were received, the Board authorized the Executive Officer to make any non-substantive changes to the proposed regulations, and adopt the proposed regulations as described in the second modified text notice.

The rulemaking file of the second modified text was noticed and posted to the Board's website on June 29, 2022. The 15-day public comment period closed on July 14, 2022. Adverse comments were received; however, they were found not to be related to the second modified text and would not be considered. On July 21, 2022, the final rulemaking package was submitted to OAL, and staff are awaiting final approval.

BreZE Implementation of SB 501 Permits

To implement the new SB 501 permits, BreZE must be configured to incorporate the statutory and regulatory requirements to issue or renew those permits. Initial BreZE design meetings were held in March 2022, and staff began working with the vendor to

Agenda Item 22(b): Update Regarding Board Implementation of SB 501 (Glazer, Chapter 929, Statutes of 2018)

Dental Board of California Meeting
August 25-26, 2022

Page 2 of 3

develop the initial design documents needed to configure a simplified version of BreEZe that is being developed concurrently with the SB 501 regulations approval process. The configuration of the BreEZe system is ongoing; however, initial updates capable of issuing the new permits and pediatric endorsements were completed on June 8, 2022.

Action Requested

No action requested; data provided is informational only.



MEMORANDUM

DATE	July 25, 2022
TO	Members of the Dental Board of California (Board)
FROM	Jessica Olney, Anesthesia Unit Manager Dental Board of California
SUBJECT	Agenda Item 22(c): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1646.9 and Repeal Business and Professions Code Section 2079 Regarding Physician and Surgeon General Anesthesia Permit

Issue

Board staff have identified ambiguities in the Dental Practice Act (Act) regarding Business and Professions Code (BPC) section 1646.9 and the issuance of general anesthesia permits to physicians and surgeons who desire to administer general anesthesia or deep sedation in the office of a licensed dentist for dental patients. Board staff request the Board to review these ambiguities and determine whether statutory amendments are necessary to clarify the ambiguities.

Background

Assembly Bill (AB) 745 (Chapter 505, Statutes of 1998), which became effective on September 15, 1998, added BPC section 1646.9 and authorized a physician and surgeon licensed pursuant to chapter 5 (commencing with section 2000) to administer general anesthesia in the office of a licensed dentist for dental patients, without regard to whether the dentist possessed a general anesthesia permit issued by the Board, if the specified conditions were met. AB 745 also required a physician and surgeon applying for a Board-issued general anesthesia permit to submit the general anesthesia permit application and a fee to the Medical Board of California (MBC) for the MBC’s review of the applicant’s license status and successful completion of a post graduate residency training program in anesthesiology recognized by the American Council on Graduate Medical Education (ACGME), and to inform the Board whether the MBC had determined the applicant had successfully completed the ACGME-recognized program.

Senate Bill 501 (Glazer, Chapter 929, Statutes of 2018), among other things, repealed and recast BPC section 1646.9 and authorized a physician and surgeon licensed pursuant to chapter 5 (commencing with section 2000) to administer deep sedation or general anesthesia in the office of a licensed dentist for dental patients, without regard to

Agenda Item 22(c): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1646.9 and Repeal Business and Professions Code Section 2079 Regarding Physician and Surgeon General Anesthesia Permit
 Dental Board of California Meeting
 August 25-26, 2022

whether the dentist possesses a general anesthesia permit if all of the following conditions are met:

- (1) The physician and surgeon possesses a current license in good standing to practice medicine in this state.
- (2) The physician and surgeon holds a valid general anesthesia permit issued by the Board.
- (3) The physician and surgeon meets the requirements of subdivision (d) of Section 1646.1.

BPC section 1646.9, subdivision b, specifies that a physician and surgeon who desires to administer deep sedation or general anesthesia shall apply to the Board by submitting: the application form; applicable fee; evidence satisfactory to the MBC showing the applicant has successfully completed a postgraduate residency training in anesthesiology recognized by the ACGME, as set forth in BPC section 2079; documentation that all equipment and drugs required by the Board are on the premises for use in any dental setting in which he or she administers deep sedation or general anesthesia; and information relative to current membership of the applicant on hospital medical staffs.

Generally, physicians and surgeons are licensed under BPC, division 2, chapter 5. Some physicians and surgeons are licensed by the MBC pursuant to BPC section 2004, and some physicians and surgeons are licensed by the OMBC, which is separate and apart from the MBC. The OMBC is a constitutionally created entity under the Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), and the OMBC enforces those provisions of the Medical Practice Act beginning at BPC section 2220 (codified at BPC, § 3600). As such, the OMBC, not the MBC, issues licenses to osteopathic physicians and surgeons.

Board staff have identified ambiguities and inefficiencies regarding issuance of general anesthesia permits to physicians and surgeons and propose amendments to BPC section 1646.9 and repeal of BPC section 2079 to improve application process efficiencies.

Discussion

As noted above, BPC section 1646.9, subdivision (a), authorizes physicians and surgeons licensed pursuant to “Chapter 5 (commencing with Section 2000)” to administer deep sedation or general anesthesia in the office of a licensed dentist for dental patients. BPC section 1646.9, subdivision (b), provides that a physician and surgeon who desires to administer deep sedation or general anesthesia in the office of a licensed dentist for dental patients shall apply for and obtain a general anesthesia permit issued by the Board. Since BPC, division 2, chapter 5 includes physicians and surgeons licensed by the MBC, as well as physicians and surgeons licensed by OMBC, BPC section 1646.9 currently authorizes physicians and surgeons licensed by either the MBC or OMBC to apply for and obtain a general anesthesia permit from the Board.

BPC section 1646.9, subdivision (b)(1)(B), requires a physician and surgeon applying for a Board general anesthesia permit to submit evidence satisfactory to the MBC showing that the applicant has successfully completed a postgraduate residency training program

Agenda Item 22(c): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1646.9 and Repeal Business and Professions Code Section 2079 Regarding Physician and Surgeon General Anesthesia Permit
Dental Board of California Meeting
August 25-26, 2022

Page 2 of 4

in anesthesiology, as specified, and set forth in BPC section 2079. However, osteopathic physicians and surgeons are licensed by OMBC and are not under the jurisdiction of the MBC. The Osteopathic Act does not reference BPC section 2079. However, osteopathic physicians and surgeons are required to submit certification of completion of at least 12 months of ACGME postgraduate training or American Osteopathic Association (AOA) rotating internship to obtain full OMBC licensure (CCR, tit. 16, § 1611, subs. (e)).

Board staff believe BPC section 1646.9, subdivision (a), should be clarified in its application to physicians and surgeons licensed by either the MBC or OSMBC. To resolve the ambiguity, Board staff recommend BPC section 1646.9, subdivision (a), be amended to add clarifying language, “by the Medical Board of California or Osteopathic Medical Board of California,” to specify that physicians and surgeons licensed pursuant to chapter 5 can apply for a Board-issued general anesthesia permit.

In addition, BPC section 1646.9, subdivision (b)(1)(B), appears inconsistent by potentially requiring a licensed osteopathic physician and surgeon applicant to submit evidence satisfactory to a board that does not regulate the applicant (MBC), instead of referencing the board that does regulate the applicant (OMBC). Further, there does not appear to be a need to require the MBC to review the applicant’s evidence showing completion of an ACGME-recognized postgraduate residency training program. Board staff have the ability to look up the applicant’s resident or postgraduate program to confirm the program’s recognition by the ACGME or AOA, as applicable, in anesthesiology. Staff further note that requiring a physician and surgeon to submit evidence satisfactory to the MBC would not apply to OMBC-licensed applicants and is an unnecessary barrier to general anesthesia permitting by the Board.

To resolve this issue, Board staff recommend repealing the requirement under BPC section 2079 for MBC application review for Board-issued general anesthesia permits, and striking that text from BPC section 1646.9, subdivision (b)(2). To confirm current physician and surgeon licensure status, currently included under BPC section 2079, subdivision (b)(1), BPC section 1646.9, subdivision (b)(1), could be added to require the applicant to submit a certified license history issued by the applicable licensing board. Board staff further recommend authorizing OMBC-licensed applicants to submit evidence of completing anesthesia training through an AOA rotating internship.

Action Requested

The Board is asked to discuss and consider the above-described recommendation. If the Board agrees with the proposed amendments to BPC section 1646.9 and repeal of BPC section 2079, the Board is asked to consider a motion to include in the Board’s Sunset Review a recommendation to the California State Legislature to amend Business and Professions Code section 1646.9 to clarify the ability of OMBC-licensed physicians and surgeons to apply for a Board-issued general anesthesia permit and repeal Business and Professions Code section 2079 to remove the MBC review of a physician and surgeon licensee’s general anesthesia permit application and related documentation.

Agenda Item 22(c): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1646.9 and Repeal Business and Professions Code Section 2079 Regarding Physician and Surgeon General Anesthesia Permit
Dental Board of California Meeting
August 25-26, 2022

Page 3 of 4

Attachment: Legislative Proposal Regarding Business and Professions Code Sections 1646.9 and 2079 General Anesthesia Permit for Physician and Surgeon

Agenda Item 22(c): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 1646.9 and Repeal Business and Professions Code Section 2079 Regarding Physician and Surgeon General Anesthesia Permit
Dental Board of California Meeting
August 25-26, 2022

Page 4 of 4

DENTAL BOARD OF CALIFORNIA
LEGISLATIVE PROPOSAL REGARDING
BUSINESS AND PROFESSIONS CODE SECTIONS 1646.9 AND 2079
GENERAL ANESTHESIA PERMIT FOR PHYSICIAN AND SURGEON

Additions are indicated in single underline.

Deletions are indicated in ~~single strikethrough~~.

Amend section 1646.9 of the Business and Professions Code as follows:

1646.9. (a) A physician and surgeon licensed by the Medical Board of California or Osteopathic Medical Board of California pursuant to Chapter 5 (commencing with Section 2000) may administer deep sedation or general anesthesia in the office of a licensed dentist for dental patients, without regard to whether the dentist possesses a permit issued pursuant to this article, if all of the following conditions are met:

- (1) The physician and surgeon possesses a current license in good standing to practice medicine in this state.
- (2) The physician and surgeon holds a valid general anesthesia permit issued by the Dental Board of California pursuant to subdivision (b).
- (3) The physician and surgeon meets the requirements of subdivision (d) of Section 1646.1.

(b) A physician and surgeon who desires to administer deep sedation or general anesthesia as set forth in subdivision (a) shall apply to the board on an application form prescribed by the board and shall submit all of the following:

(1) Certified license history issued by the Medical Board of California or Osteopathic Medical Board of California, as applicable to the applicant's license, showing the physician and surgeon license number and current license status.

~~(4)~~ The payment of an application fee prescribed by this article.

~~(2)~~ Evidence ~~satisfactory to the Medical Board of California~~ showing that the applicant has successfully completed a postgraduate residency training program in anesthesiology that is recognized by the American Council on Graduate Medical Education or anesthesia training through an American Osteopathic Association rotating internship, as set forth in Section 2079.

(34) Documentation demonstrating that all equipment and drugs required by the board are on the premises for use in any dental office in which ~~he or she~~ the applicant administers deep sedation or general anesthesia.

(45) Information relative to the current membership of the applicant on hospital medical staffs.

(c) Prior to issuance or renewal of a permit pursuant to this section, the board may, at its discretion, require an onsite inspection and evaluation of the facility, equipment, personnel, including, but not limited to, the physician and surgeon, and procedures utilized. At least one of the persons evaluating the procedures utilized by the physician and surgeon shall be a licensed physician and surgeon expert in outpatient deep sedation or general anesthesia who has been authorized or retained under contract by the board for this purpose.

(d) The permit of a physician and surgeon who has failed an onsite inspection and evaluation shall be automatically suspended 30 days after the date on which the board notifies the physician and surgeon of the failure unless within that time period the physician and surgeon has retaken and passed an onsite inspection and evaluation. Every physician and surgeon issued a permit under this article shall have an onsite inspection and evaluation at least once every five years. Refusal to submit to an inspection shall result in automatic denial or revocation of the permit.

(e) A physician and surgeon who additionally meets the requirements of paragraphs (2) and (3) of subdivision (c) of Section 1646.2 may apply to the board for a pediatric endorsement to provide deep sedation or general anesthesia to a child under seven years of age. A physician and surgeon without sufficient cases to obtain a pediatric endorsement may qualify for the endorsement pursuant to the requirements of subdivision (d) of Section 1646.2.

Repeal section 2079 of the Business and Professions Code:

~~**2079.** (a) A physician and surgeon who desires to administer general anesthesia in the office of a dentist pursuant to Section 1646.9, shall provide the Medical Board of California with a copy of the application submitted to the Dental Board of California pursuant to subdivision (b) of Section 1646.9 and a fee established by the board not to exceed the costs of processing the application as provided in this section.~~

~~(b) The Medical Board of California shall review the information submitted and take action as follows:~~

~~(1) Inform the Dental Board of California whether the physician and surgeon has a current license in good standing to practice medicine in this state.~~

~~(2) Verify whether the applicant has successfully completed a postgraduate residency training program in anesthesiology and whether the program has been recognized by the American Council on Graduate Medical Education.~~

~~(3) Inform the Dental Board of California whether the Medical Board of California has determined that the applicant has successfully completed the postgraduate residency training program in anesthesiology recognized by the American Council on Graduate Medicine.~~



MEMORANDUM

DATE	July 14, 2022
TO	Members of the Dental Board of California
FROM	Jessica Olney, Anesthesia Unit Manager Dental Board of California
SUBJECT	Agenda Item 22(d): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1647.18, 1647.19, 1647.20, and 1724 Regarding Oral Conscious Sedation for Adults Certificate Requirements

IDENTIFICATION OF ISSUE(S)

To increase consumer protection for dental patients, Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018) revamped general anesthesia and sedation statutes in the Dental Practice Act, repealed Business and Professions Code (BPC) sections 1646-1646.10 (General Anesthesia), 1647-1647.9.5 (Conscious Sedation), and 1647.10-1647.17.5 (Oral Conscious Sedation for Pediatric Patients), and added BPC sections 1601.8, 1646-1646.13 (Deep Sedation and General Anesthesia), 1647-1647.12 (Moderate Sedation), and 1647.30-1647.36 (Pediatric Minimal Sedation). However, statutes authorizing administration of oral conscious sedation for adult patients (BPC, §§ 1647.18-1647.26) were not updated. Board staff have identified various provisions regarding oral conscious sedation for adult patients that should be amended to conform to the recent changes to general anesthesia and sedation statutes, as well as remove outdated eligibility documentation for oral conscious sedation for adult patient certification.

BACKGROUND

Assembly Bill (AB) 1386 (Laird, Chapter 539, Statutes of 2005) added BPC sections 1647.18 through 1647.26 for the use of oral conscious sedation for adult patients. Prior to the addition of these statutes, a dentist was not required to apply for and maintain a permit to administer or order the administration of oral conscious sedation to adult patients. AB 1386 allowed the Board to ensure that the drugs and techniques used for oral conscious sedation had a margin of safety wide enough to render unintended loss of consciousness, required that any office in which oral conscious sedation is administered to meet facility and equipment standards set forth in regulation, and allowed a dentist who had been using oral conscious sedation on adult patients prior to Agenda Item 22(d): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1647.18, 1647.19, 1647.20, and 1724 Regarding Oral Conscious Sedation for Adults Certificate Requirements
 Dental Board of California Meeting
 August 25-26, 2022

the effective date of that bill to qualify by submitting documentation of satisfactorily completing 10 cases of oral conscious sedation on an adult patient within a three year period ending no later than December 31, 2005.

As noted above, SB 501 recently updated the general anesthesia and sedation permit statutes, renamed the prior conscious sedation permit to be the moderate sedation permit, replaced the oral conscious sedation for minors permit with the pediatric minimal sedation permit, and created a new pediatric endorsement to administer general anesthesia and sedation to pediatric patients.

DISCUSSION AND RECOMMENDATIONS

Board staff propose to amend BPC sections 1647.18, 1647.19, 1647.20, and 1724 to update the oral conscious sedation for adults statutes and repeal an outdated eligibility exemption, as follows.

A. Updating “Certification” Provisions

BPC section 1647.18, subdivision (b), defines “certification” to mean the issuance of a certificate to a dentist licensed by the board who provides the board with his or her name and the location at which the administration of oral conscious sedation will occur, and fulfills the requirements specified in Sections 1647.12 and 1647.13. However, SB 501 repealed BPC sections 1647.12 (registration and requirements for certain dentists to administer oral conscious sedation to minors) and 1647.13 (required courses of study) and only recast BPC section 1647.12 as the operative provision for the new moderate sedation permit. In addition, proposed revisions to conform the certification process for adult oral conscious sedation would eliminate the need for the outdated definition. Notably, BPC section 1647.21 already requires an adult oral conscious sedation certificate holder to complete a minimum of seven hours of approved courses of study related to that certificate as a condition of renewal. As such, Board staff propose repealing the definition of “certification” in BPC section 1647.18, subdivision (b).

B. Requirements to Administer Oral Conscious Sedation to Adult Patients

BPC section 1647.19 establishes that to administer oral conscious sedation on an outpatient basis to an adult patient, the dentist must hold a valid general anesthesia permit, conscious sedation permit, or be certified by the Board to administer oral sedation to adult or minor patients, as specified. Board staff propose amending this statute to conform this provision to the statutory construction used in new BPC sections 1646.1 (general anesthesia and deep sedation), 1647.2 (moderate sedation), and

Agenda Item 22(d): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1647.18, 1647.19, 1647.20, and 1724 Regarding Oral Conscious Sedation for Adults Certificate Requirements
Dental Board of California Meeting
August 25-26, 2022

1647.31 (pediatric minimal sedation), which authorize, rather than prohibit, administration. Board staff also propose updating BPC section 1647.19, subdivision (a)(1) and (2), to change the term “conscious sedation” to the new term, “moderate sedation,” and remove the use of a minor oral conscious sedation certificate, which was repealed by SB 501, to administer adult oral conscious sedation.

Board staff also propose clarifying the expiration provision in BPC section 1647.19, subdivision (b), consistent with the new expiration provisions utilized in BPC sections 1646.10 and 1647.4, which rely on the 2-year expiration of licenses established in BPC section 1715.

BPC section 1647.20 establishes that a dentist who desires to administer, or order the administration of, oral conscious sedation for adult patients, who does not hold a general anesthesia permit, as provided in sections 1646.1 and 1646.2, does not hold a conscious sedation permit, as provided in sections 1647.2 and 1647.3, and has not been certified by the Board, pursuant to Section 1647.12, to administer oral conscious sedation to minor patients, shall register his or her name with the board on a registration form prescribed by the board. A review of BPC section 1647.20 identified that the provisions of SB 501 repealed BPC section 1647.2 and 1647.3 for the conscious sedation permit and the text is no longer valid. Board staff propose to conform BPC section 1647.20 with the new moderate sedation statutes by deleting the outdated reference to the conscious sedation permit and replacing it with the moderate sedation permit. Board staff also propose amending BPC section 1647.20 by revising the statutory construction to conform to BPC sections 1646.2, 1647.3, and 1647.32, to require the dentist who desires to administer, or the administration of, adult oral conscious sedation to apply to the Board on an application form. The proposed amendments also would clarify the certification, not registration, of the dentist holding an adult oral conscious sedation certificate.

C. Documentation of 10 Cases in the Administration of Oral Conscious Sedation

BPC section 1647.20, subdivision (d), is one of four current pathways for a dentist to obtain an oral conscious sedation for adults certificate. Board staff have determined that this method of qualification is outdated in that the documentation of 10 cases in the administration of oral conscious sedation must be within a three-year period ending no later than December 31, 2005. This would mean that cases would have been performed at least 17 years ago, as they needed to be completed no later than December 31, 2005. As dental sedation research and techniques advance, it would be appropriate to require that an applicant who has not administered oral conscious sedation since 2005 complete a course in the administration of oral conscious sedation for adult patients as approved by the Board. Therefore, the qualification of documentation of the 10 cases

Agenda Item 22(d): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1647.18, 1647.19, 1647.20, and 1724 Regarding Oral Conscious Sedation for Adults Certificate Requirements
Dental Board of California Meeting
August 25-26, 2022

that were performed almost two decades ago would not be in the best interest of consumer protection.

Accordingly, Board staff proposes that subdivision (d) of BPC section 1647.20 be repealed, as Board staff believe that the current comprehensive knowledge and training approach via completion of a dental post-graduate program (BPC, § 1647.20, subd. (a)), dental residency or post-doctoral program (BPC, § 1647.20, subd. (b)), or through an educational program that focuses specifically on oral medication and sedation (BPC, § 1647.20, subd. (c)) are better suited qualification methods that would result in safer and improved patient care.

D. Adult Oral Conscious Sedation Certificate Fee

SB 501 revised BPC section 1724 (fee schedule for dentists) to provide for the new general anesthesia and sedation permits established in that bill. Those revisions, in subdivision (r), inadvertently referred to the oral conscious sedation “permit,” rather than the “certificate” actually established in Article 2.86. Board staff propose amending BPC section 1724, subdivision (r) to properly refer to the adult oral conscious sedation certificate fee, rather than the oral conscious sedation permit fee.¹

OPERATIONAL/FISCAL IMPACT

Board staff have made an initial determination that the proposed statutory amendments would not have a significant operational impact to the demand of more staff, or higher expectancy of licensee’s applying for or renewing an adult oral conscious sedation certificate. It has been determined that the statutory amendments would have minimal fiscal impact to updating the online system to reflect new language for the certificate requirements.

CRITICAL TIMEFRAMES

The proposed statutory changes do not impose any critical timeframes.

ACTION REQUESTED

The Board is asked to discuss and consider the above-described legislative proposal. If the Board approves of the legislative proposal, the Board is asked to include in the Board’s next Sunset Review Report a recommendation to amend Business and

¹ The Board’s SB 501 rulemaking properly refers to the oral conscious sedation certificate, not a permit, so no regulatory changes would be necessary for this issue.

Professions Code sections 1647.18, 1647.19, 1647.20, and 1724 to clarify the oral conscious sedation for adult patients certificate requirements.

ATTACHMENT: Legislative Proposal to Amend BPC Sections 1647.18, 1647.19, 1647.20, and 1724 Oral Conscious Sedation for Adult Patients

Agenda Item 22(d): Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1647.18, 1647.19, 1647.20, and 1724 Regarding Oral Conscious Sedation for Adults Certificate Requirements
Dental Board of California Meeting
August 25-26, 2022

Page 5 of 5

DENTAL BOARD OF CALIFORNIA
LEGISLATIVE PROPOSAL TO AMEND
BUSINESS AND PROFESSIONS CODE SECTIONS 1647.18, 1647.19, 1647.20, AND
1724
ORAL CONSCIOUS SEDATION FOR ADULT PATIENTS

Additions are indicated in single underline.

Deletions are indicated in ~~single strikethrough~~.

Amend sections 1647.18, 1647.19, 1647.20, and 1724 of the Business and Professions Code as follows:

1647.18. As used in this article, the following terms have the following meanings:

(a) "Adult patient" means a dental patient 13 years of age or older.

~~(b) "Certification" means the issuance of a certificate to a dentist licensed by the board who provides the board with his or her name and the location at which the administration of oral conscious sedation will occur, and fulfills the requirements specified in Sections 1647.12 and 1647.13.~~

(e) "Oral conscious sedation" means a minimally depressed level of consciousness produced by oral medication that retains the patient's ability to maintain independently and continuously an airway, and respond appropriately to physical stimulation or verbal command. "Oral conscious sedation" does not include dosages less than or equal to the single maximum recommended dose that can be prescribed for home use.

(1) The drugs and techniques used in oral conscious sedation shall have a margin of safety wide enough to render unintended loss of consciousness unlikely. Further, patients whose only response is reflex withdrawal from painful stimuli would not be considered to be in a state of oral conscious sedation.

(2) For the handicapped individual, incapable of the usually expected verbal response, a minimally depressed level of consciousness for that individual should be maintained.

1647.19. ~~(a) Notwithstanding subdivision (a) of Section 1647.2, a~~A dentist may not administer or order the administration of oral conscious sedation on an outpatient basis to an adult patient ~~unless~~if the dentist possesses a current license in good standing to practice dentistry in California, and one of the following conditions is met:

(1) The dentist holds a valid general anesthesia permit or, ~~holds a conscious moderate sedation permit,~~ or obtains an oral conscious sedation for adult patients

~~certificate has been certified by the board, pursuant to Section 1647.20, to administer oral sedation to adult patients, or has been certified by the board, pursuant to Section 1647.12, to administer oral conscious sedation to minor patients.~~

(2) The dentist possesses a current permit issued under Section 1638 or 1640 and ~~either holds a valid general anesthesia permit or, or conscious moderate sedation permit, or possesses a obtains an oral conscious sedation for adult patients certificate as a provider of oral conscious sedation to adult patients in compliance with, and pursuant to Section 1647.20, this article.~~

~~(b) Certification as a provider of oral conscious sedation to adult patients expires at the same time the license or permit of the dentist expires unless renewed at the same time the dentist's license or permit is renewed after its issuance. An oral conscious sedation for adult patients certificate shall expire on the date specified in Section 1715 that next occurs after its issuance, unless certification it is renewed as provided in this article.~~

(c) This article shall not apply to the administration of local anesthesia or a mixture of nitrous oxide and oxygen, or to the administration, dispensing, or prescription of postoperative medications.

1647.20. A dentist who desires to administer, or order the administration of, oral conscious sedation for adult patients, who does not hold a general anesthesia permit, as provided in Sections 1646.1 and 1646.2, ~~does not hold or a conscious moderate sedation permit, as provided in Sections 1647.2 and 1647.3, and has not been certified by the board, pursuant to Section 1647.12, to administer oral conscious sedation to minor patients,~~ shall register his or her name with apply to the board on an registration application form prescribed by the board. The dentist shall submit the registration certification fee and evidence showing that ~~he or she~~ the applicant satisfies any of the following requirements:

(a) Satisfactory completion of a postgraduate program in oral and maxillofacial surgery approved by either the Commission on Dental Accreditation or a comparable organization approved by the board.

(b) Satisfactory completion of a periodontics or general practice residency or other advanced education in a general dentistry program approved by the board.

(c) Satisfactory completion of a board-approved educational program on oral medications and sedation.

~~(d) For an applicant who has been using oral conscious sedation in connection with the treatment of adult patients, submission of documentation as required by the board of 10 cases of oral conscious sedation satisfactorily performed by the applicant on adult patients in any three-year period ending no later than December 31, 2005.~~

1724. The amount of charges and fees for dentists licensed pursuant to this chapter shall be established by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dentists, subject to the following limitations:

(a) The fee for an application for licensure qualifying pursuant to paragraph (1) of subdivision (c) of Section 1632 shall not exceed one thousand five hundred dollars (\$1,500). The fee for an application for licensure qualifying pursuant to paragraph (2) of subdivision (c) of Section 1632 shall not exceed one thousand dollars (\$1,000).

(b) The fee for an application for licensure qualifying pursuant to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

(c) The fee for an application for licensure qualifying pursuant to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

(d) The fee for an initial license and for the renewal of a license is five hundred twenty-five dollars (\$525). On and after January 1, 2016, the fee for an initial license shall not exceed six hundred fifty dollars (\$650), and the fee for the renewal of a license shall not exceed six hundred fifty dollars (\$650). On and after January 1, 2018, the fee for an initial license shall not exceed eight hundred dollars (\$800), and the fee for the renewal of a license shall not exceed eight hundred dollars (\$800).

(e) The fee for an application for a special permit shall not exceed one thousand dollars (\$1,000), and the renewal fee for a special permit shall not exceed six hundred dollars (\$600).

(f) The delinquency fee shall be 50 percent of the renewal fee for such a license or permit in effect on the date of the renewal of the license or permit.

(g) The penalty for late registration of change of place of practice shall not exceed seventy-five dollars (\$75).

(h) The fee for an application for an additional office permit shall not exceed seven hundred fifty dollars (\$750), and the fee for the renewal of an additional office permit shall not exceed three hundred seventy-five dollars (\$375).

(i) The fee for issuance of a replacement pocket license, replacement wall certificate, or replacement engraved certificate shall not exceed one hundred twenty-five dollars (\$125).

(j) The fee for a provider of continuing education shall not exceed five hundred dollars (\$500) per year.

(k) The fee for application for a referral service permit and for renewal of that permit shall not exceed twenty-five dollars (\$25).

(l) The fee for application for an extramural facility permit and for the renewal of a permit shall not exceed twenty-five dollars (\$25).

(m) The fee for an application for an elective facial cosmetic surgery permit shall not exceed four thousand dollars (\$4,000), and the fee for the renewal of an elective facial cosmetic surgery permit shall not exceed eight hundred dollars (\$800).

- (n) The fee for an application for an oral and maxillofacial surgery permit shall not exceed one thousand dollars (\$1,000), and the fee for the renewal of an oral and maxillofacial surgery permit shall not exceed one thousand two hundred dollars (\$1,200).
- (o) The fee for an application for a general anesthesia permit shall not exceed one thousand dollars (\$1,000), and the fee for the renewal of a general anesthesia permit shall not exceed six hundred dollars (\$600).
- (p) The fee for an onsite inspection and evaluation related to a general anesthesia or moderate sedation permit shall not exceed four thousand five hundred dollars (\$4,500).
- (q) The fee for an application for a moderate sedation permit shall not exceed one thousand dollars (\$1,000), and the fee for the renewal of a conscious sedation permit shall not exceed six hundred dollars (\$600).
- (r) The fee for an application for an adult oral conscious sedation ~~permit~~certificate shall not exceed one thousand dollars (\$1,000), and the fee for the renewal of an adult oral conscious sedation ~~permit~~certificate shall not exceed six hundred dollars (\$600).
- (s) The fee for an application for a pediatric minimal sedation permit shall not exceed one thousand dollars (\$1,000), and the fee for the renewal of a pediatric minimal sedation permit shall not exceed six hundred dollars (\$600).
- (t) The fee for a certification of licensure shall not exceed one hundred twenty-five dollars (\$125).
- (u) The fee for an application for the law and ethics examination shall not exceed two hundred fifty dollars (\$250).
- (v) This section shall become operative on January 1, 2022.



MEMORANDUM

DATE	June 22, 2022
TO	Members of the Dental Board of California
FROM	Paige Ragali, Licensing and Examination Unit Manager Dental Board of California
SUBJECT	Agenda Item 23: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1701.5 and 1804 Regarding Fictitious Name Permit and Dental Corporation Name Requirements

IDENTIFICATION OF ISSUE(S)

Pursuant to Business and Professions Code (BPC) section 1701.5, a dentist, pair of dentists, or association or partnership or corporation or group of three or more dentists may practice under a fictitious name if the dentist, pair of dentists, or association, partnership, corporation, or group holds a valid fictitious name permit (FNP) issued by the Dental Board of California (Board), as specified. Board staff have identified problems with the information required to be reported on the FNP application, compliance with the statutory requirements, and the representation of the fictitious name to the public. If amendments are made to BPC section 1701.5 to clarify the FNP requirements, similar revisions should be made to BPC section 1804 to clarify dental corporation names.

BACKGROUND

Pursuant to BPC section 1701.5, the Board issues FNPs to dentists who wish to engage in dental practice under a fictitious name at a specified location. The Board receives an average of 800 FNP applications per year. Board staff review and process the applications for FNPs for dental offices that are owned by a sole proprietor, two dentists, or three or more dentists as an association, partnership, corporation, or group. The sole purpose of an FNP is to inform the public which individual(s) or business entity is conducting business under the assumed or fictitious name. The FNP does not reserve the name, provide rights to the use of the name, or prevent another party from using the name.

The Board will grant an FNP to an applicant if the Board finds to its satisfaction that:

Agenda Item 23: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1701.5 and 1804 Regarding Fictitious Name Permit and Dental Corporation Name Requirements
 Dental Board of California Meeting
 August 25-26, 2022

- (a) The applicant or applicants are duly licensed dentists.
- (b) The place or establishment, or the portion thereof, where the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at the place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants.
- (c) The name that the applicant or applicants propose to operate contains at least one of the following designations: “dental group,” “dental practice,” or “dental office” and contains the family name of one or more of the past, present, or prospective associates, partners, shareholders, or members of the group, and is in conformity with Section 651 and subdivisions (i) and (l) of Section 1680.
- (d) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any persons practicing at that location. (BPC, § 1701.5.)

In addition to the naming requirements in BPC section 1701.5, subdivision (c), BPC section 1804 requires the name of a dental corporation and any name or names under which it may be rendering professional services to contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders and include the words “dental corporation” or wording or abbreviations denoting corporate existence, unless otherwise authorized by an FNP issued pursuant to BPC section 1701.5.

The Board has received questions and complaints from applicants regarding the eligibility criteria for FNPs. Applicants and staff are requesting that the Board clarify the following requirements: the application process; the allowable family name, specifically relating to past or prospective associates, partners, shareholders, or members of the group; the permit fees and term; and reporting changes in the practicing dentists at the location.

As the FNP is outlined solely in statute, Board staff propose amending BPC section 1701.5 to resolve these issues and make conforming changes to BPC section 1804. Board staff anticipate the proposed statutory amendments will benefit licensees, consumers, and Board staff by better identifying the dentists practicing under the fictitious name, clarify the FNP requirements, and make the FNP application and renewal process more efficient. The promulgation of regulations may not be necessary if the issues can be clarified through statute.

DISCUSSION AND RECOMMENDATIONS

Board staff propose to amend BPC section 1701.5 to resolve several issues that have arisen in FNP applications and make conforming changes to dental corporation naming requirements, as follows.

A. FNP Application Process

As noted above, dentists engaging in practice under a fictitious name must apply to the Board for an FNP. (BPC, § 1701.5.) A review of BPC section 1701.5 highlighted several problems with the FNP application process that could be clarified with amendments to the statute. Board staff propose changing the statutory text from requiring the Board to issue written permits if the Board finds to its satisfaction the permitholder has complied with the specified requirements, to instead require fictitious name applicants and permitholders to submit an application to the Board and provide information demonstrating compliance with the specified requirements. (Prop. BPC, § 1701.5, subds. (a), (b).) This amendment would update and better align the FNP application process with recent application processes established for other types of permits issued by the Board.

In addition, Board staff propose applicants should specify the names, license numbers, and contact information for each dentist engaging in practice under the fictitious name, rather than merely requiring the Board to find to its satisfaction that the applicant(s) are duly licensed dentists. (Prop. BPC, § 1701.5, subd. (b)(1).) Since the FNP applicant can be an entity rather than an individual, the FNP applicants also should identify the names, titles, and contact information for each officer, director, or shareholder of the association, partnership, group, or dental corporation, as applicable. (Prop. BPC, § 1701.5, subd. (b)(2).) These proposed changes would clarify the information applicants need to provide for the Board's review of the application.

The FNP statute should also be clarified to add the word "dental" before "corporation," which would conform the statute to the existing dental corporation statutes (BPC, § 1800 et seq.) that only authorize a dental corporation to render professional services, and the Moscone-Knox Professional Corporation Act (Corp. Code, § 13400 et seq.) under which the dental corporation must be formed. (Prop. BPC, § 1701.5, subd. (a), (b)(2), (3), (5).) The proposed amendment to clarify that a professional corporation can apply for the FNP would also conform to the fictitious-name permit statute under the Medical Practice Act (MPA) (see BPC, § 2415).

Board staff also propose FNP applicants should provide the address of the place or establishment, or portion thereof, where the dentists practice under the fictitious name. (Prop. BPC, § 1701.5, subd. (b)(3).) This requirement is inferred from current statutory text but should be clarified in statute. Additional non-substantive amendments to the

Agenda Item 23: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1701.5 and 1804 Regarding Fictitious Name Permit and Dental Corporation Name Requirements
Dental Board of California Meeting
August 25-26, 2022

Page 3 of 7

statute are also requested to better organize the FNP requirements. (Prop. BPC, § 1701.5, subds. (a), (b)(4), (5), and (6), and (e).)

B. FNP and Dental Corporation Name Containing Past or Prospective Dentist Family Names

BPC section 1701.5, subdivision (c), among other things, requires the fictitious name to contain the family name of one or more of the past, present, or prospective associates, partners, shareholders, or members of the group. Similarly, BPC section 1804 requires the name of a dental corporation to contain the name or the last name of one or more of the present, prospective, or former shareholders. However, when a dentist whose family name was used in the fictitious or corporate name is no longer practicing at the location associated with the fictitious name or otherwise associated with the dental corporation, to the general public, it would seem that the fictitious or corporate name is false or misleading. There may be an expectation of service from the dentist associated with the name who no longer engages in dental practice under that name. In addition, using the name of a prospective dentist who has not yet agreed to engage in practice under the fictitious or corporate name would be misleading if the dentist never practices under that fictitious name or becomes part of the dental corporation.

Recently, dental offices are using the first part of the fictitious name on the physical structure of the dental office and letterhead, and the family name only appears on the FNP. A review of the MPA shows the identification of a family name in the fictitious name is not required (see BPC, § 2415) and is likely unnecessary under the Dental Practice Act to protect dental consumers. Accordingly, Board staff propose that BPC sections 1701.5 and 1804 should be amended to remove the family name requirement. (Prop. BPC, §§ 1701.5, subd. (b)(5), 1804.) BPC section 1701.5 should also be clarified to require the remaining permitholders to report to the Board when the “named” dentist departs from the practice by applying to change the fictitious name to remove the family name of the department dentist. (Prop. BPC, § 1701.5, subd. (h).)

Further, BPC section 1804 currently requires a dental corporation to include “dental corporation” in the name, unless otherwise authorized by a valid permit issued pursuant to section 1701.5. Since a dental corporation enjoys the ability to practice dentistry and receives corporate protections under the Corporations Code, a dental corporation should be identified as such in its name. Accordingly, Board staff propose amending BPC section 1701.5 and 1804 to require the name of a dental corporation to indicate that corporate designation, rather than allowing the corporation to identify itself as a group, practice, or office. (Prop. BPC, § 1701.5, subd. (b)(5), 1804.) This provision is intended to apply to the initial naming of the dental corporation, not to the dental corporation’s subsequent FNP applications, as whole or partial owner, of dental offices at specified locations.

C. Initial and Renewal Permit Terms and Application Fees

BPC section 1724.5 establishes the amount of fees payable to the Board in connection with FNPs issued under BPC section 1701.5. However, BPC section 1724.5 is under Article 6 (Fees) of Chapter 4 of Division 2 of the BPC, while BPC section 1701.5 is under Article 5 (Offenses Against This Chapter). Board staff propose adding a new subdivision to BPC section 1701.5 to alert FNP applicants and permit holders of the initial permit and renewal fees required under BPC section 1724.5. (Prop. BPC, § 1701.5, subd. (c).)

In addition, BPC section 1701.5 currently advises permit holders that FNPs expire and become invalid unless renewed at the times and in the manner provided for the renewal of certificates issued under Chapter 4 (Dental Practice Act). To clarify the initial and renewal permit terms, Board staff propose revising the statute to explicitly state the permits are issued for a two-year term, which is consistent with the two-year term of dentist licenses pursuant to BPC section 1715. (Prop. BPC, § 1701.5, subd. (d).)

D. Disciplinary Action Against Sole Proprietor

BPC section 1701.5 currently delays discipline against an FNP when it is held by an association, partnership, group, or corporation. That delay would be appropriate when one dentist has been charged with unprofessional conduct violations, but the other dentists associated with the FNP are not parties to the formal disciplinary action.

However, when there is only one dentist associated with the FNP, the statute should be amended to authorize suspension or revocation of the FNP when the dentist license is suspended or revoked. This way, the FNP would be included in the accusation filed against the dentist license, which is more efficient to ensure consumer protection. As such, Board staff propose adding a new subdivision to require an FNP issued to a dentist in a sole practice to be suspended or revoked if the dentist's license is suspended or revoked. (Prop. BPC, § 1701.5, subd. (f).) This provision is modeled on BPC section 2415, subdivision (g), which authorizes the Medical Board of California to automatically revoke a fictitious-name permit in the event a licensee's certificate to practice medicine or podiatric medicine is revoked.

E. FNP Reporting Requirements for Additional or Departing Dentists

BPC section 1701.5, subdivision (d), authorizes the Board to issue an FNP if the Board finds that all licensed persons practicing in the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any persons practicing at the location. However, an issue has been raised whether dentists, especially contracting dentists, who join the practice after issuance of the FNP, must be added to the FNP.

Agenda Item 23: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1701.5 and 1804 Regarding Fictitious Name Permit and Dental Corporation Name Requirements
Dental Board of California Meeting
August 25-26, 2022

Page 5 of 7

The Board is asked to consider whether and how a dentist, including a contracting dentist, who engages in dental practice under the fictitious name after the FNP is issued should be reported to the Board. Further, the Board is asked to consider whether a departing dentist, who will no longer engage in practice under the fictitious name, should be reported to the Board and whether a departing dentist whose name was used in the fictitious name should be replaced in the fictitious name.

To resolve these issues, Board staff propose that any additions or departures of dentists engaged in practice under the fictitious name should be reported to the Board within 30 days of such addition or departure, which is consistent with the licensee change of address reporting requirement under BPC section 136, subdivision (a). (Prop. BPC, § 1701.5, subd. (h).)

For departing dentists whose names are used in the fictitious name, Board staff propose the departing dentist shall be removed as a permitholder, if applicable. (Prop. BPC, § 1701.5, subd. (h).) Removing a dentist as a permitholder may not be applicable if the FNP is held by an association, partnership, group, or dental corporation. In addition, Board staff propose that the remaining permitholder(s) be required to apply to the Board to change the fictitious name to remove the departing dentist's family name. (Prop. BPC, § 1701.5, subd. (h).) Board staff believe these changes will ensure consumers are better informed of the dentists practicing under the fictitious name.

OPERATIONAL/FISCAL IMPACT

Board staff have made an initial determination that the proposed statutory amendments would not have a significant operational impact in regard to the demand of more staff, or higher expectancy of licensee's applying for FNPs. It has been determined that the statutory amendments would have minimal fiscal impact in regard to updating the online system to reflect new language for permit requirements.

CRITICAL TIMEFRAMES

The proposed statutory changes do not impose any critical timeframes.

ACTION REQUESTED

The Board is asked to discuss and consider the above-described legislative proposal. If the Board approves of the legislative proposal, the Board is asked to include, in the Board's next Sunset Review Report, a recommendation to amend Business and Professions Code sections 1701.5 and 1804 to clarify the fictitious name permit application process and dental corporation name requirements.

ATTACHMENT: Legislative Proposal to Amend Business and Professions Code Sections 1701.5 and 1804 Fictitious Name Permits and Dental Corporation Name

Agenda Item 23: Discussion and Possible Action on Legislative Proposal to Amend Business and Professions Code Sections 1701.5 and 1804 Regarding Fictitious Name Permit and Dental Corporation Name Requirements
Dental Board of California Meeting
August 25-26, 2022

Page 7 of 7

DENTAL BOARD OF CALIFORNIA
LEGISLATIVE PROPOSAL TO AMEND
BUSINESS AND PROFESSIONS CODE SECTIONS 1701.5 AND 1804
FICTITIOUS NAME PERMITS AND DENTAL CORPORATION NAME

Additions are indicated in single underline.

Deletions are indicated in ~~single strikethrough~~.

Amend section 1701.5 of the Business and Professions Code as follows:

1701.5. (a) Any dentist who as a sole proprietor, or in an association, partnership, group, or dental corporation, desires to association or partnership or corporation or group of three or more dentists, engaging in practice under any name that would otherwise be in violation of Section 1701 may practice under this name if, and only if, the proprietor, association, partnership, group, or dental corporation or group holds an outstanding, unexpired, unsuspended, and unrevoked obtains and maintains in current status a fictitious name permit issued by the board under this section. ~~On and after July 1, 1995, any individual dentist or pair of dentists engaging in the practice of dentistry under any name that would otherwise be in violation of Section 1701 may practice under that name if and only if the dentist or pair of dentists hold an outstanding, unexpired, unsuspended, and unrevoked permit issued by the board under this section. The board shall issue written permits authorizing the holder to use a name specified in the permit in connection with the holder's practice if, and only if, the board finds to its satisfaction that:~~

(b) To obtain or renew a fictitious name permit pursuant to subdivision (a), the dentist, association, partnership, group, or dental corporation shall apply to the board on an application form prescribed by the board and provide all of the following information:

(a)1) The names, license numbers, and contact information for each dentist engaging in practice under the fictitious name ~~applicant or applicants are duly licensed dentists.~~

(2) As applicable, the names, titles, and contact information for each officer, director, or shareholder of the association, partnership, group, or dental corporation.

(b)3) The address of the place or establishment, or the portion thereof, where the dentist, as a sole proprietor, or dentist members of the association, partnership, or group, or dental corporation ~~applicant or applicants practice under the fictitious name.~~

(4) Evidence that the place or establishment, or the portion thereof, identified in paragraph (3) is owned or leased by the applicant or applicants, and the practice conducted at the place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants.

(e5) The fictitious name under which that the applicant or applicants propose to engage in dental practice that operate contains at least one of the following designations: “dental group,” “dental practice,” or “dental office,” or “dental corporation,” as applicable pursuant to Section 1804, and contains the family name of one or more of the past, present, or prospective associates, partners, shareholders, or members of the group, and is in conformity with Section 651 and subdivisions (i) and (l) of Section 1680.

(d6) The names and contact information for aAll licensed persons practicing at the location designated in the application place or establishment identified in paragraph (3), who must hold valid and outstanding licenses, and that no charges of unprofessional conduct are pending against any persons practicing at that place or establishment location.

(c) Initial permit application and renewal fees shall be submitted to the Board in accordance with Section 1724.5.

(d) Permits issued under this section by the board shall be issued for a two-year term expire and become invalid unless renewed at the times and in the manner provided for the renewal of certificates issued under this chapter.

(e) Any permits issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the holder to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(f) A fictitious name permit issued to a dentist in a sole practice shall be suspended or revoked in the event the dentist’s license to practice dentistry is suspended or revoked.

(g) In the event charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a member of an association, or partnership, or a member of a group, or dental corporation to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of the charges of unprofessional conduct and unless the charges have resulted in revocation or suspension of license.

(h) Any additions or departures of dentists engaged in practice under the fictitious name shall be reported to the Board within 30 days of such addition or departure. Additional dentists engaging in practice under the fictitious name shall comply with the requirements of paragraph (6) of subdivision (a). If a departing dentist is the dentist whose family name was used in the fictitious name, the departing dentist shall be removed as a permitholder, as applicable, and the remaining permitholder(s) shall apply to the Board to change the fictitious name to remove the family name of the departing dentist.

Amend section 1804 of the Business and Professions Code as follows:

1804. Notwithstanding subdivision (i) of Section 1680 and subdivision (g) of Section 1701, the name of a dental corporation and any name or names under which it may be rendering professional services shall ~~contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders and shall~~ include the words "dental corporation" or wording or abbreviations denoting corporate existence, ~~unless otherwise authorized by a valid permit issued pursuant to Section 4701.5.~~



MEMORANDUM

DATE	July 1, 2022
TO	Members of the Dental Board of California
FROM	David Bruggeman, Legislative and Regulatory Specialist Dental Board of California
SUBJECT	Agenda Item 24(a): 2022 Tentative Legislative Calendar – Information Only

Background:

The 2022 Tentative Legislative calendars for the Assembly and Senate are attached.

Action Requested:

No action requested

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

DEADLINES

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 14** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 17** Martin Luther King, Jr. Day.
- Jan. 21** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)).
Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).
-
- Feb. 18** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 21** Presidents' Day.
-
- Apr. 1** Cesar Chavez Day observed.
- Apr. 7** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Apr. 18** Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).
- Apr. 29** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20** Last day for **fiscal committees** to hear and report to the **floor** bills introduced in their house (J.R. 61 (b)(8)).
Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23 – 27** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- May 27** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 30** Memorial Day.
- May 31** Committee meetings may resume (J.R. 61(b)(12)).

JANUARY							
	S	M	T	W	TH	F	S
Interim Recess							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
Wk. 1	30	31					

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28					

MARCH							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28	29	30	31		

APRIL							
	S	M	T	W	TH	F	S
Wk. 1						1	2
Wk. 2	3	4	5	6	7	8	9
Spring Recess	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30

MAY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
No Hrgs.	22	23	24	25	26	27	28
Wk. 4	29	30	31				

*Holiday schedule subject to final approval by Rules Committee.

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

JUNE							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

June 30 Last day for a legislative measure to qualify for the Nov. 8 General Election ballot (Elections Code Sec. 9040).

JULY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Summer Recess	3	4	5	6	7	8	9
Summer Recess	10	11	12	13	14	15	16
Summer Recess	17	18	19	20	21	22	23
Summer Recess	24	25	26	27	28	29	30
Wk. 1	31						

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
No Hrgs.	14	15	16	17	18	19	20
No Hrgs.	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 15 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 25 Last day to **amend** bills on the floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)).

Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 2 Bills enacted on or before this date take effect January 1, 2023. (Art. IV, Sec. 8(c)).

Nov. 8 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 5 2023-24 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2023

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 10-21-2021

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MARCH						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 14** Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- Jan. 17** Martin Luther King, Jr. Day.
- Jan. 21** Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- Jan. 21** Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

- Feb. 18** Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- Feb. 21** Presidents' Day.

- Apr. 1** Cesar Chavez Day observed
- Apr. 7** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Apr. 18** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 29** Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6** Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23-27** **Floor Session only**. No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- May 27** Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- May 30** Memorial Day.
- May 31** Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by the Rules Committee

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 10-21-2021

JUNE						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	<u>15</u>	16	17	18
19	20	21	22	23	24	25
26	27	28	29	<u>30</u>		

June 15 Budget Bill must be passed by **midnight** (Art. IV, Sec. 12 (c)).

June 30 Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
					<u>1</u>	2
3	<u>4</u>	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day's session if Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST						
S	M	T	W	TH	F	S
	<u>1</u>	2	3	4	5	6
7	8	9	10	11	<u>12</u>	13
14	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	20
21	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	27
28	<u>29</u>	<u>30</u>	<u>31</u>			

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).

Aug. 15 - 31 Floor Session only. No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).

Aug. 25 Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

Aug. 31 Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).

Final Recess begins at end of this day's session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 8 General Election.

Nov. 30 Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).

Dec. 5 12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).

2023

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).



MEMORANDUM

DATE	July 8, 2022
TO	Members of the Dental Board of California
FROM	David Bruggeman, Legislative and Regulatory Specialist Dental Board of California
SUBJECT	Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession

Background:

The Dental Board of California (Board) has been tracking bills that impact the Board, the Department of Consumer Affairs, healing arts boards and their respective licensees, and all licensing boards. This memorandum includes information regarding each bill's status, location, date of introduction, date of last amendment, and a summary. The bills are listed in numerical order, with the Assembly Bills (AB XXX) first, followed by the Senate Bills (SB XXX).

Staff will be presenting updates on the following bills that may have a direct impact on the Board for discussion and possible action at the August meeting:

1. [AB 1662](#) (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
2. [SB 652](#) (Bates) Dentistry: use of sedation: training.
3. [SB 1443](#) (Roth) The Department of Consumer Affairs
4. [SB 1495](#) (Committee on Business, Professions and Economic Development) Professions and vocations.

Board staff will present the previously listed bills and provide information regarding the impact each one has on the Board.

The following bills have been identified by staff as being of potential interest to Board but do not require discussion at this time. Staff will continue to watch these bills and report on their progression at a future Board meeting. Information regarding each of these bill's status, location, date of introduction, date of last amendment, and a summary has been included in this memorandum. Please note staff will not be presenting these bills; should a Board member desire to discuss one of these bills they may present the bill at the meeting

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
 Dental Board of California Meeting
 August 25-26, 2022

Page 1 of 22

and provide arguments for the Board to take a position. Public comment on these bills will be taken as a group.

This first group of bills were introduced in 2021.

1. [AB 225](#) (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.
2. [AB 562](#) (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: health care providers: mental health services.
3. [AB 646](#) (Low) Department of Consumer Affairs: boards: expunged convictions.
4. [AB 1102](#) (Low) Telephone medical advice services.
5. [SB 731](#) (Durazo) Criminal records: relief.

This next group of bills were introduced in 2022.

6. [AB 1604](#) (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.
7. [AB 1982](#) (Santiago) Telehealth: dental care.
8. [AB 2145](#) (Davies) Dental services: long-term health care facilities.
9. [SB 1237](#) (Newman) Licenses: military service.

The following bills did not meet a required deadline for continuing through the legislative process and are effectively dead for this year.

1. [AB 1733](#) (Quirk) State bodies: open meetings.
2. [AB 1756](#) (Smith) Department of Consumer Affairs.
3. [AB 1795](#) (Fong) Open meetings: remote participation.
4. [AB 1996](#) (Cooley) State government: administrative regulations: review.
5. [AB 2055](#) (Low) Controlled substances: CURES database.
6. [AB 2104](#) (Flora) Professions and vocations.
7. [AB 2276](#) (Carrillo) Dental assistants.
8. [AB 2539](#) (Choi) Public health: COVID-19 vaccination: proof of status.
9. [AB 2948](#) (Cooper) Consumer protection: Department of Consumer Affairs: complaints.
10. [SB 889](#) (Ochoa Bogh) Nurse anesthetists.
11. [SB 1031](#) (Ochoa Bogh) Healing arts boards: inactive license fees.
10. [SB 1310](#) (Leyva) Professions and vocations: consumer complaints.
11. [SB 1365](#) (Jones) Licensing boards: procedures.
12. [SB 1471](#) (Archuleta) Dentistry: foreign dental schools.

The following bills were amended to address a completely different topic and are no longer of interest to the Board.

1. [SB 49](#) (Umberg) Income taxes: credits: California Fair Fees Tax Credit.
2. [AB 657](#) (Cooper) State civil service system: personal services contracts: professionals.

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 2 of 22

If you would like additional information on any of these bills, the following web sites are excellent resources for viewing proposed legislation and finding additional information:

<https://leginfo.legislature.ca.gov/>

<https://www.senate.ca.gov/>

<https://www.assembly.ca.gov/>

Action Requested:

The Board may take one of the following actions regarding each bill:

- Support
- Support if Amended
- Oppose
- Watch
- Neutral
- No Action

[AB 225](#) (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses

Introduced: January 11, 2021

Last Amended: June 28, 2021

Disposition: Pending

Location: Senate

Status: June 28, 2021: Committee Hearing postponed.

Summary: The bill would amend Business and Professions Code section 115.6 to expand the pool of potential applicants for temporary licensure. As currently written the pool is restricted to licenses from certain Boards within the Department of Consumer Affairs and restricted to applicants who are the spouses or domestic partners of active duty service members stationed in California. The bill would expand the pool of applicants to include military veterans and members of the military that are within 60 months of separation, or within 120 months of separation if they lived in California prior to entering service.

Board Impact: While the Dental Board is not covered under the current BPC section 115.6, it will be covered by the revisions to section 115.6 that take effect July 1, 2023 following the passage of AB 107 (Chapter 693, Statutes of 2021). Should AB 225 be passed as currently written, the potential applicants for temporary licensure could expand to include veterans that qualify under the bill.

Recommended Board Position: Watch

[AB 562](#) (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: health care providers: mental health services

Introduced: February 11, 2021

Last Amended: April 8, 2021

Disposition: Pending

Location: Senate

Status: August 26, 2021: Held under suspension.

Summary: The proposed legislation adds a section to the Business and Professions Code establishing a mental health services program for frontline COVID-19 workers. Administered by the Department of Consumer Affairs, licensees of certain DCA Boards could apply for access to the program if they had provided 'direct and in-person care' to COVID-19 patients during the pandemic. This program would be started within three months of the effective date of the legislation (which is written as an urgent bill). Boards would notify their licensees and solicit applications for the program.

Board Impact: The April 8, 2021 amendments defined what DCA entities would be Boards under the bill. The list does not include the Dental Board.

Recommended Board Position: Watch

[AB 646](#) (Low) Department of Consumer Affairs: boards: expunged convictions.

Introduced: February 12, 2021

Last Amended: January 24, 2022

Disposition: August 1, 2022 Scheduled for hearing with Senate Committee on Appropriations

Location: Senate

Status: June 28, 2022: Passed Senate Committee on Public Safety.

Summary: Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked, and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee to the person, not to exceed the cost of administering the bill's provisions. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

Board Impact: This is a bill affecting boards at the Department of Consumer Affairs. The DCA License Search tool lists information about licensees which includes information about licenses revoked due to criminal convictions. AB 646 would require the Board to update or remove information about the revoked license and the criminal history if the Board receives an expungement order related to the conviction. If the individual does not currently have a license and does not apply for a license, the Board would need to remove the information about the license revocation within 90 days of receiving an expungement order. If the individual reapplies for a license or has been granted a new license, the Board would need to post notification of the expungement order and the date it was granted within 90 days of receiving an expungement order.

This bill would require changes to the DCA License Search tool as well changes to license modifiers and business rules in BreZE.

Recommended Board Position: Watch

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 5 of 22

[AB 657](#) (Cooper) State civil service system: personal services contracts: professionals
Introduced: February 12, 2021
Last Amended: June 8, 2022
Disposition: Pending
Location: Senate
Status: June 8, 2022: Amended to no longer be on the original subject matter.

Summary: The June 2022 amendments altered the bill to be no longer on the original subject matter and the bill is no longer applicable to the Dental Board or its licensees.

As originally written, the bill would add Government Code section 19136, which would limit the amount of time a professional (defined to include licensed dentists) may work for a state agency under a personal services contract. Such contracts would typically be to hire an independent contractor for some project-based service.

The professionals are barred from working for more than 365 consecutive days, or for working more than 365 nonconsecutive days during a two-year period.

Board Impact: None.

Recommended Board Position: Watch

[AB 858](#) (Jones-Sawyer): Employment: health information technology: clinical practice guidelines: worker rights.

Introduced: February 17, 2021
Last Amended: July 15, 2021
Disposition: Inactive file
Location: Senate
Status: September 8, 2021: Ordered to inactive file

Summary: The bill would amend the Labor Code to ensure that workers providing direct patient care in an acute care hospital setting are permitted to request to override health information technology and clinical practice guidelines and to do so without concern of retaliation. Such requests would be based on the worker's professional judgment and within their scope of practice.

Board Impact: While the bill would not affect Board operations, the bill would be relevant to Dental Board licensees providing direct patient care in acute care hospital settings.

Recommended Board Position: Watch

[AB 1102](#) (Low) Telephone medical advice services.

Introduced: February 18, 2021
Last Amended: n/a

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 6 of 22

Disposition: Inactive file
Location: Senate
Status: September 10, 2021: Ordered to inactive file.

Summary: The bill would amend Business and Professions Code section 4999.2 which requires telephone medical advice services to comply with certain requirements. The bill would add a requirement that such services comply with all direction and requests for information from healing arts licensing boards. It would also add a requirement of health care professionals providing advice from out-of-state locations. The bill would require those professionals to operate consistent with the laws governing their licenses.

Board Impact: The bill would allow the Board to contact telephone medical advice services directly rather than asking DCA to do so on their behalf. It should make it easier for Board staff to investigate any complaints concerning these services.

Recommended Board Position: Watch

[AB 1604](#) (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Introduced: January 7, 2022

Last Amended: June 29, 2022

Disposition: June 29, 2022: Referred to Senate Committee on Appropriations.

Location: Senate

Status: June 29, 2022: Passed Senate Committee on Government Organization

Summary: Requires boards to, as of January 1, 2023, have at least one member from an underrepresented community. These communities could reflect certain racial, gender identity, disability, sexual orientation characteristics or veteran status. This would be done through appointments to vacancies as they occur. That is, if a board does not have such a member, the next board member vacancy would be filled in order to comply with the bill. June 2022 amendments to the bill allow for underrepresented communities not listed in the bill to comply with the legislation.

The legislation would also require state agencies that collect demographic data on ancestry and/or ethnic origin to note whether those who identify as African-American were or were not descended from enslaved people. The bill also amends sections of the Government Code concerning the state Department of Human Resources

Board Impact: As the Board already has members from at least one underrepresented community, it would be in compliance with the bill should it pass. If the demographics of the Board shift to where it would no longer have such representation, it would need to address that deficit with the next vacancy in Board membership.

Recommended Board Position: Watch

[AB 1662](#) (Gipson) Licensing boards: disqualification from licensure: criminal conviction.

Introduced: January 18, 2022

Last Amended: April 26, 2022

Disposition: August 1, 2022: Scheduled for hearing with Senate Committee on Appropriations

Location: Senate

Status: June 28, 2022: Passed Senate Committee on Public Safety.

Summary: The bill would amend section 480 of the Business and Professions Code to permit prospective applicants to inquire with a Board to determine if their criminal conviction may result in denial of their application. The prospective applicant may request a preapplication determination prior to paying an application fee or obtaining any of the education and/or training required for licensure. The Board would make the determination based on information provided by the prospective applicant and send their determination by mail or email within a reasonable time.

The Assembly Committee on Business and Professions amended the bill on April 26, 2022. The amendments allow Boards to charge a fee for these pre-application determinations (no more than \$50 or the cost of the background check, whichever is lower), to request fingerprints of those seeking pre-application determinations,

Board Impact: The bill would require staff time and resources to review any requests for preapplication determinations. As currently written the bill does not permit collecting enough of a fee for these determinations,

Board Position: Oppose (May 2022 Board meeting)

[AB 1711](#) (Seyarto) Privacy: breach.

Introduced: January 26, 2022

Last Amended: April 21, 2022

Disposition: June 28, 2022: Ordered to third reading

Location: Senate

Status: June 14, 2022: Passed out of Senate Committee on the Judiciary

Summary: The bill would amend section 1798.29 of the Civil Code concerning the requirements of government agencies in the event of a data breach. It adds a requirement that agencies would have to conspicuously post notice of the breach on the agency website for at least 30 days.

Board Impact: The obligations the bill would place on the Board are minor, and could be addressed through existing resources.

Recommended Board Position: Watch

[AB 1733](#) (Quirk) State bodies: open meetings.

Introduced: January 31, 2022

Last Amended: n/a

Disposition: **Effectively dead**, not passed out of Assembly by May 27, 2022

Location: Assembly

Status: April 20, 2022: Assembly Committee on Governmental Organization postponed scheduled hearing.

Summary: The bill would amend the Bagley-Keene open meeting law to allow for Boards to hold meetings by teleconference. These meetings would have to provide the capability for the public to view and/or listen to and view the meeting and to provide public comment via teleconference or audiovisual means. Boards would also have to provide a physical location where the public may listen and view the meeting as well as provide public comment. Board members that attend a meeting by teleconference would not need to make their location public but would have to disclose whether any people 18 years or older were in the same room and the relationship of those individuals to the Board member.

Board Impact: The requirement to provide a physical location would add to the expense of a teleconference meeting. However, the additional expense (reserving a location and having staff and IT resources available at the location) would keep the total meeting expenses lower than a comparable meeting with everyone in person.

Board Position: Support (May 2022 Board meeting)

[AB 1756](#) (Smith) Department of Consumer Affairs.

Introduced: February 2, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not pass Assembly by May 27, 2022 deadline.

Location: Assembly

Status: February 2, 2022: introduced.

Summary: The bill is currently a 'spot bill' awaiting amendments. As currently written it would make a nonsubstantive change to Business and Professions Code 312.2 concerning

Board Impact: Unclear at this point.

Recommended Board Position: Watch

[AB 1795](#) (Fong) Open meetings: remote participation.

Introduced: February 7, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not pass Assembly by May 27, 2022 deadline.

Location: Assembly

Status: February 18, 2022: Referred to Assembly Committee on Governmental Organization.

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 9 of 22

Summary: Makes minor changes to the Bagley-Keene Act that would allow public participation in meetings via 'remote participation' – electronic communication. It would require that the public have the ability to attend a meeting and to address the state body via remote participation in addition to in-person participation. It would permit teleconference meetings where there are parties at different sites, but the bill as currently written does not allow for the same kind of in-person meetings that Boards have held during the COVID-19 pandemic.

Board Impact: The bill would require the Board to add teleconferencing and video conferencing capability to its meetings in addition to the expense it would normally occur for an in-person meeting.

Recommended Board Position: Watch

[AB 1982](#) (Santiago) Telehealth: dental care.

Introduced: February 10, 2022

Last Amended: June 30, 2022

Disposition: June 30, 2022: Passed Senate Committee on Health

Location: Senate

Status: June 30, 2022: Referred to Senate Committee on Appropriations.

Summary: The bill would amend the Health and Safety Code and the Insurance Code to permit a licensed dentist to be considered a 'contracting individual health professional' for the purposes of providing services through a third-party telehealth provider. The dental insurer or the dental health care service plan shall disclose to their enrollees the impact of third-party telehealth visits on their benefit limits.

Board Impact: The bill would not affect Board operations but would be of interested to dental licensees.

Recommended Board Position: Watch

[AB 1996](#) (Cooley) State government: administrative regulations: review.

Introduced: February 10, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not pass assembly by May 27, 2022 deadline.

Location: Assembly

Status: May 19, 2022: Held under suspension.

Summary: This bill is another attempt at AB 2 from 2021 and would require DCA to identify any duplicative, overlapping, inconsistent or out of date regulations. Agencies would also need to take the necessary regulatory steps to address the identified regulations, hold at least one noticed hearing to take public comment on the proposed changes, and inform the Legislature and Governor about their compliance with this bill. This would all need to be completed by January 1, 2026

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 10 of 22

Board Impact: If enacted, the bill would require the Board to address proposed changes identified by staff and DCA at a noticed hearing. It would add a rulemaking package to the regulatory calendar and require the Board and staff to prioritize the package in order to meet the January 1, 2026 deadline for identifying the regulations and addressing them through the regulatory process.

Recommended Board Position: Watch

[AB 2055](#) (Low) Controlled substances: CURES database.

Introduced: February 14, 2022

Last Amended: April 21, 2022

Disposition: **Effectively dead**, did not pass May 27, 2022 deadline to pass Assembly

Location: Assembly

Status: May 19, 2022: Held under suspension

Summary: The bill would transfer operation of the CURES database from the Department of Justice to a department determined by the Governor. The transfer would be effective April 1, 2023.

Board Impact: The Board would need to adjust its licensing processes to pass through the CURES fees to the new department.

Recommended Board Position: Watch

[AB 2104](#) (Flora) Professions and vocations.

Introduced: February 14, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not meet May 27, 2022 deadline to pass Assembly

Location: Assembly

Status: February 23, 2022: Referred to Assembly Committee on Business and Professions

Summary: The bill would set fees for the Department of Consumer Affairs and boards in the department. Unless otherwise provided by law, boards may charge fees for certification of documents and copies not to exceed two dollars. Unless otherwise provided by law, delinquency fees for licensees shall be one half of the renewal fee in effect at the time of renewal but shall not exceed \$150.

Board Impact: As the Board has its delinquency fees already set in the Dental Practice Act, this bill would not affect the Board.

Recommended Board Position: Watch

[AB 2107](#) (Flora) Clinical laboratory testing.

Introduced: February 14, 2022

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 11 of 22

Last Amended: May 19, 2022

Disposition: June 13, 2022: Referred to Senate Committee on Appropriations

Location: Senate

Status: June 13, 2022: Passed Senate Committee on Business, Professions and Economic Development.

Summary: The bill as introduced would have made a nonsubstantive change to Business and Professions Code section 462, which authorizes boards to establish an inactive category of licensure. On March 17 the bill was amended to remove this portion of the legislation. Subsequent amendments gutted the bill, which is now focused on clinical laboratory testing.

Board Impact: None.

Recommended Board Position: Watch

[AB 2145](#) (Davies) Dental services: long term health care facilities.

Introduced: February 15, 2022

Last Amended: June 13, 2022

Disposition: June 30, 2022: Awaiting concurrence in amendments

Location: Assembly

Status: June 30, 2022: Passed Senate

Summary: The bill would permit registered dental hygienists in alternative practice to provide dental services (to patients) and oral health inservice training (to staff) in long-term health care facilities.

Board Impact: As the bill addresses what dental hygienists in alternative practice can do, the bill does not directly impact the Board.

The bill has highlighted a potential issue with Health and Safety Code (HSC) section 1315, which this bill would amend. As currently written, the section limits who can provide dental services in a licensed health facility to those licensed pursuant to Business and Professions Code (BPC) section 1611 – dentists and dental assistants. AB 2145 as currently written would amend HSC 1315 to allow registered dental hygienists in alternative practice (RDHAP) to provide dental hygiene services in long-term health care facilities.

The Board may wish to consider developing a legislative proposal to amend HSC section 1315. Such a proposal might:

- Limit the provision of dental services in licensed health facilities to dentists, or
- Allow it for all types of dental professional, provided they practice according to the relevant provisions of the Practice Act.

Recommended Board Position: Watch

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 12 of 22

[AB 2276](#) (Carrillo) Dental assistants.

Introduced: February 16, 2022

Last Amended: April 5, 2022

Disposition: **Effectively dead**, did not pass May 27, 2022 deadline to pass Assembly

Location: Assembly

Status: May 19, 2022: Held under suspension

Summary: The bill would add section 1750.1.5 to the Business and Professions Code, which would permit dental assistants to conduct coronal polishing or pit and fissure sealing if certain requirements are met. Dental assistants seeking to perform these procedures must complete a board approved, two-hour course in the Dental Practice Act, a board approved, eight-hour course in infection control, and a board approved course in the procedure they seek to practice. The dental assistant can perform these procedures only under the direct supervision of a licensed dentist and only after the dental assistant has submitted evidence to the Board that they have completed a board-approved course in the procedure.

Board Impact: As currently written the bill would require Board staff to develop regulations for implementing this bill and to identify courses for Board approval in infection control, the Dental Practice Act, and both coronal polishing and pit and fissure sealant procedures. It would expand the scope of dental assistant activities, which could lead to an increase in complaints against dental assistants and related enforcement activity.

Amendments on April 5, 2022 added additional requirements for the supervising dentist and the dental practice where these procedures would be performed. The supervising dentist would have to review the pit and fissure sealant application, be listed in the record for the procedure, and along with the dental practice, confirm the competency of the dental assistant. The dental practice must retain records of the dental assistant's training in the procedures and retain records of the procedures for at least two years after the dental assistant has left the practice.

Board Position: Support if amended (May 2022 Board meeting)

[AB 2539](#) (Choi) Public health: COVID-19 vaccination: proof of status.

Introduced: February 17, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not meet May 27, 2022 deadline to pass Assembly

Location: Assembly

Status: February 17, 2022: introduced

Summary: Any public or private entity that requires or is required to check documentation of vaccination status of individuals seeking services and/or entry can accept either a digital or written record of that status.

Board Impact: The bill would not affect Board operations but could affect our licensees depending on the vaccination rules in place in their local jurisdictions.

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 13 of 22

Recommended Board Position: Watch

[AB 2600](#) (Megan Dahle) State agencies: letters and notice: requirements.

Introduced: February 17, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not meet May 27, 2022 deadline to pass Assembly

Location: Assembly

Status: March 10, 2022: Referred to Assembly Committee on Accountability and Administrative Review

Summary: The legislation would require state agencies to state in bold font at the beginning of any communication to any recipient whether the communication requires action or serves as a notice requiring no action.

Board Impact: The bill would require board staff to adjust their practices to add the required notice. Board staff could make the adjustment without needing additional resources.

Recommended Board Impact: Watch

[AB 2893](#) (Daly) Administrative Procedure Act: standardized regulatory impact analysis: comments.

Introduced: February 18, 2022

Last Amended: April 21, 2022

Disposition: August 1, 2022: Scheduled for hearing before Senate Committee on Appropriations

Location: Senate

Status: June 28, 2022: Referred to Senate Committee on Appropriations

Summary: The bill would change a requirement for the rulemaking process for major regulations – actions that would have an economic impact of at least \$50 million. An agency that conducts a standard regulatory impact analysis for a major regulation would be required to respond to comments on the analysis made by the Department of Finance. Current law says an agency may respond to comments but does not require it. If the regulation is updated as a result of this response, the agency must take public comment on the revised regulation and update its analysis

Board Impact: The Board's regulations rarely, if ever, meet the threshold for a major regulation, so the impact from this legislation is minimal.

Recommended Board Position: Watch

[AB 2948](#) (Cooper) Consumer protection: Department of Consumer Affairs: complaints

Introduced: February 18, 2022

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not meet May 27, 2022 deadline to pass Assembly

Location: Assembly

Status: March 17, 2022: Referred to Assembly Business and Professions Committee

Summary: The bill would amend the obligations of the Director of the Department of Consumer Affairs (DCA) to inform consumers about the status of their complaints. Current law allows the Director to notify consumers of the action taken on the complaint if appropriate. The bill would require the Director to make that notification within 60 days of the date that the complaint has been closed unless disclosure would be injurious to the public.

Board Impact: Board staff would need to ensure that the Department is notified of complaint closures with sufficient time from the Department to make the necessary notifications.

Recommended Board Position: Watch

[SB 49](#) (Umberg) Income taxes: credits: California Fair Fees Tax Credit

Introduced: December 7, 2020

Last Amended: May 9, 2022

Disposition: Referred to Assembly Committees on Judiciary, and Banking and Finance

Location: Assembly

Status: May 9, 2022: amended to no longer be on the same topic and thus no longer relevant to the Board or licensees.

Summary: The bill was gutted on May 9, 2022 and amended to become a bill on corporate conversions and would no longer affect dental licensees.

The bill would revise sections of the Revenue and Taxation Code specific to the Personal Income Tax Law and the Corporation Tax Law. It would establish tax credits for qualified taxpayers that ceased business operations for certain periods of time in response to an emergency order. The credit would cover taxable years beginning on or after January 1, 2021 and before January 1, 2026.

Qualified taxpayers under the bill would have to be businesses that have a substantial in-person contact to conduct business, have average annual gross receipts of \$10 million or less for the three previous tax years, and ceased business operations for at least 30 consecutive days during the taxable year (or the year 2020).

Board Impact: The Board would not be directly affected by this legislation, but many of our licensees could qualify for the tax credit.

Recommended Board Position: Watch

[SB 652](#) (Bates) Dentistry: use of sedation: training.

Introduced: February 19, 2021

Last Amended: May 11, 2021

Disposition: May 5, 2022: referred to Assembly Committee on Business and Professions

Location: Assembly

Status: January 31, 2022: Passed Senate.

Summary: Existing law, prescribes requirements for dentists and assisting personnel who administer or order the administration of general anesthesia, deep sedation, or moderate sedation. Additional requirements are specified if the patient is under 13 years of age.

This bill would require, if the patient is 13 years of age or older, that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Advanced Cardiac Life Support (ACLS).

Existing law, commencing on January 1, 2022, requires a dentist who desires to administer or to order the administration of moderate sedation to apply to the board for a permit and produce evidence showing that they have successfully completed training in moderate sedation that meets specified requirements.

This bill would require a permitholder to maintain current and continuous certification in ACLS and airway management.

Board Impact: In its current form, SB 652 would extend the current requirements for dental patients under 13 years of age, specifically that an operating dentist and at least two additional personnel be present throughout a procedure involving deep sedation or general anesthesia, and that the dentist and one additional personnel maintain current certification in Advanced Cardiac Life Support (ACLS), to all patients regardless of age.

Recommended Board Position: This bill is the expected vehicle to carry the Board's proposed legislation to address the implementation gap between the effective date of SB 501 (Glazer, Chapter 929, Statutes of 2018) and the Board's implementation of the new permits. The language is anticipated to be amended in the Assembly. Staff recommends the Board take a "support" position once the amendments are made.

[SB 731](#) (Durazo) Criminal records: relief.

Introduced: February 19, 2021

Last Amended: June 23, 2022

Disposition: June 29, 2022: Awaiting concurrence in Assembly amendments by the Senate

Location: Senate

Status: June 29, 2022: Passed Assembly.

Summary: Existing law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified.

This bill would make this relief available to a defendant who has been convicted of any felony.

Commencing July 1, 2022, existing law requires the Department of Justice to review the records in the statewide criminal justice databases on a monthly basis, and identify persons who are eligible for specified automatic conviction and records of arrest relief without requiring the filing of a petition or motion. Under existing law, a person is eligible for arrest record relief if they were arrested on or after January 1, 2021, and the arrest was for a misdemeanor and the charge was dismissed or criminal proceedings have not been initiated within one year after the arrest, or the arrest was for a felony punishable in the county jail and criminal proceedings have not been initiated within 3 years after the date of the arrest. Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 2021, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

This bill would generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. The bill would additionally make this conviction record relief available for a defendant convicted of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, post release supervision, and parole.

Amendments in June 2022 would allow for employment decisions for teachers and classified employees to be made based on criminal history information that would otherwise be subject to arrest record relief.

Board Impact: This bill affects boards at the Department of Consumer Affairs. SB 731 would allow a person convicted of a felony to petition to withdraw their guilty plea after the completion of their sentence and permit additional relief by way of deleting arrest records for the purpose of most criminal background checks. Some of the records that the Department of Justice (DOJ) would be prohibited from disclosing to the Board may be relevant to professional licensure.

Recommended Board Position: Watch

[SB 889](#) (Ochoa Bogh) Nurse anesthetists

Introduced: January 31, 2022

Last Amended: n/a

Disposition: **Effectively dead**, failed to make May 27, 2022 deadline to pass Senate Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 17 of 22

Location: Senate
Status: April 18, 2022: Hearing cancelled at Senate Committee on Business, Professions and Economic Development

Summary: The bill would amend provisions of the Business and Professions Code concerning the use of deep sedation and general anesthesia involving nurse anesthetists. It would modify the requirement in BPC Section 2827 that a dentist would have to have a sedation permit for a nurse anesthetist to administer general anesthetic. The bill would allow for a nurse anesthetist to administer deep sedation or a general anesthetic if it is done in compliance with Article 2.75. Use of Deep Sedation and General Anesthesia of the practice act. Language in the bill would allow a nurse anesthetist to administer deep sedation or a general anesthetic even if the dentist lacks the permit to do so.

Board Impact: The proposed legislation would appear to permit nurse anesthetists to administer deep sedation or a general anesthetic under a dentist's authorization assuming the dentist and nurse anesthetist are following Article 2.75. However, a preliminary review of the legislation indicates the bill lacks clarity about the responsibilities of any party administering the deep sedation or general anesthesia under the direction of a dentist, whether or not the dentist has a permit. As written, it is also unclear if allowing the nurse anesthetist to perform these procedures at the direction of a dentist without the sedation permit would meet the dental standard of care. Since the introduction of this bill is so close to the Board's meeting, staff will require additional time to fully analyze the impact this legislation would have to the Board.

Recommended Board Position: Watch

[SB 1031](#) (Ochoa Bogh) Healing arts boards: inactive license fees.

Introduced: February 15, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not pass May 27, 2022 deadline to pass Senate

Location: Senate

Status: May 19, 2022: Held under suspension.

Summary: The bill would set a cap for inactive license renewal fees for healing arts boards, notwithstanding any other law. Inactive license fee renewals would be set at one-half the amount of an active license fee renewal at the time of renewal, unless the board sets a lower renewal fee.

Board Impact: Since the Board has its inactive renewal fee set in regulation, and not in statute, this law would apply to the Board. Currently the inactive license renewal fee is set as equal to the license renewal fee. This would mean inactive license revenue would decrease by fifty percent, assuming no change in the number of licensees seeking inactive status. With the reduction in an inactive license fee, it is plausible more licensees may seek inactive status. At a minimum, Board staff would need to process the same amount of inactive license renewals with half of the related fee revenue available to support that work. If there is an increase in inactive license applications, then that workload would increase and there would not be a proportional increase in fee revenue.

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 18 of 22

Board Position: Oppose (May 2022 Board meeting)

[SB 1184](#) (Cortese) Confidentiality of Medical Information Act: school-linked services coordinators.

Introduced: February 17, 2022

Last Amended: April 18, 2022

Disposition: June 29, 2022: Assembly third reading

Location: Assembly

Status: June 28, 2022: Passed Assembly Committee on Health and

Summary: Bill would amend the Confidentiality of Medical Information Act to allow for school-linked services coordinators (school psychologists, school nurses, and school social workers) to compel the disclosure of medical information under the Act

Board Impact: While the bill would not affect Board operations, dental licensees may be interested in the legislation as they could receive requests for medical information that would be subject to this law.

Recommended Board Position: Watch

[SB 1237](#) (Newman) Licenses: military service.

Introduced: February 17, 2022

Last Amended: March 30, 2022

Disposition: August 3, 2022: Scheduled for hearing with Assembly Committee on Appropriations

Location: Assembly

Status: June 29, 2022: Passed out of Assembly Committee on Military and Veterans' Affairs.

Summary: Bill would amend section 114.3 of the Business and Profession Code, which permits waiving the renewal fees, continuing education requirements, and other renewal requirements as determined by the board for licensees called to active duty in the U.S. armed services or the California National Guard. The bill would clarify the meaning of "called to active duty."

Board Impact: The March 30th amendments clarify the meaning of the bill and should make it easier for licensees called to active duty to utilize the waivers permitted under the law. It may result in a slight increase in the number of dental licensees that would use such waivers.

Recommended Board Position: Watch

[SB 1310](#) (Leyva) Professions and vocations: consumer complaints.

Introduced: February 18, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not make May 27, 2022 deadline to pass Senate Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 19 of 22

Location: Senate
Status: March 2, 2022: referred to Senate Committee on Business, Professions and Economic Development.

Summary: The bill would amend section 328 of the Business and Professions Code concerning the Department of Consumer Affairs Complaint Prioritization Guidelines. The bill would require DCA to post these guidelines on the Department website and to review and amend them periodically. It would also remove a portion of section 328 concerning a 2019 deadline.

Board Impact: The guidelines have been in existence for some time and having them online would make more transparent the guidance for when the Department would handle investigations through the Division of Investigation and when individual boards would handle these investigations. The impact of this legislation would be most likely felt in any revisions to the guidelines.

Recommended Board Position: Watch

[SB 1365](#) (Jones) Licensing boards: procedures.

Introduced: February 18, 2022

Last Amended: n/a

Disposition: **Effectively dead**, did not make May 27, 2022 deadline to pass Senate

Location: Senate

Status: April 4, 2022: passed by Senate Committee on Business, Professions and Economic Development, and rereferred to Senate Committee on Public Safety.

Summary: Would add section 114.6 to the Business and Professions Code. This proposed section would require that boards post on their websites the criteria they use for evaluating applicants with criminal convictions. The bill requires the Department of Consumer affairs to do three things:

1. Establish a process to help boards post these criteria to their websites,
2. Develop a process for boards to use in verifying applicant information and conduct background checks, and
3. Develop an informal appeals process.

Board Impact: The Board already has processes in place to conduct background checks. Posting criteria used for evaluating applicants with convictions can be posted online while using existing resources. Applicants who are denied licensure can appeal the decision to the Board. Establishing an informal appeals process would require statutory authority and regulations to implement. The bill conflicts with provisions in section 480 of the Business and Professions Code that also address applicants with criminal convictions.

Recommended Board Position: Watch

[SB 1443](#) (Roth) The Department of Consumer Affairs

Introduced: February 18, 2022

Last Amended: June 21, 2022

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 20 of 22

Disposition: August 3, 2022: Scheduled for hearing with Assembly Appropriations Committee
Location: Assembly
Status: June 28, 2022: Passed Assembly Business and Professions Committee.

Summary: Bill would extend the sunset date of several boards, including the Dental Board, until January 1, 2025. Bill also would extend provisions of law referring to service contractors. Amendments in June 2022 did not change the provisions of the bill affecting the Board.

Board Impact: The Board's sunset review process would be delayed one year.

Board Position: Support (May 2022 Board meeting)

[SB 1471](#) (Archuleta) Dentistry: foreign dental schools

Introduced: February 18, 2022

Last Amended: n/a

Disposition: **Effectively dead**

Location: Senate

Status: May 2, 2022: Bill failed to pass policy committee in house of origin

Summary: The bill would amend section 1636.5 of the Practice Act and repeal section 1636.6. These provisions concern approval of foreign dental schools. Current law requires that beginning January 1, 2024, foreign dental schools must be approved through the CODA accreditation process. Any schools approved prior to January 1, 2020 through a date between January 1, 2024 and June 30, 2026 would retain their approval through that date.

The bill would amend the approval window for schools approved prior to January 1, 2020. These schools that were approved through a date before June 30, 2026 would retain their approval through that date. The bill also repeals the provision where graduates (that enrolled prior to January 1, 2020) of foreign dental schools that were approved prior to January 1, 2020 through any date before January 1, 2024 would be eligible for licensure.

Board Impact: Compliance with this bill would require minor adjustments to Board staff processes to reflect the changes in deadlines.

Recommended Board Position: Watch

[SB 1495](#) (Committee on Business, Professions and Economic Development) Professions and vocations.

Introduced: March 15, 2022

Last Amended: June 29, 2022

Disposition: June 28, 2022: Passed Assembly Committee on Business and Professions.

Agenda Item 24(b-bb): Update, Discussion, and Possible Action on 2021/2022 Legislation Impacting the Board, the Department of Consumer Affairs, and/or the Dental Profession
Dental Board of California Meeting
August 25-26, 2022

Page 21 of 22

Location: Assembly
Status: June 28, 2022: Referred to Assembly Appropriations Committee.

Summary: The bill would make nonsubstantive changes in several provisions of the Business and Professions Code affecting dentists and dental hygienists. Many of these changes reflect that the Office of Statewide Health Planning and Development was renamed the Department of Health Care Access and Information. It would amend section 1936.1 of the Practice Act to change the assurances made concerning continuing education coursework by dental hygienists from prospective (“they will”) to retrospective (“they had”).

Board Impact: The changes directly affecting the Dental Board are nonsubstantive.

Recommended Board Position: Watch

AMENDED IN SENATE JUNE 28, 2021

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 20, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 225

Introduced by Assembly Members Gray, Gallagher, and Patterson
(Coauthor: Senator Dodd)

January 11, 2021

An act to amend Section 115.6 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as amended, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current,

96

active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within ~~6 months~~ *60 months* of separation from active duty under ~~other than dishonorable~~ *other than dishonorable* conditions, ~~and an applicant who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under~~ *other than dishonorable other than dishonorable* conditions. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill’s expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue the following eligible temporary

1 licenses to an applicant if the applicant meets the requirements set
2 forth in subdivision (c):

3 (1) Registered nurse license by the Board of Registered Nursing.

4 (2) Vocational nurse license issued by the Board of Vocational
5 Nursing and Psychiatric Technicians of the State of California.

6 (3) Psychiatric technician license issued by the Board of
7 Vocational Nursing and Psychiatric Technicians of the State of
8 California.

9 (4) Speech-language pathologist license issued by the
10 Speech-Language Pathology and Audiology and Hearing Aid
11 Dispensers Board.

12 (5) Audiologist license issued by the Speech-Language
13 Pathology and Audiology and Hearing Aid Dispensers Board.

14 (6) Veterinarian license issued by the Veterinary Medical Board.

15 (7) All licenses issued by the Board for Professional Engineers,
16 Land Surveyors, and Geologists.

17 (8) All licenses issued by the Medical Board of California.

18 (9) All licenses issued by the Podiatric Medical Board of
19 California.

20 (b) The board may conduct an investigation of an applicant for
21 purposes of denying or revoking a temporary license issued
22 pursuant to this section. This investigation may include a criminal
23 background check.

24 (c) An applicant seeking a temporary license pursuant to this
25 section shall meet the following requirements:

26 (1) The applicant shall supply evidence satisfactory to the board
27 that the applicant is one of the following:

28 (A) Married to, or in a domestic partnership or other legal union
29 with, an active duty member of the Armed Forces of the United
30 States who is assigned to a duty station in this state under official
31 active duty military orders.

32 (B) A veteran of the Armed Forces of the United States within
33 ~~six~~ 60 months of separation from active duty under
34 ~~other than dishonorable~~ other than dishonorable conditions.

35 (C) A veteran of the Armed Forces of the United States within
36 120 months of separation from active duty under other than
37 dishonorable conditions and a resident of California prior to
38 entering into military service.

39 (E)

1 (D) An active duty member of the Armed Forces of the United
2 States with official orders for separation within 90 days under
3 ~~other than dishonorable~~ *other than dishonorable* conditions.

4 (2) The applicant shall hold a current, active, and unrestricted
5 license that confers upon the applicant the authority to practice,
6 in another state, district, or territory of the United States, the
7 profession or vocation for which the applicant seeks a temporary
8 license from the board.

9 (3) The applicant shall submit an application to the board that
10 shall include a signed affidavit attesting to the fact that the
11 applicant meets all of the requirements for the temporary license
12 and that the information submitted in the application is accurate,
13 to the best of the applicant's knowledge. The application shall also
14 include written verification from the applicant's original licensing
15 jurisdiction stating that the applicant's license is in good standing
16 in that jurisdiction.

17 (4) The applicant shall not have committed an act in any
18 jurisdiction that would have constituted grounds for denial,
19 suspension, or revocation of the license under this code at the time
20 the act was committed. A violation of this paragraph may be
21 grounds for the denial or revocation of a temporary license issued
22 by the board.

23 (5) The applicant shall not have been disciplined by a licensing
24 entity in another jurisdiction and shall not be the subject of an
25 unresolved complaint, review procedure, or disciplinary proceeding
26 conducted by a licensing entity in another jurisdiction.

27 (6) The applicant shall, upon request by a board, furnish a full
28 set of fingerprints for purposes of conducting a criminal
29 background check.

30 (d) A board may adopt regulations necessary to administer this
31 section.

32 (e) A temporary license issued pursuant to this section may be
33 immediately terminated upon a finding that the temporary
34 licenseholder failed to meet any of the requirements described in
35 subdivision (c) or provided substantively inaccurate information
36 that would affect the person's eligibility for temporary licensure.
37 Upon termination of the temporary license, the board shall issue
38 a notice of termination that shall require the temporary
39 licenseholder to immediately cease the practice of the licensed
40 profession upon receipt.

1 (f) An applicant seeking a temporary license as a civil engineer,
2 geotechnical engineer, structural engineer, land surveyor,
3 professional geologist, professional geophysicist, certified
4 engineering geologist, or certified hydrogeologist pursuant to this
5 section shall successfully pass the appropriate California-specific
6 examination or examinations required for licensure in those
7 respective professions by the Board for Professional Engineers,
8 Land Surveyors, and Geologists.

9 (g) A temporary license issued pursuant to this section shall
10 expire 12 months after issuance, upon issuance of a standard
11 license, a license by endorsement, or an expedited license pursuant
12 to Section 115.5, whichever occurs first.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

O

AMENDED IN ASSEMBLY APRIL 8, 2021

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 562

Introduced by Assembly Member Low
(Principal coauthor: Assembly Member Flora)
(Coauthors: Assembly Members Chen and Salas)

February 11, 2021

An act to add Chapter 1.7 (commencing with Section 950) to Division 2 of, and to repeal Section 953 of, the Business and Professions Code, and to amend Section 6276.30 of the Government Code, relating to mental health ~~services~~: *services, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 562, as amended, Low. ~~Mental health services for health care providers~~: Frontline COVID-19 Provider Mental Health Resiliency Act of ~~2021~~: *2021: health care providers: mental health services.*

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs. Existing law establishes various boards within the department for the licensure and regulation of various health care providers, including physicians and surgeons and nurses. Existing law generally provides for mental health services, including the Bronzan-McCorquodale Act, which contains provisions governing the organization and financing of community mental health services for persons with mental disorders in every county through locally administered and locally controlled community mental health programs, and the Mental Health Services Act, an initiative

statute enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election that establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs.

This bill would require the director to establish a mental health resiliency program, as specified, to provide mental health services to licensed health care providers who provide or have provided *consistent in-person* healthcare services to COVID-19 patients. The bill would require the relevant ~~healing arts~~ boards to notify licensees and solicit applications for access to the ~~mental health resiliency~~ program immediately upon the availability of services. The bill would require an applicant to make an attestation that states, among other things, that the applicant is an eligible licensee, as defined. The bill would make an applicant who willfully makes a false statement in their attestation guilty of a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program. The bill would repeal these provisions on January 1, 2025.

The bill would require the department and relevant boards, no later than June 30, 2025, to report to the relevant policy committees of the Legislature prescribed information regarding the program.

The bill would exempt the records associated with the mental health resiliency program from disclosure pursuant to the California Public Records Act.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Chapter 1.7 (commencing with Section 950) is
2 added to Division 2 of the Business and Professions Code, to read:

3
4 CHAPTER 1.7. FRONTLINE COVID-19 PROVIDER MENTAL
5 HEALTH RESILIENCY ACT OF 2021
6

7 950. This chapter shall be known, and may be cited, as the
8 Frontline COVID-19 Provider Mental Health Resiliency Act of
9 2021.

10 951. (a) The Legislature finds and declares the following:

11 (1) Since the start of the pandemic, California’s frontline health
12 care workers have been caring for COVID-19 patients through
13 multiple surges, which included a record-shattering death toll in
14 December 2020.

15 (2) Nurses, physicians and surgeons, and other frontline health
16 care providers are suffering from burnout and have been
17 experiencing, or are at high risk of, a variety of mental health
18 conditions, including depression, anxiety, post-traumatic stress
19 disorder, and suicidal thoughts.

20 (3) As the result of prolonged stress and repeated trauma,
21 frontline health care providers may continue to endure the negative
22 effects of the pandemic long after it ends.

23 (4) To bolster the resiliency of the health care workforce through
24 the COVID-19 pandemic and beyond, it is imperative that
25 additional mental health services are made immediately available.

26 (b) It is the intent of the Legislature that the Department of
27 Consumer Affairs, through the relevant ~~healing arts~~ boards,
28 immediately establish a mental health resiliency program for
29 frontline health care providers who have provided direct and
30 in-person care to COVID-19 patients during the pandemic.

31 952. For the purposes of this chapter, the following definitions
32 apply:

33 (a) *“Board” means the following:*

34 (1) *The Board of Registered Nursing.*

35 (2) *The Medical Board of California.*

36 (3) *The Osteopathic Medical Board of California.*

37 (4) *The Physician Assistant Board.*

38 (5) *The Respiratory Care Board of California.*

1 (a)
 2 (b) “Eligible licensee” means a person licensed pursuant to this
 3 division who is or was also a frontline health care COVID-19
 4 provider.

5 (b)
 6 (c) “Frontline COVID-19 health care provider” means a person
 7 who provides or has provided consistent in-person health care
 8 services to patients with COVID-19.

9 (e)
 10 (d) “Mental health services” means targeted in-person, online,
 11 and telehealth ~~psychological~~ *psychological* distress and behavioral
 12 health ~~service~~ assessments and ~~interventions~~ *(professional or*
 13 ~~self-administered) *interventions, professional or self-administered,*
 14 to support mental and behavioral health needs resulting from the
 15 COVID-19 pandemic. Interventions include counseling, wellness
 16 coaching, and any other mental health treatment to improve the
 17 psychological and behavioral health of the eligible licensee.~~

18 (d)
 19 (e) “Vendor of mental health services” means a third-party
 20 vendor that provides mental health services, assessments, or
 21 interventions.

22 953. (a) (1) Within three months of the effective date of this
 23 section, the director shall, in consultation with the relevant ~~healing~~
 24 ~~arts~~ boards, establish a mental health resiliency program to provide
 25 mental health services to frontline COVID-19 providers.

26 (2) The director shall contract with one or more vendors of
 27 mental health services for the duration of the program. *The director*
 28 *may in addition contract or partner with vendors or agencies that*
 29 *offer services that are publicly available and free of charge.*

30 (3) The director, or the director’s designee, shall supervise all
 31 vendors, shall monitor vendor utilization rates, and may terminate
 32 any contract. If the vendor’s contract is terminated, the director
 33 shall contract with a replacement vendor as soon as practicable.

34 (4) The contract shall specify that all personal or identifiable
 35 program participant data shall be kept confidential, and that the
 36 confidentiality obligations shall survive the termination of the
 37 contract.

38 (5) The development of the mental health resiliency program
 39 under this section shall be exempt from the requirements of the
 40 Administrative Procedure Act (Chapter 3.5 (commencing with

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
2 Code).

3 (b) (1) The relevant ~~healing arts~~ boards shall notify licensees
4 and solicit applications for access to the mental health resiliency
5 program immediately upon the availability of any services
6 contracted for.

7 (2) An applicant to the program shall make an attestation that
8 states all of the following:

9 (A) The applicant is an eligible licensee, as defined under
10 subdivision (a) of Section 952.

11 (B) ~~The name, location,~~ *location* and type of the facility or
12 facilities the applicant worked as a frontline COVID-19 provider.

13 (C) The applicant's assigned unit or units at the facility or
14 facilities.

15 (3) An applicant shall be deemed an eligible licensee if the
16 attestation is complete and any facility and unit listed would
17 provide care to COVID-19 patients.

18 (4) An applicant who willfully makes a false statement in their
19 attestation is guilty of a misdemeanor.

20 (5) The relevant ~~healing arts~~ boards shall grant all eligible
21 licensees access to the program.

22 ~~(6) Application to or participation in the mental health resiliency
23 program shall not be used for purposes of disciplinary action and,
24 except as specified under Section 954, shall be kept confidential.~~

25 *(6) The relevant boards shall include in the application a
26 voluntary survey of race or ethnicity and gender identity.*

27 (c) This section shall remain in effect only until January 1, 2025,
28 and as of that date is repealed.

29 954. No later than June 30, 2025, the department and relevant
30 ~~healing arts~~ boards shall report to the relevant policy committees
31 of the Legislature the following information regarding the mental
32 health resiliency program:

33 (a) A description of the contracted vendors, services provided,
34 and contract dates.

35 (b) ~~The depersonalized~~ *deidentified* aggregate number of
36 applicants and eligible licensees and a monthly breakdown.

37 *(c) The deidentified and aggregate number of eligible licensees
38 by location, race, ethnicity, and gender identity.*

39 ~~(e) Any available utilization~~

40 *(d) Utilization* rates from the vendors.

1 ~~(d)~~

2 (e) The costs associated with the program.

3 955. (a) Except as specified under Section 954, records
4 associated with the mental health resiliency program are exempt
5 from disclosure pursuant to the California Public Records Act
6 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
7 Title 1 of the Government Code).

8 (b) *Application to or participation in the mental health resiliency*
9 *program shall not be used for purposes of disciplinary action and,*
10 *except as specified under Section 954, shall be kept confidential.*

11 SEC. 2. Section 6276.30 of the Government Code is amended
12 to read:

13 6276.30. Managed care health plans, confidentiality of
14 proprietary information, Section 14091.3 of the Welfare and
15 Institutions Code.

16 Managed Risk Medical Insurance Board, negotiations with
17 entities contracting or seeking to contract with the board,
18 subdivisions (v) and (y) of Section 6254.

19 Mandated blood testing and confidentiality to protect public
20 health, prohibition against compelling identification of test subjects,
21 Section 120975 of the Health and Safety Code.

22 Mandated blood testing and confidentiality to protect public
23 health, unauthorized disclosures of identification of test subjects,
24 Sections 1603.1, 1603.3, and 121022 of the Health and Safety
25 Code.

26 Mandated blood testing and confidentiality to protect public
27 health, disclosure to patient’s spouse, sexual partner, needle sharer,
28 or county health officer, Section 121015 of the Health and Safety
29 Code.

30 Manufactured home, mobilehome, floating home, confidentiality
31 of home address of registered owner, Section 18081 of the Health
32 and Safety Code.

33 Marital confidential communications, Sections 980, 981, 982,
34 983, 984, 985, 986, and 987 of the Evidence Code.

35 Market reports, confidential, subdivision (e) of Section 6254.

36 Marketing of commodities, confidentiality of financial
37 information, Section 58781 of the Food and Agricultural Code.

38 Marketing orders, confidentiality of processors’ or distributors’
39 information, Section 59202 of the Food and Agricultural Code.

- 1 Marriage, confidential, certificate, Section 511 of the Family
- 2 Code.
- 3 Medi-Cal Benefits Program, confidentiality of information,
- 4 Section 14100.2 of the Welfare and Institutions Code.
- 5 Medi-Cal Benefits Program, Request of Department for Records
- 6 of Information, Section 14124.89 of the Welfare and Institutions
- 7 Code.
- 8 Medi-Cal Fraud Bureau, confidentiality of complaints, Section
- 9 12528.
- 10 Medi-Cal managed care program, exemption from disclosure
- 11 for financial and utilization data submitted by Medi-Cal managed
- 12 care health plans to establish rates, Section 14301.1 of the Welfare
- 13 and Institutions Code.
- 14 Medi-Cal program, exemption from disclosure for best price
- 15 contracts between the State Department of Health Care Services
- 16 and drug manufacturers, Section 14105.33 of the Welfare and
- 17 Institutions Code.
- 18 Medical information, disclosure by provider unless prohibited
- 19 by patient in writing, Section 56.16 of the Civil Code.
- 20 Medical information, types of information not subject to patient
- 21 prohibition of disclosure, Section 56.30 of the Civil Code.
- 22 Medical and other hospital committees and peer review bodies,
- 23 confidentiality of records, Section 1157 of the Evidence Code.
- 24 Medical or dental licensee, action for revocation or suspension
- 25 due to illness, report, confidentiality of, Section 828 of the Business
- 26 and Professions Code.
- 27 Medical or dental licensee, disciplinary action, denial or
- 28 termination of staff privileges, report, confidentiality of, Sections
- 29 805, 805.1, and 805.5 of the Business and Professions Code.
- 30 Meetings of state agencies, disclosure of agenda, Section
- 31 11125.1.
- 32 Mental health resiliency program, records, Section 955 of the
- 33 Business and Professions Code.
- 34 Mentally abnormal sex offender committed to state hospital,
- 35 confidentiality of records, Section 4135 of the Welfare and
- 36 Institutions Code.
- 37 Mentally disordered and developmentally disabled offenders,
- 38 access to criminal histories of, Section 1620 of the Penal Code.

1 Mentally disordered persons, court-ordered evaluation,
2 confidentiality of reports, Section 5202 of the Welfare and
3 Institutions Code.

4 Mentally disordered or mentally ill person, confidentiality of
5 written consent to detainment, Section 5326.4 of the Welfare and
6 Institutions Code.

7 Mentally disordered or mentally ill person, voluntarily or
8 involuntarily detained and receiving services, confidentiality of
9 records and information, Sections 5328, 5328.15, 5328.2, 5328.4,
10 5328.8, and 5328.9 of the Welfare and Institutions Code.

11 Mentally disordered or mentally ill person, weapons restrictions,
12 confidentiality of information about, Section 8103 of the Welfare
13 and Institutions Code.

14 Milk marketing, confidentiality of records, Section 61443 of the
15 Food and Agricultural Code.

16 Milk product certification, confidentiality of, Section 62121 of
17 the Food and Agricultural Code.

18 Milk, market milk, confidential records and reports, Section
19 62243 of the Food and Agricultural Code.

20 Milk product registration, confidentiality of information, Section
21 38946 of the Food and Agricultural Code.

22 Milk equalization pool plan, confidentiality of producers' voting,
23 Section 62716 of the Food and Agricultural Code.

24 Mining report, confidentiality of report containing information
25 relating to mineral production, reserves, or rate of depletion of
26 mining operation, Section 2207 of the Public Resources Code.

27 Minor, criminal proceeding testimony closed to public, Section
28 859.1 of the Penal Code.

29 Minors, material depicting sexual conduct, records of suppliers
30 to be kept and made available to law enforcement, Section 1309.5
31 of the Labor Code.

32 Misdemeanor and felony reports by police chiefs and sheriffs
33 to Department of Justice, confidentiality of, Sections 11107 and
34 11107.5 of the Penal Code.

35 Monetary instrument transaction records, confidentiality of,
36 Section 14167 of the Penal Code.

37 Missing persons' information, disclosure of, Sections 14204 and
38 14205 of the Penal Code.

39 Morbidity and mortality studies, confidentiality of records,
40 Section 100330 of the Health and Safety Code.

1 Motor vehicle accident reports, disclosure, Sections 16005,
2 20012, and 20014 of the Vehicle Code.

3 Motor vehicles, department of, public records, exceptions,
4 Sections 1808 to 1808.7, inclusive, of the Vehicle Code.

5 Motor vehicle insurance fraud reporting, confidentiality of
6 information acquired, Section 1874.3 of the Insurance Code.

7 Motor vehicle liability insurer, data reported to Department of
8 Insurance, confidentiality of, Section 11628 of the Insurance Code.

9 Multijurisdictional drug law enforcement agency, closed sessions
10 to discuss criminal investigation, Section 54957.8.

11 SEC. 3. The Legislature finds and declares that Section 1 of
12 this act, which adds Section 955 to the Business and Professions
13 Code, imposes a limitation on the public's right of access to the
14 meetings of public bodies or the writings of public officials and
15 agencies within the meaning of Section 3 of Article I of the
16 California Constitution. Pursuant to that constitutional provision,
17 the Legislature makes the following findings to demonstrate the
18 interest protected by this limitation and the need for protecting
19 that interest:

20 In order to protect the privacy of frontline providers of health
21 care services to COVID-19 patients, it is necessary to prevent
22 disclosure of records associated with the mental health resiliency
23 program.

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

33 *SEC. 5. This act is an urgency statute necessary for the*
34 *immediate preservation of the public peace, health, or safety within*
35 *the meaning of Article IV of the California Constitution and shall*
36 *go into immediate effect. The facts constituting the necessity are:*

37 *In order to preserve the current and future health care workforce*
38 *by ensuring that frontline health care providers have access to*
39 *necessary services to address the ongoing stress and trauma of*

- 1 *the COVID-19 pandemic as soon as possible, it is necessary that*
- 2 *this act take effect immediately.*

O

AMENDED IN ASSEMBLY JANUARY 24, 2022

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 646

Introduced by Assembly Members Low, Cunningham, and Gipson
(Coauthor: Senator Roth)

February 12, 2021

An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its ~~internet website~~ *online license search system* that a person’s license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on ~~the board’s internet website~~; *its online license search system*. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its ~~internet website~~ *online license search system* that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would ~~authorize~~ *require* the board to charge a fee of \$25 to the person, ~~not to exceed the cost person to cover the reasonable regulatory cost~~ of administering the bill’s ~~provisions~~; *provisions, unless there is no associated cost*. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

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 493.5 is added to the Business and
 2 Professions Code, to read:
 3 493.5. (a) A board within the department that has posted on
 4 its ~~internet website~~ *online license search system* that a person’s
 5 license was revoked because the person was convicted of a crime,
 6 upon receiving from the person a certified copy of an expungement
 7 order granted pursuant to Section 1203.4 of the Penal Code for the
 8 underlying offense, shall, within 90 days of receiving the
 9 expungement order, unless it is otherwise prohibited by law, or by
 10 other terms or conditions, do either of the following:
 11 (1) If the person reapplies for licensure or has been relicensed,
 12 post notification of the expungement order and the date thereof on
 13 its ~~internet website~~; *online license search system*.
 14 (2) If the person is not currently licensed and does not reapply
 15 for licensure, remove the initial posting on its ~~internet website~~
 16 *online license search system* that the person’s license was revoked

1 and information previously posted regarding arrests, charges, and
2 convictions.

3 (b) ~~A(1) Except as provided in paragraph (2), a board within~~
4 ~~the department may shall charge a fee of twenty-five dollars (\$25)~~
5 ~~to a person described in subdivision (a), not to exceed (a) to cover~~
6 ~~the reasonable regulatory cost of associated with administering~~
7 ~~this section. The~~

8 (2) *A board shall not charge the fee if there is no cost associated*
9 *with administering this section.*

10 (3) *A board may adopt regulations to implement this subdivision.*
11 *The adoption, amendment, or repeal of a regulation authorized*
12 *by this subdivision is hereby exempted from the rulemaking*
13 *provisions of the Administrative Procedure Act (Chapter 3.5*
14 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
15 *2 of the Government Code).*

16 (4) *The fee shall be deposited by the board into the appropriate*
17 *fund and shall be available only upon appropriation by the*
18 *Legislature.*

19 (c) For purposes of this section, “board” means an entity listed
20 in Section 101.

21 (d) If any provision in this section conflicts with Section 2027,
22 Section 2027 shall prevail.

O

ASSEMBLY BILL

No. 1102

Introduced by Assembly Member Low

February 18, 2021

An act to amend Section 4999.2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as introduced, Low. Telephone medical advice services.

Existing law requires a telephone medical advice service, as defined, to be responsible for, among other requirements, ensuring that all health care professionals who provide medical advice services are appropriately licensed, certified, or registered, as specified. Existing law requires the respective healing arts licensing board to be responsible for enforcing specified provisions related to telephone medical advice services.

Existing law requires a telephone medical advice service to ensure that all health care professionals who provide telephone medical advice services from an out-of-state location are licensed, registered, or certified in the state within which they are providing the telephone medical advice services and are operating consistent with the laws governing their respective scopes of practice. Existing law further requires a telephone medical advice service to comply with all directions and requests for information made by the Department of Consumer Affairs.

This bill would specify that a telephone medical advice service is required to ensure that all health care professionals who provide telephone medical advice services from an out-of-state location are operating consistent with the laws governing their respective licenses. The bill would specify that a telephone medical advice service is

required to comply with all directions and requests for information made by the respective healing arts licensing boards.

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

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

1 SECTION 1. Section 4999.2 of the Business and Professions
2 Code is amended to read:

3 4999.2. A telephone medical advice service shall be responsible
4 for complying with the following requirements:

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

27 (2) Ensuring that all health care professionals who provide
28 telephone medical advice services from an out-of-state location,
29 as identified in paragraph (1), are licensed, registered, or certified
30 in the state within which they are providing the telephone medical
31 advice services and are operating consistent with the laws
32 governing their respective *licenses and* scopes of practice.

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

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

6 (d) Ensuring that no staff member uses a title or designation
7 when speaking to an enrollee, subscriber, or consumer that may
8 cause a reasonable person to believe that the staff member is a
9 licensed, certified, or registered health care professional described
10 in paragraph (1) of subdivision (a), unless the staff member is a
11 licensed, certified, or registered professional.

12 (e) Complying with all directions and requests for information
13 made by the ~~department~~. *department and respective healing arts*
14 *licensing boards*.

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

O

AMENDED IN SENATE JUNE 30, 2022
AMENDED IN ASSEMBLY MARCH 7, 2022
AMENDED IN ASSEMBLY FEBRUARY 23, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1604

Introduced by Assembly Member Holden

January 4, 2022

An act to amend Sections 11140, 18502, 18931, 18933, 18936, 19402, and 19574 of, and to add Sections 8310.6, 18553, and 18930.1 to, the Government Code, relating to human resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1604, as amended, Holden. The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women.

This bill would, except as specified, require that, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term "board member or commissioner from an underrepresented community" *as to include, but not be limited to*, an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.

The California Constitution establishes the State Personnel Board (board) and requires the board to, among other things, enforce the civil service statutes, prescribe probationary periods and classifications, adopt rules authorized by statute, and review disciplinary actions. The Constitution also requires the executive officer of the board to administer the civil service statutes under the rules of the board. Under existing law, the board is authorized to conduct audits and investigations of the personnel practices of the Department of Human Resources and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. Existing law establishes the Department of Human Resources (department) and provides that, subject to the requirements of the California Constitution, it succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction exercised by the board as its designee with respect to the board's administrative and ministerial functions.

This bill, among other things, would instead authorize the department, at the direction of and in conjunction with the State Personnel Board, to conduct audits and investigations of personnel practices of other departments and appointing authorities to ensure compliance with civil service policies, procedures, and statutes. The bill would require the department to oversee compliance with rules prescribed by the board consistent with a merit-based civil service system to govern appointments, classifications, examinations, probationary periods, disciplinary actions, and other matters related to the board's constitutional authority, and require the department, pursuant to a process established by the State Personnel Board, to investigate complaints filed by employees in a state department's equal employment opportunity program and personnel office, other civil service employees, applicants, and members of the public alleging violations of civil service laws and report findings to the board for adjudication.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for major Asian and Pacific Islander groups, as specified.

This bill would require any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified African American groups. The bill would distinguish between African Americans who are descendants of persons

enslaved in the United States and African Americans who are not descendants of persons enslaved in the United States, as defined.

Existing law requires that lists of eligible applicants for civil service positions be established as a result of free competitive examinations. Existing law, with regard to the requirements governing examinations for establishing employment lists, authorizes the department to designate an appointing power to design, announce, or administer examinations and requires the board to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position.

This bill would require instead that the board establish a process that includes diversity and best practices in each aspect of the design, announcement, and administration of the examinations and, in developing qualifications for determining the fitness and qualifications of employees, create standards for statements of qualifications used as examination criteria for the State of California in determining the fitness and qualifications of employees for each class of position. The bill would also require that examinations with an oral component be video and otherwise electronically recorded and all other examination materials be maintained for each examination, as specified. The bill would also require the announcement for an examination to include the core competencies, as defined, and the standard statement of qualifications, if applicable.

Existing law requires all appointing authorities of state government to establish an effective program of upward mobility for employees in low-paying occupational groups. Existing law requires each upward mobility program to include annual goals for upward mobility and a timetable for when progress will occur, and requires the department to approve the goals and timetables. Existing law authorizes an appointing authority that determines that it will be unable to achieve the goals to ask the department for a reduction in the goals, as specified.

This bill would repeal the authorization for an appointing authority to ask the department for a reduction in their annual upward mobility goals, and would instead require the appointing authority to submit a report explaining the failure to achieve the goals and what requirements are necessary to facilitate achieving the goals, as specified, and then submit the report to specified persons. The bill would, on or before July 1, 2023, require the department to develop model upward mobility goals that include race, gender, LGBTQ, veteran status, or physical or mental

disability as factors, and to provide a report to the Legislature outlining the department workforce analysis used to develop those model goals.

Existing law authorizes a state appointing power to take adverse action against state civil service employees for specified causes for discipline, and provides procedures for state civil service disciplinary proceedings. Existing law authorizes the board to hold hearings and make investigations concerning all matters relating to the enforcement and effect of the State Civil Service Act, as specified.

This bill would require each appointing power to provide the Department of Human Resources with a report, no later than April 1 of each year, detailing certain information regarding adverse actions against state employees, including, but not limited to, the ethnicity, race, gender identity, or sexual orientation of each employee served with an adverse action in the preceding calendar year.

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. This act shall be known, and may be cited, as the
2 Upward Mobility Act of 2022.

3 SEC. 2. Section 8310.6 is added to the Government Code, to
4 read:

5 8310.6. (a) A state agency, board, or commission that directly
6 or by contract collects demographic data as to the ancestry or ethnic
7 origin of Californians shall use separate collection categories and
8 tabulations for the following:

9 (1) African Americans who are descendants of persons enslaved
10 in the United States.

11 (2) African Americans who are not descendants of persons
12 enslaved in the United States, including, but not limited to, African
13 Blacks, Caribbean Blacks, and other African Americans or Blacks.

14 (b) The data collected pursuant to the different collection
15 categories and tabulations described in subdivision (a) shall be
16 included in every demographic report on ancestry or ethnic origins
17 of Californians by the state agency, board, or commission published
18 or released on or after January 1, 2023. The data shall be made
19 available to the public in accordance with state and federal law,
20 except for personal identifying information, which shall be deemed
21 confidential.

1 (c) As used in this section, the following definitions apply:

2 (1) “African Americans who are descendants of persons enslaved
3 in the United States” means individuals who self-identify as Black
4 or African American with at least one ancestor who was enslaved
5 or subject to chattelization in the United States.

6 (2) “African Blacks” means individuals with origins from the
7 continent of Africa, including, but not limited to, one or more of
8 the following countries: Algeria, Angola, Benin, Botswana,
9 Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African
10 Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of
11 Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini,
12 Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya,
13 Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania,
14 Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria,
15 Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal,
16 Seychelles, Sierra Leone, Somalia, South Africa, South Sudan,
17 Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

18 (3) “Caribbean Blacks” means individuals with origins from
19 Caribbean countries, including, but not limited to, one or more of
20 the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti,
21 Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St.
22 Kitts, the Bahamas, and the Dominican Republic.

23 (4) “Other African Americans or Blacks” means individuals
24 with African ancestry originating from any country not included
25 in paragraph (2) or (3).

26 SEC. 3. Section 11140 of the Government Code is amended
27 to read:

28 11140. (a) It is the policy of the State of California that the
29 composition of state boards and commissions shall be broadly
30 reflective of the general public, including ethnic minorities and
31 women.

32 (b) (1) On or after January 1, 2023, all state boards and
33 commissions consisting of one or more volunteer members or
34 commissioners shall have at least one volunteer board member or
35 commissioner from an underrepresented community.

36 (2) Notwithstanding paragraph (1), this subdivision shall not
37 apply to a state board or commission concerning public
38 employment, public education, or public contracting.

39 (c) For purposes of this section, the following definitions apply:

1 (1) “Board member or commissioner from an underrepresented
2 community” ~~means~~ *includes, but is not limited to*, all of the
3 following:

4 (A) An individual who self-identifies as Black, African
5 American, Hispanic, Latino, Asian, Pacific Islander, Native
6 American, Native Hawaiian, or Alaska Native.

7 (B) An individual who self-identifies as gay, lesbian, bisexual,
8 or transgender.

9 (C) An individual who has served in and has been discharged
10 under other than dishonorable conditions from service in the United
11 States Army, Navy, Air Force, Marine Corps, or Coast Guard.

12 (D) An individual who has a “physical disability” or a “mental
13 disability” as defined in Section 12926.

14 (2) “Volunteer member or commissioner” means an
15 “administrative volunteer” as defined in subdivision (b) of Section
16 3111, who is selected to serve on a board or commission by the
17 appropriate nominating authority and who does not receive any
18 compensation or financial gain from any state agency, as defined
19 in Section 11000. A volunteer may receive per diem and remain
20 a volunteer within the meaning of this section, and that volunteer
21 shall not be considered to be an employee solely on the basis of
22 receiving the per diem.

23 (d) Notwithstanding the date specified in paragraph (1) of
24 subdivision (b), the requirements of this section shall only apply
25 as vacancies on state boards and commissions occur.

26 (e) Subject to subdivision (d), this section shall only apply to a
27 vacancy appointment by the Governor or the Governor’s designees,
28 the chair of a board or commission or the chair’s designees, the
29 Speaker of the Assembly, and the President pro Tempore of the
30 Senate or Senate Rules Committee, or any combination thereof.

31 SEC. 4. Section 18502 of the Government Code is amended
32 to read:

33 18502. (a) There is hereby created in state government the
34 Department of Human Resources. The department succeeds to and
35 is vested with the following:

36 (1) All of the powers and duties exercised and performed by
37 the Department of Personnel Administration.

38 (2) Those powers, duties, and authorities necessary to operate
39 the state civil service system pursuant to Article VII of the

1 California Constitution, this code, the merit principle, and
2 applicable rules duly adopted by the State Personnel Board.

3 (b) (1) The State Personnel Board shall prescribe rules
4 consistent with a merit based civil service system to govern
5 appointments, classifications, examinations, probationary periods,
6 disciplinary actions, and other matters related to the board's
7 authority under Article VII of the California Constitution. The
8 State Personnel Board shall ensure that all changes to regulations
9 are circulated for public comment.

10 (2) The department shall oversee compliance with rules
11 prescribed by the State Personnel Board consistent with a
12 merit-based civil service system to govern appointments,
13 classifications, examinations, probationary periods, disciplinary
14 actions, and other matters related to the board's authority under
15 Article VII of the California Constitution.

16 (3) The department, at the direction of and in conjunction with
17 the State Personnel Board, may conduct audits and investigations
18 of personnel practices of other departments and appointing
19 authorities to ensure compliance with civil service policies,
20 procedures, and statutes.

21 (4) Pursuant to a process established by the State Personnel
22 Board, the department shall investigate complaints filed by
23 employees in a state department's equal employment opportunity
24 program and personnel office, other civil service employees,
25 applicants, and members of the public alleging violations of civil
26 service laws and report findings to the State Personnel Board for
27 adjudication.

28 (c) This section shall not limit the authority of the Department
29 of Human Resources and the State Personnel Board to delegate,
30 share, or transfer between them responsibilities for programs within
31 their respective jurisdictions pursuant to an agreement.

32 (d) The rules and regulations of the State Personnel Board and
33 of the Department of Personnel Administration shall remain in
34 effect unless and until contradicted by the terms of this chapter or
35 amended or repealed by the board or the Department of Human
36 Resources.

37 SEC. 5. Section 18553 is added to the Government Code, to
38 read:

39 18553. "Core competencies" mean the particular education,
40 experience, knowledge, and abilities that each applicant is required

1 to have in order to be considered eligible for a particular group of
2 classifications.

3 SEC. 6. Section 18930.1 is added to the Government Code, to
4 read:

5 18930.1. The board shall establish a process that includes
6 diversity and best practices in each aspect of the design,
7 announcement, and administration of examinations for the
8 establishment of employment lists.

9 SEC. 7. Section 18931 of the Government Code is amended
10 to read:

11 18931. (a) The board shall establish minimum qualifications
12 for determining the fitness and qualifications of employees for
13 each class of position. The department may require applicants for
14 examination or appointment to provide documentation as it deems
15 necessary to establish the applicants' qualifications.

16 (b) The board, in developing the qualifications referenced in
17 subdivision (a), shall also incorporate standards for statements of
18 qualifications used as examination criteria for the State of
19 California in determining the fitness and qualifications of
20 employees for each class of position. The department may require
21 applicants for examination or appointment to provide
22 documentation as it deems necessary to establish the applicants'
23 qualifications.

24 (c) Whenever the law requires that an applicant for a position
25 as a peace officer be screened to ensure that the applicant is free
26 from emotional and mental impairment, the department or the
27 designated appointing authority shall undertake that screening
28 subject to the applicant's right to appeal to the board.

29 SEC. 8. Section 18933 of the Government Code is amended
30 to read:

31 18933. (a) Within a reasonable time before the scheduled date,
32 the department or a designated appointing power shall announce
33 or advertise examinations for the establishment of eligible lists.
34 The announcement shall include the following:

- 35 (1) The date and place of the examination.
- 36 (2) The nature of the minimum qualifications and the functional
37 core competencies.
- 38 (3) The general scope of the examination.
- 39 (4) The relative weight of its several parts if more than one type
40 of test is to be utilized.

1 (5) Any other information the department deems proper.

2 (6) The standard statement of qualifications, if applicable.

3 (b) The department shall notify the Department of Veterans
4 Affairs when any promotional examination for the establishment
5 of an eligible list is announced or advertised to eligible candidates.
6 The notification shall state the job position and include all of the
7 information listed in paragraphs (1) to (6), inclusive, of subdivision
8 (a).

9 SEC. 9. Section 18936 of the Government Code is amended
10 to read:

11 18936. (a) All examination materials, including examination
12 questions and any written material, shall be maintained for each
13 examination for three years, after which they shall be disposed of
14 pursuant to a policy adopted by the board.

15 (b) Examinations that have an oral examination component shall
16 be video or otherwise electronically recorded. Examinees shall be
17 informed that they are being recorded. The recordings shall be
18 maintained for each examination for three years, after which they
19 shall be disposed of pursuant to a policy adopted by the board.

20 (c) The final earned rating of each person competing in any
21 examination shall be determined by the weighted average of the
22 earned ratings on all phases of the examination, according to the
23 weights for each phase established by the department or a
24 designated appointing power in advance of the giving of the
25 examination and published as a part of the announcement of the
26 examination.

27 (d) The department or a designated appointing power may set
28 minimum qualifying ratings for each phase of an examination and
29 may provide that competitors failing to achieve those ratings in
30 any phase shall be disqualified from any further participation in
31 the examination.

32 SEC. 10. Section 19402 of the Government Code is amended
33 to read:

34 19402. (a) All upward mobility programs shall include annual
35 goals that include the number of employees expected to progress
36 from positions in low-paying occupational groups to entry-level
37 technical, professional, and administrative positions, and the
38 timeframe within which this progress shall occur. The Department
39 of Human Resources shall be responsible for approving each
40 department's annual upward mobility goals and timetables.

1 (b) (1) By July 1, 2023, the Department of Human Resources
2 shall develop model upward mobility goals based on department
3 workforce analysis and shall post the model goals on its internet
4 website.

5 (2) The model upward mobility goals may include race, gender,
6 LGBTQ, veteran status, and physical or mental disability as factors
7 to the extent permissible under state and federal equal protection
8 laws.

9 (3) On or before July 1, 2023, the Department of Human
10 Resources shall provide a copy of the model upward mobility goals
11 and a corresponding report outlining the workforce analysis used
12 to develop the model upward mobility goals to each member of
13 the Legislature. The report shall be submitted in compliance with
14 Section 9795.

15 (c) If the appointing authority is unable to meet its annual
16 upward mobility goals and timetables for two consecutive fiscal
17 years, the appointing authority shall submit a report explaining
18 why it failed to achieve its goals and what requirements are
19 necessary to facilitate achieving its goals in the subsequent two
20 fiscal years. The appointing authority shall submit the report to
21 the department, the Director of the Department of Finance, and
22 the Legislative Analyst.

23 SEC. 11. Section 19574 of the Government Code is amended
24 to read:

25 19574. (a) The appointing power, or its authorized
26 representative, may take adverse action against an employee for
27 one or more of the causes for discipline specified in this article.
28 Adverse action is valid only if a written notice is served on the
29 employee prior to the effective date of the action, as defined by
30 board rule. The notice shall be served upon the employee either
31 personally or by mail and shall include: (1) a statement of the
32 nature of the adverse action; (2) the effective date of the action;
33 (3) a statement of the reasons therefor in ordinary language; (4) a
34 statement advising the employee of the right to answer the notice
35 orally or in writing; and (5) a statement advising the employee of
36 the time within which an appeal must be filed. The notice shall be
37 filed with the board not later than 15 calendar days after the
38 effective date of the adverse action.

1 (b) Effective January 1, 1996, this subdivision shall apply only
2 to state employees in State Bargaining Unit 5. This section shall
3 not apply to discipline as defined by Section 19576.1.

4 (c) (1) No later than April 1 of each year, each appointing power
5 shall provide to the Department of Human Resources a report
6 detailing all of the following information:

7 (A) The total number of adverse actions served on state
8 employees in the preceding calendar year.

9 (B) The ethnicity or race of each employee served with an
10 adverse action in the preceding calendar year, if available.

11 (C) The gender identity or sexual orientation of each employee
12 served with an adverse action in the preceding calendar year, if
13 available.

14 (D) The statutory basis for discipline under Section 19572 for
15 each adverse action served in the preceding calendar year.

16 (E) A brief factual summary of the basis for discipline for each
17 adverse action served in the preceding calendar year.

18 (F) The type of discipline imposed in each adverse action,
19 including, but not limited to, outright termination, the nature of
20 any demotion, the length of any suspension, or any other type of
21 discipline.

22 (2) No later than June 1 of each year, the department shall
23 include in its annual workforce analysis and census report the items
24 as reported by each appointing authority pursuant to this
25 subdivision and submit this report to the Legislature.

26 (3) This report shall be submitted in compliance with Section
27 9795.

28 (4) The information required pursuant to subparagraphs (B) and
29 (C) of paragraph (1) may be provided at the discretion of the
30 employee, and an appointing power shall not require an employee
31 to disclose this information.

32 SEC. 12. The provisions of this act are severable. If any
33 provision of this act or its application is held invalid, that invalidity
34 shall not affect other provisions or applications that can be given
35 effect without the invalid provision or application.

O

AMENDED IN ASSEMBLY APRIL 27, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1662

Introduced by Assembly Member Gipson

January 18, 2022

An act to ~~amend Section 480 of~~ *add Section 480.7* to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as amended, Gipson. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would ~~authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.~~ *require a board to establish a process by which prospective applicants may request a preapplication determination as to whether their criminal history could be cause for denial of a completed application for licensure by the board. The bill*

would provide that the preapplication determination, among other things, may be requested by the prospective applicant at any time prior to the submission of an application and would require the board to include specified written information regarding the criteria used to evaluate criminal history and how the prospective applicant may challenge a denial by the board. The bill would provide that a preapplication determination does not constitute a denial or disqualification of an application and would prohibit requiring a preapplication determination for licensure or for participation in any education or training program. The bill would require a board to publish information regarding its process for requesting a preapplication determination on its internet website and authorize a board to charge a fee, as specified, to be deposited by the board into the appropriate fund and available only upon appropriation by the Legislature.

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 480.7 is added to the Business and
- 2 Professions Code, to read:
- 3 480.7. (a) A board shall establish a process by which
- 4 prospective applicants may request a preapplication determination
- 5 as to whether their criminal history could be cause for denial of
- 6 a completed application for licensure by the board pursuant to
- 7 Section 480.
- 8 (b) The process required by subdivision (a) shall allow for
- 9 prospective applicants to request a preapplication determination
- 10 at any time prior to the submission of a completed application
- 11 through any method through which the board allows for the
- 12 submission of completed applications.
- 13 (c) (1) If a prospective applicant requests a preapplication
- 14 determination, a board designated in subdivision (b) of Section
- 15 144 may require a prospective applicant to furnish a full set of
- 16 fingerprints for purposes of conducting a criminal history record
- 17 check as part of a preapplication determination.
- 18 (2) Prospective applicants seeking a preapplication
- 19 determination shall be considered applicants for purposes of
- 20 Section 144.

1 (3) A board that receives criminal history information as part
2 of a preapplication determination is not required to request
3 subsequent arrest notification service from the Department of
4 Justice pursuant to Section 11105.2 of the Penal Code.

5 (d) If a prospective applicant requests a preapplication
6 determination, a board issuing a license pursuant to Chapter 3
7 (commencing with Section 5500), Chapter 3.5 (commencing with
8 Section 5615), Chapter 10 (commencing with Section 7301),
9 Chapter 20 (commencing with Section 9800), or Chapter 20.3
10 (commencing with Section 9880), of Division 3, or Chapter 3
11 (commencing with Section 19000) or Chapter 3.1 (commencing
12 with Section 19225) of Division 8 may require prospective
13 applicants for licensure under those chapters to disclose criminal
14 conviction history as part of a preapplication determination.

15 (e) A preapplication determination shall not constitute the denial
16 or disqualification of an application for purposes of Section 489
17 or any other law.

18 (f) Upon making a preapplication determination finding that a
19 prospective applicant's criminal history could be cause for denial
20 of a completed application, a board shall provide the prospective
21 applicant with all of the following in writing:

22 (1) A summary of the criteria used by the board to consider
23 whether a crime is considered to be substantially related to the
24 qualifications, functions, or duties of the business or profession it
25 regulates consistent with Section 481.

26 (2) The processes for the applicant to request a copy of the
27 applicant's complete conviction history and question the accuracy
28 or completeness of the record pursuant to Sections 11122 to 11127,
29 inclusive, of the Penal Code.

30 (3) That the applicant would have the right to appeal the board's
31 decision.

32 (4) Any existing procedure the board has for the prospective
33 applicant would have to challenge the decision or to request
34 reconsideration following the denial of a completed application,
35 including a copy of the criteria relating to rehabilitation formulated
36 under Section 482.

37 (g) A board shall publish information regarding its process for
38 requesting a preapplication determination on its internet website.

1 (h) A preapplication determination shall not be a requirement
2 for licensure or for participation in any education or training
3 program.

4 (i) Pursuant to this section, a board may charge a fee to a
5 prospective applicant in an amount not to exceed the lesser of fifty
6 dollars (\$50) or the reasonable cost of administering this section.
7 The fee shall be deposited by the board into the appropriate fund
8 and shall be available only upon appropriation by the Legislature.

9 (j) For purposes of this section, "board" includes each licensing
10 entity listed in Section 101, excluding the Bureau for Private
11 Postsecondary Education and the State Athletic Commission, and
12 the Department of Real Estate.

13 SECTION 1. Section 480 of the Business and Professions Code
14 is amended to read:

15 480. (a) Notwithstanding any provision of this code, a board
16 may deny a license regulated by this code on the grounds that the
17 applicant has been convicted of a crime or has been subject to
18 formal discipline only if either of the following conditions are met:

19 (1) The applicant has been convicted of a crime within the
20 preceding seven years from the date of application that is
21 substantially related to the qualifications, functions, or duties of
22 the business or profession for which the application is made,
23 regardless of whether the applicant was incarcerated for that crime,
24 or the applicant has been convicted of a crime that is substantially
25 related to the qualifications, functions, or duties of the business or
26 profession for which the application is made and for which the
27 applicant is presently incarcerated or for which the applicant was
28 released from incarceration within the preceding seven years from
29 the date of application. However, the preceding seven-year
30 limitation shall not apply in either of the following situations:

31 (A) The applicant was convicted of a serious felony, as defined
32 in Section 1192.7 of the Penal Code or a crime for which
33 registration is required pursuant to paragraph (2) or (3) of
34 subdivision (d) of Section 290 of the Penal Code.

35 (B) The applicant was convicted of a financial crime currently
36 classified as a felony that is directly and adversely related to the
37 fiduciary qualifications, functions, or duties of the business or
38 profession for which the application is made, pursuant to
39 regulations adopted by the board, and for which the applicant is
40 seeking licensure under any of the following:

- 1 ~~(i) Chapter 6 (commencing with Section 6500) of Division 3.~~
- 2 ~~(ii) Chapter 9 (commencing with Section 7000) of Division 3.~~
- 3 ~~(iii) Chapter 11.3 (commencing with Section 7512) of Division~~
- 4 ~~3.~~
- 5 ~~(iv) Licensure as a funeral director or cemetery manager under~~
- 6 ~~Chapter 12 (commencing with Section 7600) of Division 3.~~
- 7 ~~(v) Division 4 (commencing with Section 10000).~~

8 ~~(2) The applicant has been subjected to formal discipline by a~~
9 ~~licensing board in or outside California within the preceding seven~~
10 ~~years from the date of application based on professional misconduct~~
11 ~~that would have been cause for discipline before the board for~~
12 ~~which the present application is made and that is substantially~~
13 ~~related to the qualifications, functions, or duties of the business or~~
14 ~~profession for which the present application is made. However,~~
15 ~~prior disciplinary action by a licensing board within the preceding~~
16 ~~seven years shall not be the basis for denial of a license if the basis~~
17 ~~for that disciplinary action was a conviction that has been dismissed~~
18 ~~pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425~~
19 ~~of the Penal Code or a comparable dismissal or expungement.~~

20 ~~(b) Notwithstanding any provision of this code, a person shall~~
21 ~~not be denied a license on the basis that the person has been~~
22 ~~convicted of a crime, or on the basis of acts underlying a conviction~~
23 ~~for a crime, if that person has obtained a certificate of rehabilitation~~
24 ~~under Chapter 3.5 (commencing with Section 4852.01) of Title 6~~
25 ~~of Part 3 of the Penal Code, has been granted clemency or a pardon~~
26 ~~by a state or federal executive, or has made a showing of~~
27 ~~rehabilitation pursuant to Section 482.~~

28 ~~(c) Notwithstanding any provision of this code, a person shall~~
29 ~~not be denied a license on the basis of any conviction, or on the~~
30 ~~basis of the acts underlying the conviction, that has been dismissed~~
31 ~~pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425~~
32 ~~of the Penal Code, or a comparable dismissal or expungement. An~~
33 ~~applicant who has a conviction that has been dismissed pursuant~~
34 ~~to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code~~
35 ~~shall provide proof of the dismissal if it is not reflected on the~~
36 ~~report furnished by the Department of Justice.~~

37 ~~(d) Notwithstanding any provision of this code, a board shall~~
38 ~~not deny a license on the basis of an arrest that resulted in a~~
39 ~~disposition other than a conviction, including an arrest that resulted~~
40 ~~in an infraction, citation, or a juvenile adjudication.~~

1 ~~(e) A board may deny a license regulated by this code on the~~
2 ~~ground that the applicant knowingly made a false statement of fact~~
3 ~~that is required to be revealed in the application for the license. A~~
4 ~~board shall not deny a license based solely on an applicant's failure~~
5 ~~to disclose a fact that would not have been cause for denial of the~~
6 ~~license had it been disclosed.~~

7 ~~(f) A board shall follow the following procedures in requesting~~
8 ~~or acting on an applicant's criminal history information:~~

9 ~~(1) A board issuing a license pursuant to Chapter 3 (commencing~~
10 ~~with Section 5500), Chapter 3.5 (commencing with Section 5615),~~
11 ~~Chapter 10 (commencing with Section 7301), Chapter 20~~
12 ~~(commencing with Section 9800), or Chapter 20.3 (commencing~~
13 ~~with Section 9880), of Division 3, or Chapter 3 (commencing with~~
14 ~~Section 19000) or Chapter 3.1 (commencing with Section 19225)~~
15 ~~of Division 8 may require applicants for licensure under those~~
16 ~~chapters to disclose criminal conviction history on an application~~
17 ~~for licensure.~~

18 ~~(2) Except as provided in paragraph (1), a board shall not require~~
19 ~~an applicant for licensure to disclose any information or~~
20 ~~documentation regarding the applicant's criminal history. However,~~
21 ~~a board may request mitigating information from an applicant~~
22 ~~regarding the applicant's criminal history for purposes of~~
23 ~~determining substantial relation or demonstrating evidence of~~
24 ~~rehabilitation, provided that the applicant is informed that~~
25 ~~disclosure is voluntary and that the applicant's decision not to~~
26 ~~disclose any information shall not be a factor in a board's decision~~
27 ~~to grant or deny an application for licensure.~~

28 ~~(3) If a board decides to deny an application for licensure based~~
29 ~~solely or in part on the applicant's conviction history, the board~~
30 ~~shall notify the applicant in writing of all of the following:~~

31 ~~(A) The denial or disqualification of licensure.~~

32 ~~(B) Any existing procedure the board has for the applicant to~~
33 ~~challenge the decision or to request reconsideration.~~

34 ~~(C) That the applicant has the right to appeal the board's~~
35 ~~decision.~~

36 ~~(D) The processes for the applicant to request a copy of the~~
37 ~~applicant's complete conviction history and question the accuracy~~
38 ~~or completeness of the record pursuant to Sections 11122 to 11127~~
39 ~~of the Penal Code.~~

1 ~~(g) (1) A prospective applicant that has been convicted of a~~
2 ~~crime may submit to a board, by mail or email, and at any time,~~
3 ~~including before obtaining any training or education required for~~
4 ~~licensure by that board or before paying any application fee, a~~
5 ~~request for a preapplication determination that includes information~~
6 ~~provided by the prospective applicant regarding their criminal~~
7 ~~conviction.~~

8 ~~(2) Upon receiving a request submitted pursuant to paragraph~~
9 ~~(1), a board shall determine if the prospective applicant may be~~
10 ~~disqualified from licensure by the board based on the information~~
11 ~~submitted with the request, and deliver the determination by mail~~
12 ~~or email to the prospective applicant within a reasonable time.~~

13 ~~(h) (1) For a minimum of three years, each board under this~~
14 ~~code shall retain application forms and other documents submitted~~
15 ~~by an applicant, any notice provided to an applicant, all other~~
16 ~~communications received from and provided to an applicant, and~~
17 ~~criminal history reports of an applicant.~~

18 ~~(2) Each board under this code shall retain the number of~~
19 ~~applications received for each license and the number of~~
20 ~~applications requiring inquiries regarding criminal history. In~~
21 ~~addition, each licensing authority shall retain all of the following~~
22 ~~information:~~

23 ~~(A) The number of applicants with a criminal record who~~
24 ~~received notice of denial or disqualification of licensure.~~

25 ~~(B) The number of applicants with a criminal record who~~
26 ~~provided evidence of mitigation or rehabilitation.~~

27 ~~(C) The number of applicants with a criminal record who~~
28 ~~appealed any denial or disqualification of licensure.~~

29 ~~(D) The final disposition and demographic information,~~
30 ~~consisting of voluntarily provided information on race or gender,~~
31 ~~of any applicant described in subparagraph (A), (B), or (C).~~

32 ~~(3) (A) Each board under this code shall annually make~~
33 ~~available to the public through the board's internet website and~~
34 ~~through a report submitted to the appropriate policy committees~~
35 ~~of the Legislature deidentified information collected pursuant to~~
36 ~~this subdivision. Each board shall ensure confidentiality of the~~
37 ~~individual applicants.~~

38 ~~(B) A report pursuant to subparagraph (A) shall be submitted~~
39 ~~in compliance with Section 9795 of the Government Code.~~

1 (i) ~~“Conviction” as used in this section shall have the same~~
2 ~~meaning as defined in Section 7.5.~~

3 (j) ~~This section does not in any way modify or otherwise affect~~
4 ~~the existing authority of the following entities in regard to~~
5 ~~licensure:~~

6 ~~(1) The State Athletic Commission.~~

7 ~~(2) The Bureau for Private Postsecondary Education.~~

8 ~~(3) The California Horse Racing Board.~~

O

ASSEMBLY BILL

No. 1733

Introduced by Assembly Member Quirk

January 31, 2022

An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference

location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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 101.7 of the Business and Professions
2 Code is amended to read:
3 101.7. (a) Notwithstanding any other provision of law, boards
4 shall meet at least two times each calendar year. Boards shall meet
5 at least once each calendar year in northern California and once
6 each calendar year in southern California in order to facilitate
7 participation by the public and its ~~licensees~~. *licensees, unless the*
8 *board’s meetings are held entirely by teleconference.*
9 (b) The director has discretion to exempt any board from the
10 requirement in subdivision (a) upon a showing of good cause that
11 the board is not able to meet at least two times in a calendar year.
12 (c) The director may call for a special meeting of the board
13 when a board is not fulfilling its duties.
14 (d) An agency within the department that is required to provide
15 a written notice pursuant to subdivision (a) of Section 11125 of
16 the Government Code, may provide that notice by regular mail,
17 email, or by both regular mail and email. An agency shall give a
18 person who requests a notice the option of receiving the notice by
19 regular mail, email, or by both regular mail and email. The agency
20 shall comply with the requester’s chosen form or forms of notice.
21 (e) An agency that plans to webcast a meeting shall include in
22 the meeting notice required pursuant to subdivision (a) of Section
23 11125 of the Government Code a statement of the board’s intent
24 to webcast the meeting. An agency may webcast a meeting even
25 if the agency fails to include that statement of intent in the notice.
26 SEC. 2. Section 11122.5 of the Government Code is amended
27 to read:

1 11122.5. (a) As used in this article, “meeting” includes any
2 congregation of a majority of the members of a state body at the
3 same time and ~~place~~ *place, including one held entirely by*
4 *teleconference*, to hear, discuss, or deliberate upon any item that
5 is within the subject matter jurisdiction of the state body to which
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,
8 outside of a meeting authorized by this chapter, use a series of
9 communications of any kind, directly or through intermediaries,
10 to discuss, deliberate, or take action on any item of business that
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee
13 or official of a state agency from engaging in separate
14 conversations or communications outside of a meeting authorized
15 by this chapter with members of a legislative body in order to
16 answer questions or provide information regarding a matter that
17 is within the subject matter jurisdiction of the state agency, if that
18 person does not communicate to members of the legislative body
19 the comments or position of any other member or members of the
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the
22 following:

23 (1) Individual contacts or conversations between a member of
24 a state body and any other person that do not violate subdivision
25 (b).

26 (2) (A) The attendance of a majority of the members of a state
27 body at a conference or similar gathering open to the public that
28 involves a discussion of issues of general interest to the public or
29 to public agencies of the type represented by the state body, if a
30 majority of the members do not discuss among themselves, other
31 than as part of the scheduled program, business of a specified
32 nature that is within the subject matter jurisdiction of the state
33 body.

34 (B) Subparagraph (A) does not allow members of the public
35 free admission to a conference or similar gathering at which the
36 organizers have required other participants or registrants to pay
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body
39 at an open and publicized meeting organized to address a topic of
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,
2 other than as part of the scheduled program, business of a specific
3 nature that is within the subject matter jurisdiction of the state
4 body.

5 (4) The attendance of a majority of the members of a state body
6 at an open and noticed meeting of another state body or of a
7 legislative body of a local agency as defined by Section 54951, if
8 a majority of the members do not discuss among themselves, other
9 than as part of the scheduled meeting, business of a specific nature
10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body
12 at a purely social or ceremonial occasion, if a majority of the
13 members do not discuss among themselves business of a specific
14 nature that is within the subject matter jurisdiction of the state
15 body.

16 (6) The attendance of a majority of the members of a state body
17 at an open and noticed meeting of a standing committee of that
18 body, if the members of the state body who are not members of
19 the standing committee attend only as observers.

20 SEC. 3. Section 11123 of the Government Code is amended
21 to read:

22 11123. (a) All meetings of a state body shall be open and
23 public and all persons shall be permitted to attend any meeting of
24 a state body except as otherwise provided in this article.

25 (b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from~~
26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for
27 the benefit of the public and state ~~body.~~ *body, and allows for use*
28 *of teleconference in closed sessions.* The meeting or proceeding
29 held by teleconference shall otherwise comply with all applicable
30 requirements or laws relating to a specific type of meeting or
31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing~~ *teleconferenced* meeting shall comply
33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required
35 to be open to the public *at any physical location specified in the*
36 *notice of the meeting* shall be *visible and* audible to the public at
37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~
39 ~~proceeding by teleconference, it shall post agendas at all~~
40 ~~teleconference locations and shall~~ conduct teleconference meetings

1 in a manner that protects the rights of any party or member of the
 2 public appearing before the state body. *The state body shall provide*
 3 *a means by which the public may remotely hear audio of the*
 4 *meeting or remotely hear and observe the meeting, and a means*
 5 *by which the public may remotely address the state body, as*
 6 *appropriate, via either a two-way audio-visual platform or a*
 7 *two-way telephonic service. Should the state body elect to use a*
 8 *two-way telephonic service only, it must also provide live*
 9 *webcasting of the open meeting. The applicable teleconference*
 10 *phone number or internet website, or other information indicating*
 11 *how the public can access the meeting remotely, shall be specified*
 12 *in any notice required by this article. ~~Each teleconference location~~*
 13 *shall be identified in the notice and agenda of the meeting or*
 14 *proceeding, and each teleconference location shall be accessible*
 15 *to the public. The agenda shall provide an opportunity for members*
 16 *of the public to remotely address the state body directly pursuant*
 17 *to Section ~~11125.7~~ at each teleconference location. 11125.7.*

18 (D) *The state body shall provide members of the public with a*
 19 *physical location at which the public may hear, observe, and*
 20 *address the state body. Each physical location shall be identified*
 21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*
 23 *right to directly address the state body during the teleconferenced*
 24 *meeting without being required to submit public comments prior*
 25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*
 28 *a meeting. The members of the state body may also be physically*
 29 *present and participate at a designated physical meeting location,*
 30 *but no member of the state body shall be required to be physically*
 31 *present at any physical meeting location designated in the notice*
 32 *of the meeting in order to be deemed present at the meeting. All*
 33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*
 35 *to the public may not include the consideration of any agenda item*
 36 *being heard pursuant to Section ~~11125.5~~.*

37 ~~(F)~~ *At least one member of the state body shall be physically*
 38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*
 40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,
 2 including Section 11125, requiring the state body post an agenda
 3 of a meeting at least 10 days in advance of the meeting, Section
 4 11125.4, applicable to special meetings, and Sections 11125.5 and
 5 11125.6, applicable to emergency meetings. The state body shall
 6 post the agenda on its internet website and, on the day of the
 7 meeting, at any physical meeting location designated in the notice
 8 of the meeting. The notice and agenda shall not disclose
 9 information regarding any remote location from which a member
 10 is participating.

11 (H) Upon discovering that a means of remote participation
 12 required by this section has failed during a meeting and cannot
 13 be restored, the state body shall end or adjourn the meeting in
 14 accordance with Section 11128.5. In addition to any other
 15 requirements that may apply, the state body shall provide notice
 16 of the meeting's end or adjournment on the state body's internet
 17 website and by email to any person who has requested notice of
 18 meetings of the state body by email under this article. If the meeting
 19 will be adjourned and reconvened on the same day, further notice
 20 shall be provided by an automated message on a telephone line
 21 posted on the state body's agenda, internet website, or by a similar
 22 means, that will communicate when the state body intends to
 23 reconvene the meeting and how a member of the public may hear
 24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, "~~teleconference~~" all of
 26 the following definitions shall apply:

27 (A) "~~Teleconference~~" means a meeting of a state ~~body, the~~
 28 ~~members of which are at different locations, connected~~ body that
 29 provides for a connection by electronic means, including by
 30 telephone, an internet website, or other online platform, through
 31 ~~either audio or both audio and video~~. This section does not prohibit
 32 a state body from providing members of the public with additional
 33 physical locations in which the public may observe ~~or~~ and address
 34 the state body by electronic means, through either audio or both
 35 audio and video.

36 (B) "~~Remote location~~" means a location from which a member
 37 of a state body participates in a meeting other than any physical
 38 meeting location designated in the notice of the meeting. Remote
 39 locations need not be accessible to the public.

1 (C) “Remote participation” means participation in a meeting
2 by teleconference at a location other than any physical meeting
3 location designated in the notice of the meeting. Watching or
4 listening to a meeting via webcasting or another similar electronic
5 medium that does not permit members to interactively hear,
6 discuss, or deliberate on matters, does not constitute participation
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform
9 that provides participants with the ability to participate in a
10 meeting via both an interactive video conference and a two-way
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service
13 that does not require internet access, is not provided as part of a
14 two-way audio-visual platform, and allows participants to dial a
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online
17 or on television, using streaming media technology to distribute
18 a single content source to many simultaneous listeners and viewers.
19 This section does not prohibit a state body from providing members
20 of the public with additional physical locations in which the public
21 may observe and address the state body by electronic means.

22 (c) The state body shall publicly report any action taken and the
23 vote or abstention on that action of each member present for the
24 action.

25 (d) A state body that is organized within the Department of
26 Consumer Affairs and meets at least two times each calendar year
27 shall be deemed to have met the requirements of subdivision (a)
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the
30 ability to encourage full participation by appointees with
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by
33 teleconference from a remote location, the member shall disclose
34 whether any other individuals 18 years of age or older are present
35 in the room at the remote location with the member, and the
36 general nature of the member’s relationship with any such
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~

1 any state body that is an advisory board, advisory commission,
 2 advisory committee, advisory subcommittee, or similar
 3 multimember advisory body may hold an open meeting by
 4 teleconference as described in this section, provided the meeting
 5 complies with all of the section's requirements and, except as set
 6 forth in this section, it also complies with all other applicable
 7 requirements of this article.

8 (b) A member of a state body as described in subdivision (a)
 9 who participates in a teleconference meeting from a remote location
 10 subject to this section's requirements shall be listed in the minutes
 11 of the meeting.

12 (c) The state body shall provide notice to the public at least 24
 13 hours before the meeting that identifies any member who will
 14 participate remotely by posting the notice on its Internet Web site
 15 and by emailing notice to any person who has requested notice of
 16 meetings of the state body under this article. The location of a
 17 member of a state body who will participate remotely is not
 18 required to be disclosed in the public notice or email and need not
 19 be accessible to the public. The notice of the meeting shall also
 20 identify the primary physical meeting location designated pursuant
 21 to subdivision (e).

22 (d) This section does not affect the requirement prescribed by
 23 this article that the state body post an agenda of a meeting at least
 24 10 days in advance of the meeting. The agenda shall include
 25 information regarding the physical meeting location designated
 26 pursuant to subdivision (c), but is not required to disclose
 27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the
 29 primary physical meeting location in the notice of the meeting
 30 where members of the public may physically attend the meeting
 31 and participate. A quorum of the members of the state body shall
 32 be in attendance at the primary physical meeting location, and
 33 members of the state body participating remotely shall not count
 34 towards establishing a quorum. All decisions taken during a
 35 meeting by teleconference shall be by rolleall vote. The state body
 36 shall post the agenda at the primary physical meeting location, but
 37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)
 39 participates remotely in a meeting subject to this section's
 40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe
2 the meeting, including, if available, equal access equivalent to
3 members of the state body participating remotely. The applicable
4 teleconference phone number or Internet Web site, or other
5 information indicating how the public can access the meeting
6 remotely, shall be in the 24-hour notice described in subdivision
7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required
9 by subdivision (f) has failed during a meeting, the state body
10 described in subdivision (a) shall end or adjourn the meeting in
11 accordance with Section 11128.5. In addition to any other
12 requirements that may apply, the state body shall provide notice
13 of the meeting's end or adjournment on its Internet Web site and
14 by email to any person who has requested notice of meetings of
15 the state body under this article. If the meeting will be adjourned
16 and reconvened on the same day, further notice shall be provided
17 by an automated message on a telephone line posted on the state
18 body's agenda, or by a similar means, that will communicate when
19 the state body intends to reconvene the meeting and how a member
20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:

22 (1) "Participate remotely" means participation in a meeting at
23 a location other than the physical location designated in the agenda
24 of the meeting.

25 (2) "Remote location" means a location other than the primary
26 physical location designated in the agenda of a meeting.

27 (3) "Teleconference" has the same meaning as in Section 11123.

28 (i) This section does not limit or affect the ability of a state body
29 to hold a teleconference meeting under another provision of this
30 article.

31 SEC. 5. Section 11124 of the Government Code is amended
32 to read:

33 11124. (a) No person shall be required, as a condition to
34 attendance at a meeting of a state body, to register his or her *the*
35 *person's* name, to provide other information, to complete a
36 questionnaire, or otherwise to fulfill any condition precedent to
37 his or her *the person's* attendance.

38 If

39 (b) If an attendance list, register, questionnaire, or other similar
40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to
2 persons present during the meeting, it shall state clearly that the
3 signing, registering, or completion of the document is voluntary,
4 and that all persons may attend the meeting regardless of whether
5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*
7 *online platform that may require identification to log into a*
8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended
10 to read:

11 11125. (a) The state body shall provide notice of its meeting
12 to any person who requests that notice in writing. Notice shall be
13 given and also made available on the ~~Internet~~ *state body's internet*
14 *website* at least 10 days in advance of the meeting, and shall include
15 the name, address, and telephone number of any person who can
16 provide further information prior to the meeting, but need not
17 include a list of witnesses expected to appear at the meeting. The
18 written notice shall additionally include the address of the ~~Internet~~
19 *site internet website* where notices required by this article are made
20 available. *The notice shall specify the means by which a meeting*
21 *may be accessed by teleconference in accordance with the*
22 *requirements of subparagraph (C) of paragraph (1) of subdivision*
23 *(b) of Section 11123, including sufficient information necessary*
24 *to access the teleconference. The notice shall also specify any*
25 *designated physical meeting location at which the public may*
26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall
28 include a specific agenda for the meeting, containing a brief
29 description of the items of business to be transacted or discussed
30 in either open or closed session. A brief general description of an
31 item generally need not exceed 20 words. A description of an item
32 to be transacted or discussed in closed session shall include a
33 citation of the specific statutory authority under which a closed
34 session is being held. No item shall be added to the agenda
35 subsequent to the provision of this notice, unless otherwise
36 permitted by this article.

37 ~~(c) Notice of a meeting of a state body that complies with this~~
38 ~~section shall also constitute notice of a meeting of an advisory~~
39 ~~body of that state body, provided that the business to be discussed~~
40 ~~by the advisory body is covered by the notice of the meeting of~~

1 ~~the state body, provided that the specific time and place of the~~
2 ~~advisory body's meeting is announced during the open and public~~
3 ~~state body's meeting, and provided that the advisory body's~~
4 ~~meeting is conducted within a reasonable time of, and nearby, the~~
5 ~~meeting of the state body.~~

6 ~~(d)~~

7 (c) A person may request, and shall be provided, notice pursuant
8 to subdivision (a) for all meetings of a state body or for a specific
9 meeting or meetings. In addition, at the state body's discretion, a
10 person may request, and may be provided, notice of only those
11 meetings of a state body at which a particular subject or subjects
12 specified in the request will be discussed.

13 ~~(e)~~

14 (d) A request for notice of more than one meeting of a state
15 body shall be subject to the provisions of Section 14911.

16 ~~(f)~~

17 (e) The notice shall be made available in appropriate alternative
18 formats, as required by Section 202 of the Americans with
19 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
20 rules and regulations adopted in implementation thereof, upon
21 request by any person with a disability. The notice shall include
22 information regarding how, to whom, and by when a request for
23 any disability-related modification or accommodation, including
24 auxiliary aids or services may be made by a person with a disability
25 who requires these aids or services in order to participate in the
26 public meeting.

27 (f) *State bodies shall conduct meetings subject to this chapter*
28 *consistent with applicable state and federal civil rights laws,*
29 *including, but not limited to, any applicable language access and*
30 *other nondiscrimination obligations.*

31 SEC. 7. Section 11125.4 of the Government Code is amended
32 to read:

33 11125.4. (a) A special meeting may be called at any time by
34 the presiding officer of the state body or by a majority of the
35 members of the state body. A special meeting may only be called
36 for one of the following purposes when compliance with the 10-day
37 notice provisions of Section 11125 would impose a substantial
38 hardship on the state body or when immediate action is required
39 to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in
2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or
6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real
8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant
11 to Division 31 (commencing with Section 50000) of the Health
12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit
14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body
16 upon the death, incapacity, or vacancy in the office of the executive
17 officer.
- 18 (10) *To deliberate on a decision to be reached in a proceeding*
19 *required to be conducted pursuant to Chapter 5 (commencing with*
20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the
22 purposes specified in subdivision (a), the state body shall provide
23 notice of the special meeting to each member of the state body and
24 to all parties that have requested notice of its meetings as soon as
25 is practicable after the decision to call a special meeting has been
26 made, but shall deliver the notice in a manner that allows it to be
27 received by the members and by newspapers of general circulation
28 and radio or television stations at least 48 hours before the time
29 of the special meeting specified in the notice. Notice shall be made
30 available to newspapers of general circulation and radio or
31 television stations by providing that notice to all national press
32 wire services. Notice shall also be made available on the Internet
33 within the time periods required by this section. The notice shall
34 specify the time and place of the special meeting and the business
35 to be transacted. The written notice shall additionally specify the
36 address of the ~~Internet Web site~~ *internet website* where notices
37 required by this article are made available. No other business shall
38 be considered at a special meeting by the state body. The written
39 notice may be dispensed with as to any member who at or prior
40 to the time the meeting convenes files with the clerk or secretary

1 of the state body a written waiver of notice. The waiver may be
2 given by telegram, facsimile transmission, or similar means. The
3 written notice may also be dispensed with as to any member who
4 is actually present at the meeting at the time it convenes. Notice
5 shall be required pursuant to this section regardless of whether any
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body
8 must make a finding in open session that the delay necessitated
9 by providing notice 10 days prior to a meeting as required by
10 Section 11125 would cause a substantial hardship on the body or
11 that immediate action is required to protect the public interest. The
12 finding shall set forth the specific facts that constitute the hardship
13 to the body or the impending harm to the public interest. The
14 finding shall be adopted by a two-thirds vote of the body, or, if
15 less than two-thirds of the members are present, a unanimous vote
16 of those members present. The finding shall be made available on
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned
22 regular, special, or adjourned special meeting to a time and ~~place~~
23 *place, including by teleconference*, specified in the order of
24 adjournment. Less than a quorum may so adjourn from time to
25 time. If all members are absent from any regular or adjourned
26 regular meeting, the clerk or secretary of the state body may declare
27 the meeting adjourned to a stated time and ~~place~~ *place, including*
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall
29 cause a written notice of the adjournment to be given in the same
30 manner as provided in Section 11125.4 for special meetings, unless
31 that notice is waived as provided for special meetings. A copy of
32 the order or notice of adjournment shall be conspicuously posted
33 *on the state body's internet website, and if applicable*, on or near
34 the door of the place where the regular, adjourned regular, special,
35 or adjourned special meeting was held within 24 hours after the
36 time of the adjournment. When a regular or adjourned regular
37 meeting is adjourned as provided in this section, the resulting
38 adjourned regular meeting is a regular meeting for all purposes.
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be
6 held by a state body at any meeting may by order or notice of
7 continuance be continued or recontinued to any subsequent meeting
8 of the state body in the same manner and to the same extent set
9 forth in Section 11128.5 for the adjournment of meetings. A copy
10 of the order or notice of continuance shall be conspicuously posted
11 *on the state body's internet website, and if applicable,* on or near
12 the door of the place where the hearing was held within 24 hours
13 after the time of the continuance; provided, that if the hearing is
14 continued to a time less than 24 hours after the time specified in
15 the order or notice of hearing, a copy of the order or notice of
16 continuance of hearing shall be posted immediately following the
17 meeting at which the order or declaration of continuance was
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act
20 to improve and enhance public access to state and local agency
21 meetings by allowing broader access through teleconferencing
22 options consistent with the Governor's Executive Order No.
23 N-29-20 dated March 17, 2020, and related executive orders,
24 permitting expanded use of teleconferencing during the COVID-19
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the California Constitution and shall
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government
31 participation by the public, and increase transparency in state
32 government operations during the COVID-19 pandemic, it is
33 necessary that this act take effect immediately.

O

ASSEMBLY BILL

No. 1756

Introduced by Assembly Member Smith

February 2, 2022

An act to amend Section 312.2 of the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1756, as introduced, Smith. Department of Consumer Affairs.

Existing law provides for the licensure and regulation of various professions and vocations by boards, as defined, within the Department of Consumer Affairs. Existing law requires the department to receive specified complaints from consumers and to transmit any valid complaint to the local, state, or federal agency whose authority provides the most effective means to secure relief. Existing law requires the Attorney General to submit a report to the department, the Governor, and the appropriate policy committees of the Legislature, on or before January 1, 2018, and on or before January 1 of each subsequent year, that includes specified information regarding the actions taken by the Attorney General pertaining to accusation matters relating to consumer complaints against a person whose profession or vocation is licensed by an agency within the department.

This bill would make a nonsubstantive change to that provision.

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

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

1 SECTION 1. Section 312.2 of the Business and Professions
2 Code is amended to read:

3 312.2. (a) The Attorney General shall submit a report to the
4 department, the Governor, and the appropriate policy committees
5 of the Legislature on or before January 1, 2018, and on or before
6 January 1 of each subsequent year that includes, at a minimum,
7 all of the following for the previous fiscal year for each constituent
8 entity within the department represented by the Licensing Section
9 and Health Quality Enforcement Section of the Office of the
10 Attorney General:

11 (1) The number of accusation matters referred to the Attorney
12 General.

13 (2) The number of accusation matters rejected for filing by the
14 Attorney General.

15 (3) The number of accusation matters for which further
16 investigation was requested by the Attorney General.

17 (4) The number of accusation matters for which further
18 investigation was received by the Attorney General.

19 (5) The number of accusations filed by each constituent entity.

20 (6) The number of accusations a constituent entity withdraws.

21 (7) The number of accusation matters adjudicated by the
22 Attorney General.

23 (b) The Attorney General shall also report all of the following
24 for accusation matters adjudicated within the previous fiscal year
25 for each constituent entity of the department represented by the
26 Licensing Section and Health Quality Enforcement Section:

27 (1) The average number of days from the Attorney General
28 receiving an accusation referral to when an accusation is filed by
29 the constituent entity.

30 (2) The average number of days to prepare an accusation for a
31 case that is rereferred to the Attorney General after further
32 investigation is received by the Attorney General from a constituent
33 entity or the Division of Investigation.

34 (3) The average number of days from an agency filing an
35 accusation to the Attorney General transmitting a stipulated
36 settlement to the constituent entity.

1 (4) The average number of days from an agency filing an
2 accusation to the Attorney General transmitting a default decision
3 to the constituent entity.

4 (5) The average number of days from an agency filing an
5 accusation to the Attorney General requesting a hearing date from
6 the Office of Administrative Hearings.

7 (6) The average number of days from the Attorney General's
8 receipt of a hearing date from the Office of Administrative
9 Hearings to the commencement of *a* *the* hearing.

10 (c) A report to be submitted pursuant to subdivision (a) shall
11 be submitted in compliance with Section 9795 of the Government
12 Code.

O

ASSEMBLY BILL

No. 1795

Introduced by Assembly Member Fong

February 7, 2022

An act to amend Sections 11123 and 11125.7 of the Government Code, relating to boards and commissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1795, as introduced, Fong. Open meetings: remote participation.

Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

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 11123 of the Government Code is
2 amended to read:
3 11123. (a) All meetings of a state body shall be open and
4 public and all persons shall be permitted to attend any meeting of
5 a state ~~body~~ body, including by both in-person and remote
6 participation, except as otherwise provided in this article. For
7 purposes of this subdivision, "remote participation" means
8 participation in a meeting at a location other than the physical

1 *location designated in the agenda of the meeting via electronic*
2 *communication.*

3 (b) (1) This article does not prohibit a state body from holding
4 an open or closed meeting by teleconference for the benefit of the
5 public and state body. The meeting or proceeding held by
6 teleconference shall otherwise comply with all applicable
7 requirements or laws relating to a specific type of meeting or
8 proceeding, including the following:

9 (A) The teleconferencing meeting shall comply with all
10 requirements of this article applicable to other meetings.

11 (B) The portion of the teleconferenced meeting that is required
12 to be open to the public shall be audible to the public at the location
13 specified in the notice of the meeting.

14 (C) If the state body elects to conduct a meeting or proceeding
15 by teleconference, it shall post agendas at all teleconference
16 locations and conduct teleconference meetings in a manner that
17 protects the rights of any party or member of the public appearing
18 before the state body. Each teleconference location shall be
19 identified in the notice and agenda of the meeting or proceeding,
20 and each teleconference location shall be accessible to the public.
21 The agenda shall provide an opportunity for members of the public
22 to address the state body directly pursuant to Section 11125.7 at
23 each teleconference location.

24 (D) All votes taken during a teleconferenced meeting shall be
25 by rollcall.

26 (E) The portion of the teleconferenced meeting that is closed
27 to the public may not include the consideration of any agenda item
28 being heard pursuant to Section 11125.5.

29 (F) At least one member of the state body shall be physically
30 present at the location specified in the notice of the meeting.

31 (2) For the purposes of this subdivision, “teleconference” means
32 a meeting of a state body, the members of which are at different
33 locations, connected by electronic means, through either audio or
34 both audio and video. This section does not prohibit a state body
35 from providing members of the public with additional locations
36 in which the public may observe or address the state body by
37 electronic means, through either audio or both audio and video.

38 (c) The state body shall publicly report any action taken and the
39 vote or abstention on that action of each member present for the
40 action.

1 SEC. 2. Section 11125.7 of the Government Code is amended
2 to read:

3 11125.7. (a) Except as otherwise provided in this section, the
4 state body shall provide an opportunity for members of the public
5 to directly address the state ~~body~~ *body, including by both in-person*
6 *and remote participation*, on each agenda item before or during
7 the state body's discussion or consideration of the item. This
8 section is not applicable if the agenda item has already been
9 considered by a committee composed exclusively of members of
10 the state body at a public meeting where interested members of
11 the public were afforded the opportunity to address the committee
12 on the item, before or during the committee's consideration of the
13 item, unless the item has been substantially changed since the
14 committee heard the item, as determined by the state body. Every
15 notice for a special meeting at which action is proposed to be taken
16 on an item shall provide an opportunity for members of the public
17 to directly address the state body concerning that item prior to
18 action on the item. In addition, the notice requirement of Section
19 11125 shall not preclude the acceptance of testimony at meetings,
20 other than emergency meetings, from members of the public if no
21 action is taken by the state body at the same meeting on matters
22 brought before the body by members of the public. *For purposes*
23 *of this subdivision, "remote participation" means participation*
24 *in a meeting at a location other than the physical location*
25 *designated in the agenda of the meeting via electronic*
26 *communication.*

27 (b) The state body may adopt reasonable regulations to ensure
28 that the intent of subdivision (a) is carried out, including, but not
29 limited to, regulations limiting the total amount of time allocated
30 for public comment on particular issues and for each individual
31 speaker.

32 (c) (1) Notwithstanding subdivision (b), when a state body
33 limits time for public comment the state body shall provide at least
34 twice the allotted time to a member of the public who utilizes a
35 translator or other translating technology to ensure that non-English
36 speakers receive the same opportunity to directly address the state
37 body.

38 (2) Paragraph (1) shall not apply if the state body utilizes
39 simultaneous translation equipment in a manner that allows the
40 state body to hear the translated public testimony simultaneously.

1 (d) The state body shall not prohibit public criticism of the
2 policies, programs, or services of the state body, or of the acts or
3 omissions of the state body. Nothing in this subdivision shall confer
4 any privilege or protection for expression beyond that otherwise
5 provided by law.

6 (e) This section is not applicable to any of the following:

- 7 (1) Closed sessions held pursuant to Section 11126.
- 8 (2) Decisions regarding proceedings held pursuant to Chapter
9 5 (commencing with Section 11500), relating to administrative
10 adjudication, or to the conduct of those proceedings.
- 11 (3) Hearings conducted by the California Victim Compensation
12 Board pursuant to ~~Sections 13963 and 13963.1.~~ *Section 13959.*
- 13 (4) Agenda items that involve decisions of the Public Utilities
14 Commission regarding adjudicatory hearings held pursuant to
15 Chapter 9 (commencing with Section 1701) of Part 1 of Division
16 1 of the Public Utilities Code. For all other agenda items, the
17 commission shall provide members of the public, other than those
18 who have already participated in the proceedings underlying the
19 agenda item, an opportunity to directly address the commission
20 before or during the commission’s consideration of the item.

O

AMENDED IN SENATE JUNE 16, 2022

AMENDED IN ASSEMBLY APRIL 19, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1982

Introduced by Assembly Member Santiago

February 10, 2022

An act to add Section 1374.142 to the Health and Safety Code, and to add Section 10123.857 to the Insurance Code, relating to telehealth.

LEGISLATIVE COUNSEL'S DIGEST

AB 1982, as amended, Santiago. Telehealth: dental care.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires contract between a health care service plan or health insurer and a health care provider to require the plan or insurer to reimburse the provider for the diagnosis, consultation, or treatment of an enrollee, subscriber, insured, or policyholder appropriately delivered through telehealth services on the same basis and to the same extent as the same service through in-person diagnosis, consultation, or treatment. Existing law requires a health care service plan or health insurer that offers a service via telehealth to meet specified conditions, including, that the health care service plan or health insurer disclose to the enrollee or insured the availability of receiving the service on an in-person basis or via telehealth.

This bill would require a health care service plan or health insurer covering dental services that offers a service via telehealth through a third-party corporate telehealth provider to disclose to the enrollee or insured the impact of third-party telehealth visits on the patient’s benefit limitations, including frequency limitations and the patient’s annual maximum. The bill would also require those plans and insurers to submit specified information for each product type. Because a willful violation of the bill’s requirements relative to health care service plans would be a crime, the bill would impose 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 1374.142 is added to the Health and
- 2 Safety Code, immediately following Section 1374.141, to read:
- 3 1374.142. (a) A health care service plan that issues, sells,
- 4 renews, or offers a plan contract covering dental services, including
- 5 a specialized health care service plan contract covering dental
- 6 ~~services, or a contracting entity services~~ *services* that offers a service via
- 7 telehealth to an enrollee through a third-party corporate telehealth
- 8 ~~provide provider~~ shall include in its reports submitted to the
- 9 department pursuant to Section 1367.035 and regulations adopted
- 10 pursuant to that section, in a manner specified by the department,
- 11 all of the following for each product type:
- 12 (1) The total number of services delivered via telehealth by a
- 13 third-party corporate telehealth provider.
- 14 (2) For each third-party corporate telehealth provider with which
- 15 it contracts, the percentage of the third-party telehealth provider’s
- 16 contracted providers available to the plan’s enrollees that are also
- 17 ~~contracting dental professionals.~~ *participating network providers.*
- 18 (3) For each third-party corporate telehealth provider with which
- 19 it contracts, the types of telehealth services utilized by enrollees,
- 20 including information on the gender and ~~age,~~ *age of the enrollee,*
- 21 and any other information as determined by the department.

1 (b) A health care service plan that issues, sells, renews, or offers
2 a plan contract covering dental services, including a specialized
3 health care service plan contract covering dental ~~services, or a~~
4 ~~contracting entity~~ *services* that offers a service via telehealth to an
5 enrollee through a third-party corporate telehealth provider, shall
6 disclose to the enrollee the impact of third-party telehealth visits
7 on the patient's benefit limitations, including frequency limitations
8 and the patient's annual maximum.

9 SEC. 2. Section 10123.857 is added to the Insurance Code,
10 immediately following Section 10123.856, to read:

11 10123.857. (a) A health insurer that issues, sells, renews, or
12 offers a policy covering dental services, including a specialized
13 health insurance policy covering dental ~~services, or a contracting~~
14 ~~entity~~ *services* that offers a service via telehealth to an insured
15 through a third-party corporate telehealth ~~provide~~ *provider* shall
16 include in its reports submitted to the department pursuant to
17 Section 10133.54 and regulations adopted pursuant to that section,
18 in a manner specified by the department, all of the following for
19 each product type:

20 (1) The total number of services delivered via telehealth by a
21 third-party corporate telehealth provider.

22 (2) For each third-party corporate telehealth provider with which
23 it contracts, the percentage of the third-party telehealth provider's
24 contracted providers available to the insurer's insured that are also
25 ~~contracting dental professionals,~~ *participating network providers.*

26 (3) For each third-party corporate telehealth provider with which
27 it contracts, the types of telehealth services utilized by insureds,
28 including information on the gender and ~~age,~~ *age of the insured,*
29 and any other information as determined by the department.

30 (b) A health care insurance policy that issues, sells, renews, or
31 offers an insurance policy covering dental services, including a
32 specialized health care policy covering dental ~~services, or a~~
33 ~~contracting entity~~ *services* that offers a service via telehealth to an
34 ~~enrollee~~ *insured* through a third-party corporate telehealth provider,
35 shall disclose to the insured the impact of third-party telehealth
36 visits on the patient's benefit limitations, including frequency
37 limitations and the patient's annual maximum.

38 SEC. 3. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

O

ASSEMBLY BILL

No. 1996

Introduced by Assembly Member Cooley

February 10, 2022

An act to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1996, as introduced, Cooley. State government: administrative regulations: review.

Existing law, the Administrative Procedure Act, in part, authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. These rulemaking provisions of the act require the Office of Administrative Law and the state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations. Existing law requires the office to initiate a priority review of existing regulations when requested by a committee of the Legislature, as specified.

This bill would require each state agency to, on or before January 1, 2026, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2027.

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. Chapter 3.6 (commencing with Section 11366)
2 is added to Part 1 of Division 3 of Title 2 of the Government Code,
3 to read:

4
5 CHAPTER 3.6. REGULATORY REFORM
6
7 Article 1. Findings and Declarations
8

9 11366. The Legislature finds and declares all of the following:

10 (a) The rulemaking provisions of the Administrative Procedure
11 Act (Chapter 3.5 (commencing with Section 11340)) require
12 agencies and the Office of Administrative Law to review
13 regulations to ensure their consistency with law and to consider
14 impacts on the state’s economy and businesses, including small
15 businesses.

16 (b) However, the act does not expressly require agencies to
17 individually review their regulations to identify overlapping,
18 inconsistent, duplicative, or out-of-date regulations that may exist.

19 (c) At a time when the state’s economy is slowly recovering,
20 unemployment and underemployment continue to affect all
21 Californians, especially older workers and younger workers who
22 received college degrees in the last seven years but are still awaiting
23 their first great job, and with state government improving but in
24 need of continued fiscal discipline, it is important that state
25 agencies systematically undertake to identify, publicly review, and
26 eliminate overlapping, inconsistent, duplicative, or out-of-date
27 regulations, both to ensure they more efficiently implement and
28 enforce laws and to reduce unnecessary and outdated rules and
29 regulations.

30
31 Article 2. Definitions
32

33 11366.1. For the purposes of this chapter, the following
34 definitions shall apply:

35 (a) “State agency” means a state agency, as defined in Section
36 11000, except those state agencies or activities described in Section
37 11340.9.

1 (b) “Regulation” has the same meaning as provided in Section
2 11342.600.

3
4 Article 3. State Agency Duties
5

6 11366.2. On or before January 1, 2026, each state agency shall
7 do all of the following:

8 (a) Review all provisions of the California Code of Regulations
9 adopted by that state agency.

10 (b) Identify any regulations that are duplicative, overlapping,
11 inconsistent, or out of date.

12 (c) Adopt, amend, or repeal regulations to reconcile or eliminate
13 any duplication, overlap, inconsistencies, or out-of-date provisions,
14 and shall comply with the process specified in Article 5
15 (commencing with Section 11346) of Chapter 3.5, unless the
16 addition, revision, or deletion is without regulatory effect and may
17 be done pursuant to Section 100 of Title 1 of the California Code
18 of Regulations.

19 (d) Hold at least one noticed public hearing, which shall be
20 noticed on the internet website of the state agency, for the purposes
21 of accepting public comment on proposed revisions to its
22 regulations.

23 (e) Notify the appropriate policy and fiscal committees of each
24 house of the Legislature of the revisions to regulations that the
25 state agency proposes to make at least 30 days prior to initiating
26 the process under Article 5 (commencing with Section 11346) of
27 Chapter 3.5 or Section 100 of Title 1 of the California Code of
28 Regulations.

29 (f) (1) Report to the Governor and the Legislature on the state
30 agency’s compliance with this chapter, including the number and
31 content of regulations the state agency identifies as duplicative,
32 overlapping, inconsistent, or out of date, and the state agency’s
33 actions to address those regulations.

34 (2) The report shall be submitted in compliance with Section
35 9795.

36 11366.3. (a) On or before January 1, 2026, each agency listed
37 in Section 12800 shall notify a department, board, or other unit
38 within that agency of any existing regulations adopted by that
39 department, board, or other unit that the agency has determined
40 may be duplicative, overlapping, or inconsistent with a regulation

1 adopted by another department, board, or other unit within that
2 agency.

3 (b) A department, board, or other unit within an agency shall
4 notify that agency of revisions to regulations that it proposes to
5 make at least 90 days prior to a noticed public hearing pursuant to
6 subdivision (d) of Section 11366.2 and at least 90 days prior to
7 adoption, amendment, or repeal of the regulations pursuant to
8 subdivision (c) of Section 11366.2. The agency shall review the
9 proposed regulations and make recommendations to the
10 department, board, or other unit within 30 days of receiving the
11 notification regarding any duplicative, overlapping, or inconsistent
12 regulation of another department, board, or other unit within the
13 agency.

14 11366.4. An agency listed in Section 12800 shall notify a state
15 agency of any existing regulations adopted by that agency that
16 may duplicate, overlap, or be inconsistent with the state agency's
17 regulations.

18 11366.45. This chapter shall not be construed to weaken or
19 undermine in any manner any human health, public or worker
20 rights, public welfare, environmental, or other protection
21 established under statute. This chapter shall not be construed to
22 affect the authority or requirement for an agency to adopt
23 regulations as provided by statute. Rather, it is the intent of the
24 Legislature to ensure that state agencies focus more efficiently and
25 directly on their duties as prescribed by law so as to use scarce
26 public dollars more efficiently to implement the law, while
27 achieving equal or improved economic and public benefits.

28
29 Article 4. Chapter Repeal
30

31 11366.5. This chapter shall remain in effect only until January
32 1, 2027, and as of that date is repealed.

O

AMENDED IN ASSEMBLY APRIL 21, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2055

Introduced by Assembly Member Low

February 14, 2022

An act to amend Section 208 of, and to amend, repeal, and add Section 209 of, the Business and Professions Code, and to amend, repeal, and add Sections 11164.1, 11165, 11165.1, 11165.2, and 11165.5 of, and to add Section 11164.8 to, the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2055, as amended, Low. Controlled substances: CURES database. Existing law classifies certain controlled substances into Schedules I to V, inclusive. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) database for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by a health care practitioner authorized to prescribe, order, administer, furnish, or dispense a Schedule II, Schedule III, or Schedule IV controlled substance. Existing law requires a dispensing pharmacy, clinic, or other dispenser to report specified information to the department for inclusion in the database and requires a health care practitioner to consult the CURES database to review a patient's controlled substance history before prescribing Schedule II, III, or IV controlled substances to the patient for the first time and at least once every 4 months thereafter if the controlled substance remains part of the treatment plan, except as specified.

This bill, as of April 1, 2023, would transfer the responsibility for administration of the CURES database from the Department of Justice to a department specified by the Governor: *the California State Board of Pharmacy.*

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 208 of the Business and Professions
2 Code, as amended by Section 6 of Chapter 630 of the Statutes of
3 2021, is amended to read:

4 208. (a) Beginning April 1, 2023, a Controlled Substance
5 Utilization Review and Evaluation System (CURES) fee of nine
6 dollars (\$9) shall be assessed annually on each of the licensees
7 specified in subdivision (b) to pay the reasonable costs associated
8 with operating and maintaining CURES for the purpose of
9 regulating those licensees. The fee assessed pursuant to this
10 subdivision shall be billed and collected by the regulating agency
11 of each licensee at the time of the licensee’s license renewal. If
12 the reasonable regulatory cost of operating and maintaining CURES
13 is less than nine dollars (\$9) per licensee, the Department of
14 Consumer Affairs may, by regulation, reduce the fee established
15 by this section to the reasonable regulatory cost.

16 (b) (1) Licensees authorized pursuant to Section 11150 of the
17 Health and Safety Code to prescribe, order, administer, furnish,
18 or dispense Schedule II, Schedule III, or Schedule IV controlled
19 substances or pharmacists licensed pursuant to Chapter 9
20 (commencing with Section 4000) of Division 2.

21 (2) Licensees issued a license that has been placed in a retired
22 or inactive status pursuant to a statute or regulation are exempt
23 from the CURES fee requirement in subdivision (a). This
24 exemption shall not apply to licensees whose license has been
25 placed in a retired or inactive status if the licensee is at any time
26 authorized to prescribe, order, administer, furnish, or dispense
27 Schedule II, Schedule III, or Schedule IV controlled substances.

28 (3) Wholesalers, third-party logistics providers, nonresident
29 wholesalers, and nonresident third-party logistics providers of
30 dangerous drugs licensed pursuant to Article 11 (commencing with
31 Section 4160) of Chapter 9 of Division 2.

1 (4) Nongovernmental clinics licensed pursuant to Article 13
2 (commencing with Section 4180) and Article 14 (commencing
3 with Section 4190) of Chapter 9 of Division 2.

4 (5) Nongovernmental pharmacies licensed pursuant to Article
5 7 (commencing with Section 4110) of Chapter 9 of Division 2.

6 (c) The funds collected pursuant to subdivision (a) shall be
7 deposited in the CURES Fund, which is hereby created within the
8 State Treasury. Moneys in the CURES Fund shall, upon
9 appropriation by the Legislature, be available to the Department
10 of Consumer Affairs to reimburse the ~~department specified by the~~
11 ~~Governor pursuant to Section 11164.8 of the Health and Safety~~
12 ~~Code California State Board of Pharmacy~~ for costs to operate and
13 maintain CURES for the purposes of regulating the licensees
14 specified in subdivision (b).

15 (d) The Department of Consumer Affairs shall contract with
16 the ~~department specified by the Governor pursuant to Section~~
17 ~~11164.8 of the Health and Safety Code California State Board of~~
18 ~~Pharmacy~~ on behalf of the Medical Board of California, the Dental
19 Board of California, ~~the California State Board of Pharmacy~~, the
20 Veterinary Medical Board, the Board of Registered Nursing, the
21 Physician Assistant Board, the Osteopathic Medical Board of
22 California, the Naturopathic Medicine Committee of the
23 Osteopathic Medical Board, the California State Board of
24 Optometry, and the Podiatric Medical Board of California to
25 operate and maintain CURES for the purposes of regulating the
26 licensees specified in subdivision (b).

27 (e) This section shall become operative on April 1, 2023.

28 SEC. 2. Section 209 of the Business and Professions Code is
29 amended to read:

30 209. The Department of Justice, in conjunction with the
31 Department of Consumer Affairs and the boards and committees
32 identified in subdivision (d) of Section 208, shall do all of the
33 following:

34 (a) Identify and implement a streamlined application and
35 approval process to provide access to the CURES Prescription
36 Drug Monitoring Program (PDMP) database for licensed health
37 care practitioners eligible to prescribe, order, administer, furnish,
38 or dispense Schedule II, Schedule III, or Schedule IV controlled
39 substances and for pharmacists. Every reasonable effort shall be
40 made to implement a streamlined application and approval process

1 that a licensed health care practitioner or pharmacist can complete
2 at the time that they are applying for licensure or renewing their
3 license.

4 (b) Identify necessary procedures to enable licensed health care
5 practitioners and pharmacists with access to the CURES PDMP
6 to delegate their authority to access reports from the CURES
7 PDMP.

8 (c) Develop a procedure to enable health care practitioners who
9 do not have a federal Drug Enforcement Administration (DEA)
10 number to opt out of applying for access to the CURES PDMP.

11 (d) This section shall become inoperative on April 1, 2023, and,
12 as of January 1, 2024, is repealed.

13 SEC. 3. Section 209 is added to the Business and Professions
14 Code, to read:

15 209. ~~The department specified by the Governor pursuant to~~
16 ~~Section 11164.8 of the Health and Safety Code, California State~~
17 ~~Board of Pharmacy,~~ in conjunction with the Department of
18 Consumer Affairs and the boards and committees identified in
19 subdivision (d) of Section 208, shall do all of the following:

20 (a) Identify and implement a streamlined application and
21 approval process to provide access to the CURES Prescription
22 Drug Monitoring Program (PDMP) database for licensed health
23 care practitioners eligible to prescribe, order, administer, furnish,
24 or dispense Schedule II, Schedule III, or Schedule IV controlled
25 substances and for pharmacists. Every reasonable effort shall be
26 made to implement a streamlined application and approval process
27 that a licensed health care practitioner or pharmacist can complete
28 at the time that they are applying for licensure or renewing their
29 license.

30 (b) Identify necessary procedures to enable licensed health care
31 practitioners and pharmacists with access to the CURES PDMP
32 to delegate their authority to access reports from the CURES
33 PDMP.

34 (c) Develop a procedure to enable health care practitioners who
35 do not have a federal Drug Enforcement Administration (DEA)
36 number to opt out of applying for access to the CURES PDMP.

37 (d) This section shall become operative on April 1, 2023.

38 SEC. 4. Section 11164.1 of the Health and Safety Code is
39 amended to read:

1 11164.1. (a) (1) Notwithstanding any other law, a prescription
2 for a controlled substance issued by a prescriber in another state
3 for delivery to a patient in another state may be dispensed by a
4 California pharmacy, if the prescription conforms with the
5 requirements for controlled substance prescriptions in the state in
6 which the controlled substance was prescribed.

7 (2) A prescription for a Schedule II, Schedule III, Schedule IV,
8 or Schedule V controlled substance dispensed pursuant to this
9 subdivision shall be reported by the dispensing pharmacy to the
10 Department of Justice in the manner prescribed by subdivision (d)
11 of Section 11165.

12 (b) A pharmacy may dispense a prescription for a Schedule III,
13 Schedule IV, or Schedule V controlled substance from an
14 out-of-state prescriber pursuant to Section 4005 of the Business
15 and Professions Code and Section 1717 of Title 16 of the California
16 Code of Regulations.

17 (c) This section shall become inoperative on April 1, 2023, and,
18 as of January 1, 2024, is repealed.

19 SEC. 5. Section 11164.1 is added to the Health and Safety
20 Code, to read:

21 11164.1. (a) (1) Notwithstanding any other law, a prescription
22 for a controlled substance issued by a prescriber in another state
23 for delivery to a patient in another state may be dispensed by a
24 California pharmacy, if the prescription conforms with the
25 requirements for controlled substance prescriptions in the state in
26 which the controlled substance was prescribed.

27 (2) A prescription for a Schedule II, Schedule III, Schedule IV,
28 or Schedule V controlled substance dispensed pursuant to this
29 subdivision shall be reported by the dispensing pharmacy to the
30 ~~department specified by the Governor pursuant to Section 11164.8~~
31 *California State Board of Pharmacy* in the manner prescribed by
32 subdivision (d) of Section 11165.

33 (b) A pharmacy may dispense a prescription for a Schedule III,
34 Schedule IV, or Schedule V controlled substance from an
35 out-of-state prescriber pursuant to Section 4005 of the Business
36 and Professions Code and Section 1717 of Title 16 of the California
37 Code of Regulations.

38 (c) This section shall become operative on April 1, 2023.

39 SEC. 6. Section 11164.8 is added to the Health and Safety
40 Code, to read:

1 11164.8. (a) Beginning April 1, 2023, full responsibility for
 2 the maintenance and operation of CURES shall be transferred from
 3 the Department of Justice to ~~a department specified by the~~
 4 ~~Governor.~~ *the California State Board of Pharmacy.*

5 (b) ~~The specified department~~ *board* may adopt emergency
 6 regulations to reorganize, clarify, or make consistent regulations,
 7 including regulations adopted by the Department of Justice before
 8 or in place as of April 1, 2023.

9 (c) All agreements, memoranda of understanding, and contracts
 10 in support of the CURES database that are in effect as of April 1,
 11 2023, shall be transferred to the ~~department specified in subdivision~~
 12 ~~(a).~~ *board.*

13 (d) This section does not restrict, eliminate, or substantially
 14 modify the authority of the Department of Justice to engage in any
 15 investigation or enforcement activity, either independently or on
 16 behalf of a board or state agency.

17 (e) (1) On or before February 1, 2023, the Department of Justice
 18 shall submit a report to the appropriate policy and fiscal committees
 19 of the Legislature on the status of the transfer prescribed by this
 20 section.

21 (2) The requirement for submitting a report imposed under this
 22 subdivision is inoperative on January 1, 2026, pursuant to Section
 23 10231.5 of the Government Code.

24 (3) A report to be submitted pursuant to this subdivision shall
 25 be submitted in compliance with Section 9795 of the Government
 26 Code.

27 (f) Until January 1, 2024, the Department of Justice shall provide
 28 staff support to the ~~department specified in subdivision (a) until~~
 29 ~~that department~~ *board until the board* has hired its own staff. The
 30 Department of Justice shall be reimbursed by the State Department
 31 of Consumer Affairs from the CURES Fund for these services.

32 SEC. 7. Section 11165 of the Health and Safety Code, as
 33 amended by Section 5 of Chapter 618 of the Statutes of 2021, is
 34 amended to read:

35 11165. (a) To assist health care practitioners in their efforts
 36 to ensure appropriate prescribing, ordering, administering,
 37 furnishing, and dispensing of controlled substances, law
 38 enforcement and regulatory agencies in their efforts to control the
 39 diversion and resultant abuse of Schedule II, Schedule III, Schedule
 40 IV, and Schedule V controlled substances, and for statistical

1 analysis, education, and research, the Department of Justice shall,
2 contingent upon the availability of adequate funds in the CURES
3 Fund, maintain the Controlled Substance Utilization Review and
4 Evaluation System (CURES) for the electronic monitoring of, and
5 internet access to information regarding, the prescribing and
6 dispensing of Schedule II, Schedule III, Schedule IV, and Schedule
7 V controlled substances by all practitioners authorized to prescribe,
8 order, administer, furnish, or dispense these controlled substances.

9 (b) The department may seek and use grant funds to pay the
10 costs incurred by the operation and maintenance of CURES. The
11 department shall annually report to the Legislature and make
12 available to the public the amount and source of funds it receives
13 for support of CURES.

14 (c) (1) The operation of CURES shall comply with all
15 applicable federal and state privacy and security laws and
16 regulations.

17 (2) (A) CURES shall operate under existing provisions of law
18 to safeguard the privacy and confidentiality of patients. Data
19 obtained from CURES shall only be provided to appropriate state,
20 local, and federal public agencies for disciplinary, civil, or criminal
21 purposes and to other agencies or entities, as determined by the
22 department, for the purpose of educating practitioners and others
23 in lieu of disciplinary, civil, or criminal actions. Data may be
24 provided to public or private entities, as approved by the
25 department, for educational, peer review, statistical, or research
26 purposes, if patient information, including information that may
27 identify the patient, is not compromised. The University of
28 California shall be provided access to identifiable data for research
29 purposes if the requirements of subdivision (t) of Section 1798.24
30 of the Civil Code are satisfied. Further, data disclosed to an
31 individual or agency as described in this subdivision shall not be
32 disclosed, sold, or transferred to a third party, unless authorized
33 by, or pursuant to, state and federal privacy and security laws and
34 regulations. The department shall establish policies, procedures,
35 and regulations regarding the use, access, evaluation, management,
36 implementation, operation, storage, disclosure, and security of the
37 information within CURES, consistent with this subdivision.

38 (B) Notwithstanding subparagraph (A), a regulatory board whose
39 licensees do not prescribe, order, administer, furnish, or dispense

1 controlled substances shall not be provided data obtained from
2 CURES.

3 (3) The department shall, no later than January 1, 2021, adopt
4 regulations regarding the access and use of the information within
5 CURES. The department shall consult with all stakeholders
6 identified by the department during the rulemaking process. The
7 regulations shall, at a minimum, address all of the following in a
8 manner consistent with this chapter:

9 (A) The process for approving, denying, and disapproving
10 individuals or entities seeking access to information in CURES.

11 (B) The purposes for which a health care practitioner may access
12 information in CURES.

13 (C) The conditions under which a warrant, subpoena, or court
14 order is required for a law enforcement agency to obtain
15 information from CURES as part of a criminal investigation.

16 (D) The process by which information in CURES may be
17 provided for educational, peer review, statistical, or research
18 purposes.

19 (4) In accordance with federal and state privacy laws and
20 regulations, a health care practitioner may provide a patient with
21 a copy of the patient’s CURES patient activity report as long as
22 no additional CURES data are provided and the health care
23 practitioner keeps a copy of the report in the patient’s medical
24 record in compliance with subdivision (d) of Section 11165.1.

25 (d) For each prescription for a Schedule II, Schedule III,
26 Schedule IV, or Schedule V controlled substance, as defined in
27 the controlled substances schedules in federal law and regulations,
28 specifically Sections 1308.12, 1308.13, 1308.14, and 1308.15,
29 respectively, of Title 21 of the Code of Federal Regulations, the
30 dispensing pharmacy, clinic, or other dispenser shall report the
31 following information to the department or contracted prescription
32 data processing vendor as soon as reasonably possible, but not
33 more than one working day after the date a controlled substance
34 is released to the patient or patient’s representative, in a format
35 specified by the department:

36 (1) Full name, address, and, if available, telephone number of
37 the ultimate user or research subject, or contact information as
38 determined by the Secretary of the United States Department of
39 Health and Human Services, and the gender and date of birth of
40 the ultimate user.

- 1 (2) The prescriber’s category of licensure, license number,
2 national provider identifier (NPI) number, if applicable, the federal
3 controlled substance registration number, and the state medical
4 license number of a prescriber using the federal controlled
5 substance registration number of a government-exempt facility.
- 6 (3) Pharmacy prescription number, license number, NPI number,
7 and federal controlled substance registration number.
- 8 (4) National Drug Code (NDC) number of the controlled
9 substance dispensed.
- 10 (5) Quantity of the controlled substance dispensed.
- 11 (6) The International Statistical Classification of Diseases (ICD)
12 Code contained in the most current ICD revision, or any revision
13 deemed sufficient by the State Board of Pharmacy, if available.
- 14 (7) Number of refills ordered.
- 15 (8) Whether the drug was dispensed as a refill of a prescription
16 or as a first-time request.
- 17 (9) Prescribing date of the prescription.
- 18 (10) Date of dispensing of the prescription.
- 19 (11) The serial number for the corresponding prescription form,
20 if applicable.
- 21 (e) The department may invite stakeholders to assist, advise,
22 and make recommendations on the establishment of rules and
23 regulations necessary to ensure the proper administration and
24 enforcement of the CURES database. A prescriber or dispenser
25 invitee shall be licensed by one of the boards or committees
26 identified in subdivision (d) of Section 208 of the Business and
27 Professions Code, in active practice in California, and a regular
28 user of CURES.
- 29 (f) The department shall, prior to upgrading CURES, consult
30 with prescribers licensed by one of the boards or committees
31 identified in subdivision (d) of Section 208 of the Business and
32 Professions Code, one or more of the boards or committees
33 identified in subdivision (d) of Section 208 of the Business and
34 Professions Code, and any other stakeholder identified by the
35 department, for the purpose of identifying desirable capabilities
36 and upgrades to the CURES Prescription Drug Monitoring Program
37 (PDMP).
- 38 (g) The department may establish a process to educate
39 authorized subscribers of the CURES PDMP on how to access and
40 use the CURES PDMP.

1 (h) (1) The department may enter into an agreement with an
2 entity operating an interstate data sharing hub, or an agency
3 operating a prescription drug monitoring program in another state,
4 for purposes of interstate data sharing of prescription drug
5 monitoring program information.

6 (2) Data obtained from CURES may be provided to authorized
7 users of another state's prescription drug monitoring program, as
8 determined by the department pursuant to subdivision (c), if the
9 entity operating the interstate data sharing hub, and the prescription
10 drug monitoring program of that state, as applicable, have entered
11 into an agreement with the department for interstate data sharing
12 of prescription drug monitoring program information.

13 (3) An agreement entered into by the department for purposes
14 of interstate data sharing of prescription drug monitoring program
15 information shall ensure that all access to data obtained from
16 CURES and the handling of data contained within CURES comply
17 with California law, including regulations, and meet the same
18 patient privacy, audit, and data security standards employed and
19 required for direct access to CURES.

20 (4) For purposes of interstate data sharing of CURES
21 information pursuant to this subdivision, an authorized user of
22 another state's prescription drug monitoring program shall not be
23 required to register with CURES, if the authorized user is registered
24 and in good standing with that state's prescription drug monitoring
25 program.

26 (5) The department shall not enter into an agreement pursuant
27 to this subdivision until the department has issued final regulations
28 regarding the access and use of the information within CURES as
29 required by paragraph (3) of subdivision (c).

30 (i) Notwithstanding subdivision (d), a veterinarian shall report
31 the information required by that subdivision to the department as
32 soon as reasonably possible, but not more than seven days after
33 the date a controlled substance is dispensed.

34 (j) If the dispensing pharmacy, clinic, or other dispenser
35 experiences a temporary technological or electrical failure, it shall,
36 without undue delay, seek to correct any cause of the temporary
37 technological or electrical failure that is reasonably within its
38 control. The deadline for transmitting prescription information to
39 the department or contracted prescription data processing vendor
40 pursuant to subdivision (d) shall be extended until the failure is

1 corrected. If the dispensing pharmacy, clinic, or other dispenser
2 experiences technological limitations that are not reasonably within
3 its control, or is impacted by a natural or manmade disaster, the
4 deadline for transmitting prescription information to the department
5 or contracted prescription data processing vendor shall be extended
6 until normal operations have resumed.

7 (k) This section shall become inoperative on April 1, 2023, and,
8 as of January 1, 2024, is repealed.

9 SEC. 8. Section 11165 is added to the Health and Safety Code,
10 to read:

11 11165. (a) To assist health care practitioners in their efforts
12 to ensure appropriate prescribing, ordering, administering,
13 furnishing, and dispensing of controlled substances, law
14 enforcement and regulatory agencies in their efforts to control the
15 diversion and resultant abuse of Schedule II, Schedule III, Schedule
16 IV, and Schedule V controlled substances, and for statistical
17 analysis, education, and research, ~~the department specified by the~~
18 ~~Governor pursuant to Section 11164.8~~ *California State Board of*
19 *Pharmacy* shall, contingent upon the availability of adequate funds
20 in the CURES Fund, maintain the Controlled Substance Utilization
21 Review and Evaluation System (CURES) for the electronic
22 monitoring of, and internet access to information regarding, the
23 prescribing and dispensing of Schedule II, Schedule III, Schedule
24 IV, and Schedule V controlled substances by all practitioners
25 authorized to prescribe, order, administer, furnish, or dispense
26 these controlled substances.

27 (b) ~~The department~~ *board* may seek and use grant funds to pay
28 the costs incurred by the operation and maintenance of CURES.
29 ~~The department~~ *board* shall annually report to the Legislature and
30 make available to the public the amount and source of funds it
31 receives for support of CURES.

32 (c) (1) The operation of CURES shall comply with all
33 applicable federal and state privacy and security laws and
34 regulations.

35 (2) (A) CURES shall operate under existing provisions of law
36 to safeguard the privacy and confidentiality of patients. Data
37 obtained from CURES shall only be provided to appropriate state,
38 local, and federal public agencies for disciplinary, civil, or criminal
39 purposes and to other agencies or entities, as determined by the
40 ~~department~~, *board*, for the purpose of educating practitioners and

1 others in lieu of disciplinary, civil, or criminal actions. Data may
2 be provided to public or private entities, as approved by the
3 ~~department~~, *board*, for educational, peer review, statistical, or
4 research purposes, if patient information, including information
5 that may identify the patient, is not compromised. The University
6 of California shall be provided access to identifiable data for
7 research purposes if the requirements of subdivision (t) of Section
8 1798.24 of the Civil Code are satisfied. Further, data disclosed to
9 an individual or agency as described in this subdivision shall not
10 be disclosed, sold, or transferred to a third party, unless authorized
11 by, or pursuant to, state and federal privacy and security laws and
12 regulations. The ~~department~~ *board* shall establish policies,
13 procedures, and regulations regarding the use, access, evaluation,
14 management, implementation, operation, storage, disclosure, and
15 security of the information within CURES, consistent with this
16 subdivision.

17 (B) Notwithstanding subparagraph (A), a regulatory board whose
18 licensees do not prescribe, order, administer, furnish, or dispense
19 controlled substances shall not be provided data obtained from
20 CURES.

21 (3) The ~~department~~ *board* shall, no later than April 1, 2024,
22 revisit existing regulations previously adopted by the Department
23 of Justice regarding the access and use of the information within
24 CURES. If the ~~department~~ *board* initiates a new rulemaking
25 process to make changes or additions to these regulations, the
26 ~~department~~ *board* shall consult with all stakeholders identified by
27 the ~~department~~ *board* during the rulemaking process. The
28 regulations shall, at a minimum, address all of the following in a
29 manner consistent with this chapter:

30 (A) The process for approving, denying, and disapproving
31 individuals or entities seeking access to information in CURES.

32 (B) The purposes for which a health care practitioner may access
33 information in CURES.

34 (C) The conditions under which a warrant, subpoena, or court
35 order is required for a law enforcement agency to obtain
36 information from CURES as part of a criminal investigation.

37 (D) The process by which information in CURES may be
38 provided for educational, peer review, statistical, or research
39 purposes.

1 (4) In accordance with federal and state privacy laws and
2 regulations, a health care practitioner may provide a patient with
3 a copy of the patient’s CURES patient activity report as long as
4 no additional CURES data are provided and the health care
5 practitioner keeps a copy of the report in the patient’s medical
6 record in compliance with subdivision (d) of Section 11165.1.

7 (d) For each prescription for a Schedule II, Schedule III,
8 Schedule IV, or Schedule V controlled substance, as defined in
9 the controlled substances schedules in federal law and regulations,
10 specifically Sections 1308.12, 1308.13, 1308.14, and 1308.15,
11 respectively, of Title 21 of the Code of Federal Regulations, the
12 dispensing pharmacy, clinic, or other dispenser shall report the
13 following information to the ~~department~~ *board* or contracted
14 prescription data processing vendor as soon as reasonably possible,
15 but not more than one working day after the date a controlled
16 substance is released to the patient or patient’s representative, in
17 a format specified by the ~~department~~ *board*:

18 (1) Full name, address, and, if available, telephone number of
19 the ultimate user or research subject, or contact information as
20 determined by the Secretary of the United States Department of
21 Health and Human Services, and the gender and date of birth of
22 the ultimate user.

23 (2) The prescriber’s category of licensure, license number,
24 national provider identifier (NPI) number, if applicable, the federal
25 controlled substance registration number, and the state medical
26 license number of a prescriber using the federal controlled
27 substance registration number of a government-exempt facility.

28 (3) Pharmacy prescription number, license number, NPI number,
29 and federal controlled substance registration number.

30 (4) National Drug Code (NDC) number of the controlled
31 substance dispensed.

32 (5) Quantity of the controlled substance dispensed.

33 (6) The International Statistical Classification of Diseases (ICD)
34 Code contained in the most current ICD revision, or any revision
35 deemed sufficient by the ~~State Board of Pharmacy~~, *board*, if
36 available.

37 (7) Number of refills ordered.

38 (8) Whether the drug was dispensed as a refill of a prescription
39 or as a first-time request.

40 (9) Prescribing date of the prescription.

1 (10) Date of dispensing of the prescription.

2 (11) The serial number for the corresponding prescription form,
3 if applicable.

4 (e) ~~The department~~ *board* may invite stakeholders to assist,
5 advise, and make recommendations on the establishment of rules
6 and regulations necessary to ensure the proper administration and
7 enforcement of the CURES database. A prescriber or dispenser
8 invitee shall be licensed by *the board* or one of the boards or
9 committees identified in subdivision (d) of Section 208 of the
10 Business and Professions Code, in active practice in California,
11 and a regular user of CURES.

12 (f) ~~The department~~ *board* shall, prior to upgrading CURES,
13 consult with prescribers licensed by *the board* or one of the boards
14 or committees identified in subdivision (d) of Section 208 of the
15 Business and Professions Code, ~~one or more of the boards or~~
16 ~~committees identified in subdivision (d) of Section 208 of the~~
17 ~~Business and Professions Code~~, and any other stakeholder
18 identified by the ~~department~~, *board*, for the purpose of identifying
19 desirable capabilities and upgrades to the CURES Prescription
20 Drug Monitoring Program (PDMP).

21 (g) ~~The department~~ *board* may establish a process to educate
22 authorized subscribers of the CURES PDMP on how to access and
23 use the CURES PDMP.

24 (h) (1) ~~The department~~ *board* may enter into an agreement with
25 an entity operating an interstate data sharing hub, or an agency
26 operating a prescription drug monitoring program in another state,
27 for purposes of interstate data sharing of prescription drug
28 monitoring program information.

29 (2) Data obtained from CURES may be provided to authorized
30 users of another state's prescription drug monitoring program, as
31 determined by the ~~department~~ *board* pursuant to subdivision (c),
32 if the entity operating the interstate data sharing hub, and the
33 prescription drug monitoring program of that state, as applicable,
34 have entered into an agreement with the ~~department~~ *board* for
35 interstate data sharing of prescription drug monitoring program
36 information.

37 (3) An agreement entered into by the ~~department~~ *board* for
38 purposes of interstate data sharing of prescription drug monitoring
39 program information shall ensure that all access to data obtained
40 from CURES and the handling of data contained within CURES

1 comply with California law, including regulations, and meet the
2 same patient privacy, audit, and data security standards employed
3 and required for direct access to CURES.

4 (4) For purposes of interstate data sharing of CURES
5 information pursuant to this subdivision, an authorized user of
6 another state’s prescription drug monitoring program shall not be
7 required to register with CURES, if the authorized user is registered
8 and in good standing with that state’s prescription drug monitoring
9 program.

10 (5) The ~~department~~ *board* shall not enter into an agreement
11 pursuant to this subdivision until the ~~department~~ *board* has issued
12 final regulations regarding the access and use of the information
13 within CURES as required by paragraph (3) of subdivision (c).

14 (i) Notwithstanding subdivision (d), a veterinarian shall report
15 the information required by that subdivision to the ~~department~~
16 *board* as soon as reasonably possible, but not more than seven
17 days after the date a controlled substance is dispensed.

18 (j) If the dispensing pharmacy, clinic, or other dispenser
19 experiences a temporary technological or electrical failure, it shall,
20 without undue delay, seek to correct any cause of the temporary
21 technological or electrical failure that is reasonably within its
22 control. The deadline for transmitting prescription information to
23 the ~~department~~ *board* or contracted prescription data processing
24 vendor pursuant to subdivision (d) shall be extended until the
25 failure is corrected. If the dispensing pharmacy, clinic, or other
26 dispenser experiences technological limitations that are not
27 reasonably within its control, or is impacted by a natural or
28 manmade disaster, the deadline for transmitting prescription
29 information to the ~~department~~ *board* or contracted prescription
30 data processing vendor shall be extended until normal operations
31 have resumed.

32 (k) This section shall become operative on April 1, 2023.

33 SEC. 9. Section 11165.1 of the Health and Safety Code, as
34 amended by Section 20 of Chapter 77 of the Statutes of 2021, is
35 amended to read:

36 11165.1. (a) (1) (A) (i) A health care practitioner authorized
37 to prescribe, order, administer, furnish, or dispense Schedule II,
38 Schedule III, Schedule IV, or Schedule V controlled substances
39 pursuant to Section 11150 shall, upon receipt of a federal Drug
40 Enforcement Administration (DEA) registration, submit an

1 application developed by the department to obtain approval to
2 electronically access information regarding the controlled substance
3 history of a patient that is maintained by the department. Upon
4 approval, the department shall release to the practitioner or their
5 delegate the electronic history of controlled substances dispensed
6 to an individual under the practitioner’s care based on data
7 contained in the CURES Prescription Drug Monitoring Program
8 (PDMP).

9 (ii) A pharmacist shall, upon licensure, submit an application
10 developed by the department to obtain approval to electronically
11 access information regarding the controlled substance history of
12 a patient that is maintained by the department. Upon approval, the
13 department shall release to the pharmacist or their delegate the
14 electronic history of controlled substances dispensed to an
15 individual under the pharmacist’s care based on data contained in
16 the CURES PDMP.

17 (iii) A licensed physician and surgeon who does not hold a DEA
18 registration may submit an application developed by the department
19 to obtain approval to electronically access information regarding
20 the controlled substance history of the patient that is maintained
21 by the department. Upon approval, the department shall release to
22 the physician and surgeon or their delegate the electronic history
23 of controlled substances dispensed to a patient under their care
24 based on data contained in the CURES PDMP.

25 (iv) The department shall implement its duties described in
26 clauses (i), (ii), and (iii) upon completion of any technological
27 changes to the CURES database necessary to support clauses (i),
28 (ii), and (iii), or by October 1, 2022, whichever is sooner.

29 (B) The department may deny an application or suspend a
30 subscriber for reasons that include, but are not limited to, the
31 following:

32 (i) Materially falsifying an application to access information
33 contained in the CURES database.

34 (ii) Failing to maintain effective controls for access to the patient
35 activity report.

36 (iii) Having their federal DEA registration suspended or revoked.

37 (iv) Violating a law governing controlled substances or another
38 law for which the possession or use of a controlled substance is
39 an element of the crime.

1 (v) Accessing information for a reason other than to diagnose
2 or treat a patient, or to document compliance with the law.

3 (C) An authorized subscriber shall notify the department within
4 30 days of a change to the subscriber account.

5 (D) An approved health care practitioner, pharmacist, or a person
6 acting on behalf of a health care practitioner or pharmacist pursuant
7 to subdivision (b) of Section 209 of the Business and Professions
8 Code may use the department's online portal or a health
9 information technology system that meets the criteria required in
10 subparagraph (E) to access information in the CURES database
11 pursuant to this section. A subscriber who uses a health information
12 technology system that meets the criteria required in subparagraph
13 (E) to access the CURES database may submit automated queries
14 to the CURES database that are triggered by predetermined criteria.

15 (E) An approved health care practitioner or pharmacist may
16 submit queries to the CURES database through a health information
17 technology system if the entity that operates the health information
18 technology system certifies all of the following:

19 (i) The entity will not use or disclose data received from the
20 CURES database for a purpose other than delivering the data to
21 an approved health care practitioner or pharmacist or performing
22 data processing activities that may be necessary to enable the
23 delivery unless authorized by, and pursuant to, state and federal
24 privacy and security laws and regulations.

25 (ii) The health information technology system will authenticate
26 the identity of an authorized health care practitioner or pharmacist
27 initiating queries to the CURES database and, at the time of the
28 query to the CURES database, the health information technology
29 system submits the following data regarding the query to CURES:

30 (I) The date of the query.

31 (II) The time of the query.

32 (III) The first and last name of the patient queried.

33 (IV) The date of birth of the patient queried.

34 (V) The identification of the CURES user for whom the system
35 is making the query.

36 (iii) The health information technology system meets applicable
37 patient privacy and information security requirements of state and
38 federal law.

39 (iv) The entity has entered into a memorandum of understanding
40 with the department that solely addresses the technical

1 specifications of the health information technology system to
2 ensure the security of the data in the CURES database and the
3 secure transfer of data from the CURES database. The technical
4 specifications shall be universal for all health information
5 technology systems that establish a method of system integration
6 to retrieve information from the CURES database. The
7 memorandum of understanding shall not govern, or in any way
8 impact or restrict, the use of data received from the CURES
9 database or impose any additional burdens on covered entities in
10 compliance with the regulations promulgated pursuant to the
11 federal Health Insurance Portability and Accountability Act of
12 1996 found in Parts 160 and 164 of Title 45 of the Code of Federal
13 Regulations.

14 (F) No later than October 1, 2018, the department shall develop
15 a programming interface or other method of system integration to
16 allow health information technology systems that meet the
17 requirements in subparagraph (E) to retrieve information in the
18 CURES database on behalf of an authorized health care practitioner
19 or pharmacist.

20 (G) The department shall not access patient-identifiable
21 information in an entity's health information technology system.

22 (H) An entity that operates a health information technology
23 system that is requesting to establish an integration with the
24 CURES database shall pay a reasonable fee to cover the cost of
25 establishing and maintaining integration with the CURES database.

26 (I) The department may prohibit integration or terminate a health
27 information technology system's ability to retrieve information in
28 the CURES database if the health information technology system
29 fails to meet the requirements of subparagraph (E), or the entity
30 operating the health information technology system does not fulfill
31 its obligation under subparagraph (H).

32 (2) A health care practitioner authorized to prescribe, order,
33 administer, furnish, or dispense Schedule II, Schedule III, Schedule
34 IV, or Schedule V controlled substances pursuant to Section 11150
35 or a pharmacist shall be deemed to have complied with paragraph
36 (1) if the licensed health care practitioner or pharmacist has been
37 approved to access the CURES database through the process
38 developed pursuant to subdivision (a) of Section 209 of the
39 Business and Professions Code.

1 (b) A request for, or release of, a controlled substance history
2 pursuant to this section shall be made in accordance with guidelines
3 developed by the department.

4 (c) In order to prevent the inappropriate, improper, or illegal
5 use of Schedule II, Schedule III, Schedule IV, or Schedule V
6 controlled substances, the department may initiate the referral of
7 the history of controlled substances dispensed to an individual
8 based on data contained in CURES to licensed health care
9 practitioners, pharmacists, or both, providing care or services to
10 the individual.

11 (d) The history of controlled substances dispensed to an
12 individual based on data contained in CURES that is received by
13 a practitioner or pharmacist from the department pursuant to this
14 section is medical information subject to the provisions of the
15 Confidentiality of Medical Information Act contained in Part 2.6
16 (commencing with Section 56) of Division 1 of the Civil Code.

17 (e) Information concerning a patient's controlled substance
18 history provided to a practitioner or pharmacist pursuant to this
19 section shall include prescriptions for controlled substances listed
20 in Sections 1308.12, 1308.13, 1308.14, and 1308.15 of Title 21 of
21 the Code of Federal Regulations.

22 (f) A health care practitioner, pharmacist, or a person acting on
23 behalf of a health care practitioner or pharmacist, when acting with
24 reasonable care and in good faith, is not subject to civil or
25 administrative liability arising from false, incomplete, inaccurate,
26 or misattributed information submitted to, reported by, or relied
27 upon in the CURES database or for a resulting failure of the
28 CURES database to accurately or timely report that information.

29 (g) For purposes of this section, the following terms have the
30 following meanings:

31 (1) "Automated basis" means using predefined criteria to trigger
32 an automated query to the CURES database, which can be
33 attributed to a specific health care practitioner or pharmacist.

34 (2) "Department" means the Department of Justice.

35 (3) "Entity" means an organization that operates, or provides
36 or makes available, a health information technology system to a
37 health care practitioner or pharmacist.

38 (4) "Health information technology system" means an
39 information processing application using hardware and software
40 for the storage, retrieval, sharing of or use of patient data for

1 communication, decisionmaking, coordination of care, or the
2 quality, safety, or efficiency of the practice of medicine or delivery
3 of health care services, including, but not limited to, electronic
4 medical record applications, health information exchange systems,
5 or other interoperable clinical or health care information system.

6 (h) (1) This section shall become operative on July 1, 2021, or
7 upon the date the department promulgates regulations to implement
8 this section and posts those regulations on its internet website,
9 whichever date is earlier.

10 (2) This section shall become inoperative on April 1, 2023, and,
11 as of January 1, 2024, is repealed.

12 SEC. 10. Section 11165.1 is added to the Health and Safety
13 Code, to read:

14 11165.1. (a) (1) (A) (i) A health care practitioner authorized
15 to prescribe, order, administer, furnish, or dispense Schedule II,
16 Schedule III, Schedule IV, or Schedule V controlled substances
17 pursuant to Section 11150 shall, upon receipt of a federal Drug
18 Enforcement Administration (DEA) registration, submit an
19 application developed by the ~~department~~ board to obtain approval
20 to electronically access information regarding the controlled
21 substance history of a patient that is maintained by the ~~department~~
22 board. Upon approval, the ~~department~~ board shall release to the
23 practitioner or their delegate the electronic history of controlled
24 substances dispensed to an individual under the practitioner’s care
25 based on data contained in the CURES Prescription Drug
26 Monitoring Program (PDMP or CURES database).

27 (ii) A pharmacist shall, upon licensure, submit an application
28 developed by the ~~department~~ board to obtain approval to
29 electronically access information regarding the controlled substance
30 history of a patient that is maintained by the ~~department~~ board.
31 Upon approval, the ~~department~~ board shall release to the
32 pharmacist or their delegate the electronic history of controlled
33 substances dispensed to an individual under the pharmacist’s care
34 based on data contained in the CURES PDMP.

35 (iii) A licensed physician and surgeon who does not hold a DEA
36 registration may submit an application developed by the ~~department~~
37 board to obtain approval to electronically access information
38 regarding the controlled substance history of the patient that is
39 maintained by the ~~department~~ board. Upon approval, the
40 ~~department~~ board shall release to the physician and surgeon or

1 their delegate the electronic history of controlled substances
2 dispensed to a patient under their care based on data contained in
3 the CURES PDMP.

4 (iv) The ~~department~~ *board* shall implement its duties described
5 in clauses (i), (ii), and (iii) upon completion of any technological
6 changes to the CURES database necessary to support clauses (i),
7 (ii), and (iii).

8 (B) The ~~department~~ *board* may deny an application or suspend
9 a subscriber, for reasons that include, but are not limited to, the
10 following:

11 (i) Materially falsifying an application to access information
12 contained in the CURES database.

13 (ii) Failing to maintain effective controls for access to the patient
14 activity report.

15 (iii) Having their federal DEA registration suspended or revoked.

16 (iv) Violating a law governing controlled substances or another
17 law for which the possession or use of a controlled substance is
18 an element of the crime.

19 (v) Accessing information for a reason other than to diagnose
20 or treat a patient, or to document compliance with the law.

21 (C) An authorized subscriber shall notify the ~~department~~ *board*
22 within 30 days of a change to the subscriber account.

23 (D) An approved health care practitioner, pharmacist, or a person
24 acting on behalf of a health care practitioner or pharmacist pursuant
25 to subdivision (b) of Section 209 of the Business and Professions
26 Code may use the ~~department's~~ *board's* online portal or a health
27 information technology system that meets the criteria required in
28 subparagraph (E) to access information in the CURES database
29 pursuant to this section. A subscriber who uses a health information
30 technology system that meets the criteria required in subparagraph
31 (E) to access the CURES database may submit automated queries
32 to the CURES database that are triggered by predetermined criteria.

33 (E) An approved health care practitioner or pharmacist may
34 submit queries to the CURES database through a health information
35 technology system if the entity that operates the health information
36 technology system certifies all of the following:

37 (i) The entity will not use or disclose data received from the
38 CURES database for a purpose other than delivering the data to
39 an approved health care practitioner or pharmacist or performing
40 data processing activities that may be necessary to enable the

1 delivery unless authorized by, and pursuant to, state and federal
2 privacy and security laws and regulations.

3 (ii) The health information technology system will authenticate
4 the identity of an authorized health care practitioner or pharmacist
5 initiating queries to the CURES database and, at the time of the
6 query, the health information technology system submits the
7 following data regarding the query to CURES:

8 (I) The date of the query.

9 (II) The time of the query.

10 (III) The first and last name of the patient queried.

11 (IV) The date of birth of the patient queried.

12 (V) The identification of the CURES user for whom the system
13 is making the query.

14 (iii) The health information technology system meets applicable
15 patient privacy and information security requirements of state and
16 federal law.

17 (iv) The entity has entered into a memorandum of understanding
18 with the ~~department~~ *board* that solely addresses the technical
19 specifications of the health information technology system to
20 ensure the security of the data in the CURES database and the
21 secure transfer of data from the CURES database. The technical
22 specifications shall be universal for all health information
23 technology systems that establish a method of system integration
24 to retrieve information from the CURES database. The
25 memorandum of understanding shall not govern, or in any way
26 impact or restrict, the use of data received from the CURES
27 database or impose any additional burdens on covered entities in
28 compliance with the regulations promulgated pursuant to the
29 federal Health Insurance Portability and Accountability Act of
30 1996 found in Parts 160 and 164 of Title 45 of the Code of Federal
31 Regulations.

32 (F) The ~~department~~ *board* shall develop a programming interface
33 or other method of system integration to allow health information
34 technology systems that meet the requirements in subparagraph
35 (E) to retrieve information in the CURES database on behalf of
36 an authorized health care practitioner or pharmacist.

37 (G) The ~~department~~ *board* shall not access patient-identifiable
38 information in an entity's health information technology system.

39 (H) An entity that operates a health information technology
40 system that is requesting to establish an integration with the

1 CURES database shall pay a reasonable fee to cover the cost of
2 establishing and maintaining integration with the CURES database.

3 (I) ~~The department~~ *board* may prohibit integration or terminate
4 a health information technology system's ability to retrieve
5 information in the CURES database if the health information
6 technology system fails to meet the requirements of subparagraph
7 (E), or the entity operating the health information technology
8 system does not fulfill its obligation under subparagraph (H).

9 (2) A health care practitioner authorized to prescribe, order,
10 administer, furnish, or dispense Schedule II, Schedule III, Schedule
11 IV, or Schedule V controlled substances pursuant to Section 11150
12 or a pharmacist shall be deemed to have complied with paragraph
13 (1) if the licensed health care practitioner or pharmacist has been
14 approved to access the CURES database through the process
15 developed pursuant to subdivision (a) of Section 209 of the
16 Business and Professions Code.

17 (b) A request for, or release of, a controlled substance history
18 pursuant to this section shall be made in accordance with guidelines
19 developed by ~~the department.~~ *board*.

20 (c) In order to prevent the inappropriate, improper, or illegal
21 use of Schedule II, Schedule III, Schedule IV, or Schedule V
22 controlled substances, ~~the department~~ *board* may initiate the
23 referral of the history of controlled substances dispensed to an
24 individual based on data contained in the CURES database to
25 licensed health care practitioners, pharmacists, or both, providing
26 care or services to the individual.

27 (d) The history of controlled substances dispensed to an
28 individual based on data contained in the CURES database that is
29 received by a practitioner or pharmacist from ~~the department~~ *board*
30 pursuant to this section is medical information subject to the
31 provisions of the Confidentiality of Medical Information Act
32 contained in Part 2.6 (commencing with Section 56) of Division
33 1 of the Civil Code.

34 (e) Information concerning a patient's controlled substance
35 history provided to a practitioner or pharmacist pursuant to this
36 section shall include prescriptions for controlled substances listed
37 in Sections 1308.12, 1308.13, 1308.14, and 1308.15 of Title 21 of
38 the Code of Federal Regulations.

39 (f) A health care practitioner, pharmacist, or a person acting on
40 behalf of a health care practitioner or pharmacist, when acting with

1 reasonable care and in good faith, is not subject to civil or
2 administrative liability arising from false, incomplete, inaccurate,
3 or misattributed information submitted to, reported by, or relied
4 upon in the CURES database or for a resulting failure of the
5 CURES database to accurately or timely report that information.

6 (g) For purposes of this section, the following terms have the
7 following meanings:

8 (1) “Automated basis” means using predefined criteria to trigger
9 an automated query to the CURES database, which can be
10 attributed to a specific health care practitioner or pharmacist.

11 ~~(2) “Department” means the department specified by the~~
12 ~~Governor pursuant to Section 11164.8.~~

13 (2) “Board” means the California State Board of Pharmacy.

14 (3) “Entity” means an organization that operates, or provides
15 or makes available, a health information technology system to a
16 health care practitioner or pharmacist.

17 (4) “Health information technology system” means an
18 information processing application using hardware and software
19 for the storage, retrieval, sharing of or use of patient data for
20 communication, decisionmaking, coordination of care, or the
21 quality, safety, or efficiency of the practice of medicine or delivery
22 of health care services, including, but not limited to, electronic
23 medical record applications, health information exchange systems,
24 or other interoperable clinical or health care information system.

25 (h) This section shall become operative on April 1, 2023.

26 SEC. 11. Section 11165.2 of the Health and Safety Code is
27 amended to read:

28 11165.2. (a) The Department of Justice may conduct audits
29 of the CURES Prescription Drug Monitoring Program system and
30 its users.

31 (b) The Department of Justice may establish, by regulation, a
32 system for the issuance to a CURES Prescription Drug Monitoring
33 Program subscriber of a citation which may contain an order of
34 abatement, or an order to pay an administrative fine assessed by
35 the Department of Justice if the subscriber is in violation of any
36 provision of this chapter or any regulation adopted by the
37 Department of Justice pursuant to this chapter.

38 (c) The system shall contain the following provisions:

39 (1) Citations shall be in writing and shall describe with
40 particularity the nature of the violation, including specific reference

1 to the provision of law or regulation of the department determined
2 to have been violated.

3 (2) Whenever appropriate, the citation shall contain an order of
4 abatement establishing a reasonable time for abatement of the
5 violation.

6 (3) In no event shall the administrative fine assessed by the
7 department exceed two thousand five hundred dollars (\$2,500) for
8 each violation. In assessing a fine, due consideration shall be given
9 to the appropriateness of the amount of the fine with respect to
10 such factors as the gravity of the violation, the good faith of the
11 subscribers, and the history of previous violations.

12 (4) An order of abatement or a fine assessment issued pursuant
13 to a citation shall inform the subscriber that, if the subscriber
14 desires a hearing to contest the finding of a violation, a hearing
15 shall be requested by written notice to the CURES Prescription
16 Drug Monitoring Program within 30 days of the date of issuance
17 of the citation or assessment. Hearings shall be held pursuant to
18 Chapter 5 (commencing with Section 11500) of Part 1 of Division
19 3 of Title 2 of the Government Code.

20 (5) In addition to requesting a hearing, the subscriber may,
21 within 10 days after service of the citation, request in writing an
22 opportunity for an informal conference with the department
23 regarding the citation. At the conclusion of the informal conference,
24 the department may affirm, modify, or dismiss the citation,
25 including any fine levied or order of abatement issued. The decision
26 shall be deemed to be a final order with regard to the citation
27 issued, including the fine levied or the order of abatement, which
28 could include permanent suspension to the system, a monetary
29 fine, or both, depending on the gravity of the violation. However,
30 the subscriber does not waive its right to request a hearing to
31 contest a citation by requesting an informal conference. If the
32 citation is affirmed, a formal hearing may be requested within 30
33 days of the date the citation was affirmed. If the citation is
34 dismissed after the informal conference, the request for a hearing
35 on the matter of the citation shall be deemed to be withdrawn. If
36 the citation, including any fine levied or order of abatement, is
37 modified, the citation originally issued shall be considered
38 withdrawn and a new citation issued. If a hearing is requested for
39 a subsequent citation, it shall be requested within 30 days of service
40 of that subsequent citation.

1 (6) Failure of a subscriber to pay a fine within 30 days of the
2 date of assessment or comply with an order of abatement within
3 the fixed time, unless the citation is being appealed, may result in
4 disciplinary action taken by the department. If a citation is not
5 contested and a fine is not paid, the subscriber account will be
6 terminated:

7 (A) A citation may be issued without the assessment of an
8 administrative fine.

9 (B) Assessment of administrative fines may be limited to only
10 particular violations of law or department regulations.

11 (d) Notwithstanding any other law, if a fine is paid to satisfy an
12 assessment based on the finding of a violation, payment of the fine
13 shall be represented as a satisfactory resolution of the matter for
14 purposes of public disclosure.

15 (e) Administrative fines collected pursuant to this section shall
16 be deposited in the CURES Program Special Fund, available upon
17 appropriation by the Legislature. These special funds shall provide
18 support for costs associated with informal and formal hearings,
19 maintenance, and updates to the CURES Prescription Drug
20 Monitoring Program.

21 (f) The sanctions authorized under this section shall be separate
22 from, and in addition to, any other administrative, civil, or criminal
23 remedies; however, a criminal action may not be initiated for a
24 specific offense if a citation has been issued pursuant to this section
25 for that offense, and a citation may not be issued pursuant to this
26 section for a specific offense if a criminal action for that offense
27 has been filed.

28 (g) This section does not prevent the department from serving
29 and prosecuting an accusation to suspend or revoke a subscriber
30 if grounds for that suspension or revocation exist.

31 (h) This section shall become inoperative on April 1, 2023, and,
32 as of January 1, 2024, is repealed.

33 SEC. 12. Section 11165.2 is added to the Health and Safety
34 Code, to read:

35 11165.2. (a) ~~The department specified by the Governor~~
36 ~~pursuant to Section 11164.8~~ *California State Board of Pharmacy*
37 may conduct audits of the CURES Prescription Drug Monitoring
38 Program system and its users.

39 (b) ~~The department~~ *board* may establish, by regulation, a system
40 for citation of a CURES Prescription Drug Monitoring Program

1 subscriber. A citation may contain an order of abatement or an
2 order to pay an administrative fine assessed by the ~~department~~
3 *board* if the subscriber is in violation of this chapter or any
4 regulation adopted pursuant to this chapter.

5 (c) The system shall contain all of the following provisions:

6 (1) Citations shall be in writing and shall describe with
7 particularity the nature of the violation, including specific reference
8 to the provision of law or regulation determined to have been
9 violated.

10 (2) Whenever appropriate, the citation shall contain an order of
11 abatement establishing a reasonable time for abatement of the
12 violation.

13 (3) The administrative fine assessed by the ~~department~~ *board*
14 shall not exceed two thousand five hundred dollars (\$2,500) for
15 each violation. In assessing a fine, due consideration shall be given
16 to the appropriateness of the amount of the fine with respect to
17 factors such as the gravity of the violation, the good faith of the
18 subscribers, and the history of previous violations.

19 (4) An order of abatement or a fine assessment issued pursuant
20 to a citation shall inform the subscriber that if the subscriber desires
21 a hearing to contest the finding of a violation, a hearing shall be
22 requested by written notice to the CURES Prescription Drug
23 Monitoring Program within 30 days of the date of issuance of the
24 citation. Hearings shall be held pursuant to Chapter 5 (commencing
25 with Section 11500) of Part 1 of Division 3 of Title 2 of the
26 Government Code.

27 (5) In addition to requesting a hearing, the subscriber may,
28 within 10 days after service of the citation, request in writing an
29 opportunity for an informal conference with the ~~department~~ *board*
30 regarding the citation. At the conclusion of the informal conference,
31 the ~~department~~ *board* may affirm, modify, or dismiss the citation,
32 including any fine levied or order of abatement issued. The decision
33 shall be deemed to be a final order with regard to the citation
34 issued, including the fine levied or the order of abatement, which
35 could include permanent suspension from the system, a monetary
36 fine, or both, depending on the gravity of the violation. However,
37 the subscriber does not waive the right to request a hearing to
38 contest a citation by requesting an informal conference. If the
39 citation is affirmed, a formal hearing may be requested within 30
40 days of the date the citation was affirmed. If the citation is

1 dismissed after the informal conference, the request for a hearing
2 on the matter of the citation shall be deemed to be withdrawn. If
3 the citation, including any fine levied or order of abatement, is
4 modified, the citation originally issued shall be considered
5 withdrawn and a new citation issued. If a hearing is requested for
6 a subsequent citation, it shall be requested within 30 days of service
7 of the subsequent citation.

8 (6) Failure of a subscriber to pay a fine within 30 days of the
9 date of assessment or to comply with an order of abatement within
10 the fixed time, unless the citation is being appealed, may result in
11 disciplinary action taken by the ~~department~~ *board*. If a citation is
12 not contested and a fine is not paid, the subscriber account shall
13 be terminated.

14 (A) A citation may be issued without the assessment of an
15 administrative fine.

16 (B) Assessment of administrative fines may be limited to only
17 particular violations of statute or regulations.

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

22 (e) Administrative fines collected pursuant to this section shall
23 be deposited in the CURES Program Special Fund, available upon
24 appropriation by the Legislature. These funds shall provide support
25 for costs associated with informal and formal hearings,
26 maintenance, and updates to the CURES Prescription Drug
27 Monitoring Program.

28 (f) The sanctions authorized under this section shall be separate
29 from, and in addition to, any other administrative, civil, or criminal
30 remedies; however, a criminal action may not be initiated for a
31 specific offense if a citation has been issued pursuant to this section
32 for that offense, and a citation may not be issued pursuant to this
33 section for a specific offense if a criminal action for that offense
34 has been filed.

35 (g) This section does not prevent the ~~department~~ *board* from
36 serving and prosecuting an accusation to suspend or revoke a
37 subscriber if grounds for that suspension or revocation exist.

38 (h) This section shall become operative on April 1, 2023.

39 SEC. 13. Section 11165.5 of the Health and Safety Code is
40 amended to read:

1 11165.5. (a) The Department of Justice may seek voluntarily
2 contributed private funds from insurers, health care service plans,
3 qualified manufacturers, and other donors for the purpose of
4 supporting CURES. Insurers, health care service plans, qualified
5 manufacturers, and other donors may contribute by submitting
6 their payment to the Controller for deposit into the CURES Fund
7 established pursuant to subdivision (c) of Section 208 of the
8 Business and Professions Code. The department shall make
9 information about the amount and the source of all private funds
10 it receives for support of CURES available to the public.
11 Contributions to the CURES Fund pursuant to this subdivision
12 shall be nondeductible for state tax purposes.

13 (b) For purposes of this section, the following definitions apply:

14 (1) “Controlled substance” means a drug, substance, or
15 immediate precursor listed in any schedule in Section 11055,
16 11056, or 11057.

17 (2) “Health care service plan” means an entity licensed pursuant
18 to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter
19 2.2 (commencing with Section 1340) of Division 2 of the Health
20 and Safety Code).

21 (3) “Insurer” means an admitted insurer writing health insurance,
22 as defined in Section 106 of the Insurance Code, and an admitted
23 insurer writing workers’ compensation insurance, as defined in
24 Section 109 of the Insurance Code.

25 (4) “Qualified manufacturer” means a manufacturer of a
26 controlled substance, but does not mean a wholesaler or nonresident
27 wholesaler of dangerous drugs, regulated pursuant to Article 11
28 (commencing with Section 4160) of Chapter 9 of Division 2 of
29 the Business and Professions Code, a veterinary food-animal drug
30 retailer, regulated pursuant to Article 15 (commencing with Section
31 4196) of Chapter 9 of Division 2 of the Business and Professions
32 Code, or an individual regulated by the Medical Board of
33 California, the Dental Board of California, the California State
34 Board of Pharmacy, the Veterinary Medical Board, the Board of
35 Registered Nursing, the Physician Assistant Committee of the
36 Medical Board of California, the Osteopathic Medical Board of
37 California, the State Board of Optometry, or the California Board
38 of Podiatric Medicine.

39 (c) This section shall become inoperative on April 1, 2023, and,
40 as of January 1, 2024, is repealed.

1 SEC. 14. Section 11165.5 is added to the Health and Safety
2 Code, to read:

3 11165.5. (a) ~~The department specified by the Governor~~
4 ~~pursuant to Section 11164.8 California State Board of Pharmacy~~
5 may seek voluntarily contributed private funds from insurers,
6 health care service plans, qualified manufacturers, and other donors
7 for the purpose of supporting CURES. Insurers, health care service
8 plans, qualified manufacturers, and other donors may contribute
9 by submitting their payment to the Controller for deposit into the
10 CURES Fund established pursuant to subdivision (c) of Section
11 208 of the Business and Professions Code. ~~The department~~ *board*
12 shall make information about the amount and the source of all
13 private funds it receives for support of CURES available to the
14 public. Contributions to the CURES Fund pursuant to this
15 subdivision shall be nondeductible for state tax purposes.

16 (b) For purposes of this section, the following definitions apply:

17 (1) “Controlled substance” means a drug, substance, or
18 immediate precursor listed in any schedule in Section 11055,
19 11056, or 11057.

20 (2) “Health care service plan” means an entity licensed pursuant
21 to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter
22 2.2 (commencing with Section 1340) of Division 2 of the Health
23 and Safety Code).

24 (3) “Insurer” means an admitted insurer writing health insurance,
25 as defined in Section 106 of the Insurance Code, and an admitted
26 insurer writing workers’ compensation insurance, as defined in
27 Section 109 of the Insurance Code.

28 (4) “Qualified manufacturer” means a manufacturer of a
29 controlled substance, but does not mean a wholesaler or nonresident
30 wholesaler of dangerous drugs, regulated pursuant to Article 11
31 (commencing with Section 4160) of Chapter 9 of Division 2 of
32 the Business and Professions Code, a veterinary food-animal drug
33 retailer, regulated pursuant to Article 15 (commencing with Section
34 4196) of Chapter 9 of Division 2 of the Business and Professions
35 Code, or an individual regulated by the Medical Board of
36 California, the Dental Board of California, the California State
37 Board of Pharmacy, the Veterinary Medical Board, the Board of
38 Registered Nursing, the Physician Assistant Committee of the
39 Medical Board of California, the Osteopathic Medical Board of

- 1 California, the State Board of Optometry, or the California Board
- 2 of Podiatric Medicine.
- 3 (c) This section shall become operative on April 1, 2023.

O

ASSEMBLY BILL

No. 2104

Introduced by Assembly Member Flora

February 14, 2022

An act to amend Sections 163 and 163.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2104, as introduced, Flora. Professions and vocations.

Existing law provides for the licensure and regulation of various professions and vocations by boards, as defined, within the Department of Consumer Affairs. Existing law generally requires the department and each board in the department to charge a fee of \$2 for the certification of a copy of any record, document, or paper in its custody. Existing law generally requires that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not less than \$25 nor more than \$150.

This bill would instead authorize the department and each board in the department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

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 163 of the Business and Professions Code
2 is amended to read:

3 163. Except as otherwise expressly provided by law, the
4 department and each board in the department ~~shall~~ *may* charge a
5 fee ~~of not to exceed~~ two dollars (\$2) for the certification of a copy
6 of any record, document, or paper in its custody or for the
7 certification of any document evidencing the content of any such
8 record, ~~document~~ *document*, or paper.

9 SEC. 2. Section 163.5 of the Business and Professions Code
10 is amended to read:

11 163.5. Except as otherwise provided by law, the delinquency,
12 penalty, or late fee for any licensee within the Department of
13 Consumer Affairs shall be 50 percent of the renewal fee for ~~such~~
14 *that* license in effect on the date of the renewal of the license, ~~but~~
15 ~~not less than twenty-five dollars (\$25) nor more than~~ *but shall not*
16 *exceed* one hundred fifty dollars (\$150).

17 A delinquency, penalty, or late fee shall not be assessed until 30
18 days have elapsed from the date that the licensing agency mailed
19 a notice of renewal to the licensee at the licensee’s last known
20 address of record. The notice shall specify the date for timely
21 renewal, and that failure to renew in a timely fashion shall result
22 in the assessment of a delinquency, penalty, or late fee.

23 ~~In the event~~ *If* a reinstatement or like fee is charged for the
24 reinstatement of a license, the reinstatement fee shall be 150 percent
25 of the renewal fee for such license in effect on the date of the
26 reinstatement of the license, but not more than twenty-five dollars
27 (\$25) in excess of the renewal fee, except that in the event that
28 such a fee is fixed by statute at less than 150 percent of the renewal
29 fee and less than the renewal fee plus twenty-five dollars (\$25),
30 the fee so fixed shall be charged.

O

AMENDED IN SENATE JUNE 13, 2022

AMENDED IN ASSEMBLY MARCH 16, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2145

Introduced by Assembly Member Davies

February 15, 2022

An act to amend Section 1315 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2145, as amended, Davies. Dental services: ~~skilled nursing facilities and intermediate care facilities/developmentally disabled. long-term health care facilities.~~

Existing law generally requires the State Department of Public Health to license, inspect, and regulate health facilities, including ~~skilled nursing facilities and intermediate care facilities/developmentally disabled. long-term health care facilities, as defined.~~ Existing law authorizes dental services, as defined under the Dental Practice Act, to be provided in health facilities by persons licensed by the Dental Board of California. The Dental Practice Act provides for the licensing, regulation, and discipline of, among others, registered dental hygienists in alternative practice.

This bill would provide that a registered dental hygienist in alternative practice may render dental services to a patient in a ~~skilled nursing facility or an intermediate care facility/developmentally disabled. long-term care facility, as defined.~~ The bill would also authorize a registered dental hygienist in alternative practice to provide oral health

inservice training to staff in a ~~skilled nursing facility or an intermediate care facility/developmentally disabled~~ *long-term health care facility*.

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 1315 of the Health and Safety Code is
2 amended to read:

3 1315. (a) Dental services, as defined in the Dental Practice
4 Act, may be provided to a patient in a health facility licensed under
5 this chapter. Those services shall be provided by a person licensed
6 by the State of California pursuant to Section 1611 ~~of, or Sections~~
7 ~~1926, 1926.01, and 1926.05 of, of~~ *of* the Business and Professions
8 Code.

9 (b) (1) Dental *hygiene* services, as defined in the Dental Practice
10 Act, may be provided to a patient in a ~~skilled nursing facility or~~
11 ~~an intermediate care facility/developmentally disabled~~ *long-term*
12 *health care facility, as defined in Section 1418, that is* licensed
13 under this ~~chapter~~ *chapter*; by a person licensed by the State of
14 California as a registered dental hygienist in alternative practice
15 pursuant to ~~Article 9 (commencing with Section 1900) of Chapter~~
16 ~~4 of Division 2 Section 1922 of the Business and Professions Code,~~
17 practicing in accordance with those provisions.

18 (2) A person licensed as a registered dental hygienist in
19 alternative practice by the State of California pursuant to ~~Article~~
20 ~~9 (commencing with Section 1900) of Chapter 4 of Division 2~~
21 *Section 1922 of the Business and Professions Code, practicing in*
22 accordance with those provisions, may provide oral health inservice
23 training to staff in a ~~skilled nursing facility or an intermediate care~~
24 ~~facility/developmentally disabled~~ *long-term health care facility*
25 licensed under this chapter.

26 (c) This section shall not limit or restrict the right of a licensed
27 physician and surgeon to perform any acts authorized under the
28 Medical Practice Act.

O

AMENDED IN ASSEMBLY APRIL 6, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2276

Introduced by Assembly Member Carrillo

February 16, 2022

An act to add Section ~~1750.11~~ 1750.1.5 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2276, as amended, Carrillo. Dental assistants.

Existing law, the Dental Practice Act, establishes a Dental Assisting Council of the Dental Board of California to regulate the examination, licensure, and permitting of dental assistants. Existing law authorizes a dental assistant to perform basic supportive dental procedures, including the application of topical fluoride under the direct supervision of a supervising licensed dentist.

This bill would additionally authorize dental assistants to polish the coronal surfaces of teeth or apply pit and fissure sealants under the direct supervision of a licensed dentist when the dental assistant has completed specified training and provided evidence of the completion of that training to the board. *The bill would require the supervising dentist and dental practice where the procedure is performed to be responsible for determining the competency of the dental assistant. The bill would also require the dentist practice to maintain a record of compliance with the training requirements for a minimum of 2 years after the dental assistant leaves the dental practice.*

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 1750.11 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~1750.11.—~~

4 SECTION 1. Section 1750.1.5 is added to the Business and
5 Professions Code, to read:

6 1750.1.5. (a) A dental assistant may polish the coronal surfaces
7 of teeth or apply pit and fissure sealants when the dental assistant
8 has completed each of the following:

9 (1) A board-approved, two-hour course in the Dental Practice
10 Act.

11 (2) A board-approved, eight-hour course in infection control.

12 (3) Any board-approved course in the procedure they seek to
13 perform.

14 (b) The procedure shall be performed under the direct
15 supervision of a licensed dentist. *For a pit and fissure sealant*
16 *performed by a dental assistant, the supervising dentist must review*
17 *the completed procedure.*

18 (c) *The supervising dentist and dental practice where the*
19 *procedure is performed shall be responsible for determining the*
20 *competency of the dental assistant, consistent with subdivision (y)*
21 *of Section 1680.*

22 (d) *The dental practice where the procedure is performed shall*
23 *maintain a record of compliance with the training requirements*
24 *under this section.*

25 (e) *The supervising dentist shall be listed in the record. If there*
26 *is more than one supervising dentist, each supervising dentist shall*
27 *be listed in the record.*

28 (f) *The dental practice shall maintain the record for a minimum*
29 *of two years after the dental assistant leaves the dental practice.*

30 (e)

31 (g) The procedure shall be performed only after the dental
32 assistant has provided evidence to the board they have completed
33 a board-approved course in the procedure.

O

ASSEMBLY BILL

No. 2539

**Introduced by Assembly Member Choi
(Coauthors: Assembly Members Flora, Lackey, Mathis, and Voepel)**

February 17, 2022

An act to add Part 3 (commencing with Section 90) to Division 1 of the Civil Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2539, as introduced, Choi. Public health: COVID-19 vaccination: proof of status.

Existing federal law, the Federal Food, Drug, and Cosmetic Act, authorizes the United States Secretary of Health and Human Services to approve new drugs and products, including vaccines, for introduction into interstate commerce, and authorizes the secretary to authorize vaccines for use in an emergency upon declaring a public health emergency. On February 4, 2020, the secretary determined that there is a public health emergency and declared circumstances exist justifying the authorization of emergency use of drugs and biological products. The secretary subsequently authorized the emergency use of 3 vaccines for the prevention of COVID-19, and on August 23, 2021, the secretary approved a vaccine for the prevention of COVID-19.

The California Emergency Services Act authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property, including epidemics. On March 4, 2020, the Governor declared a state of emergency relating to the COVID-19 pandemic. Pursuant to this authority, the Governor issued several executive orders requiring individuals in specified employment, health

care, school, or other settings to provide proof of COVID-19 vaccination status, unless specified exceptions are met.

This bill would require a public or private entity that requires a member of the public to provide documentation regarding the individual’s vaccination status for any COVID-19 vaccine as a condition of receipt of any service or entrance to any place to accept a written medical record or government-issued digital medical record in satisfaction of the condition, 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. Part 3 (commencing with Section 90) is added
2 to Division 1 of the Civil Code, to read:

3
4 PART 3. COVID-19 VACCINE STATUS FOR SERVICE OR
5 ENTRANCE
6

7 90. A public or private entity that adopts or enforces any order,
8 ordinance, policy, regulation, rule, or similar measure that requires
9 a member of the public to provide documentation regarding the
10 individual’s vaccination status for any COVID-19 vaccine as a
11 condition of receipt of any service or entrance to any place shall
12 accept either of the following in satisfaction of the condition:

13 (a) A written medical record issued to the individual by the
14 individual’s health care provider, a federal, state, or local agency,
15 a foreign government or any agency of that government, or other
16 authorized COVID-19 vaccine provider.

17 (b) A digital medical record issued to the individual by a federal,
18 state, or local agency, or a foreign government or any agency of
19 that government.

O

ASSEMBLY BILL

No. 2948

Introduced by Assembly Member Cooper

February 18, 2022

An act to amend Section 326 of the Business and Professions Code, relating to consumer protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2948, as introduced, Cooper. Consumer protection: Department of Consumer Affairs: complaints.

Existing law, the Consumer Affairs Act, requires the Director of Consumer Affairs to receive complaints from consumers concerning specified issues, including the production, distribution, sale, and lease of any goods and services undertaken by any person which may endanger the public health, safety, or welfare. Existing law authorizes the director to notify the person against whom the complaint is made of the nature of the complaint and to request appropriate relief for the consumer. Existing law requires the director to advise, if appropriate, the consumer of the action taken on the complaint and of any other means which may be available to the consumer to secure relief.

This bill would instead require the director to advise, within 60 calendar days of the date that the complaint is deemed closed, the consumer of the action taken on the complaint and of any other means which may be available to the consumer to secure relief, unless doing so would be injurious to the public health, safety, or welfare.

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 326 of the Business and Professions Code
 2 is amended to read:
 3 326. (a) Upon receipt of any complaint pursuant to Section
 4 325, the director may notify the person against whom the complaint
 5 is made of the nature of the complaint and may request appropriate
 6 relief for the consumer.
 7 (b) (1) The director shall also transmit any valid complaint to
 8 the local, ~~state state~~, or federal agency whose authority provides
 9 the most effective means to secure the relief.
 10 ~~The~~
 11 (2) ~~The director shall, if appropriate, advise shall advise, within~~
 12 ~~60 calendar days of the date that the complaint is deemed closed,~~
 13 the consumer of the action taken on the complaint and of any other
 14 means which may be available to the consumer to secure ~~relief.~~
 15 ~~relief, unless doing so would be injurious to the public health,~~
 16 ~~safety, or welfare.~~
 17 (c) If the director receives a complaint or receives information
 18 from any source indicating a probable violation of any law, rule,
 19 or order of any regulatory agency of the state, or if a pattern of
 20 complaints from consumers develops, the director shall transmit
 21 any complaint ~~he or she considers~~ *they consider* to be valid to any
 22 appropriate law enforcement or regulatory agency and any evidence
 23 or information ~~he or she~~ *they* may have concerning the probable
 24 violation or pattern of complaints or request the Attorney General
 25 to undertake appropriate legal action. It shall be the continuing
 26 duty of the director to discern patterns of complaints and to
 27 ascertain the nature and extent of action taken with respect to the
 28 probable violations or pattern of complaints.

O

AMENDED IN SENATE MAY 11, 2021

AMENDED IN SENATE APRIL 12, 2021

SENATE BILL

No. 652

Introduced by Senator Bates

February 19, 2021

An act to ~~amend Sections 1646.1, 1647.2, and 1647.3~~ *amend, repeal, and add Section 1646.1* of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 652, as amended, Bates. Dentistry: use of sedation: training.

Existing law, the Dental Practice Act, establishes the Dental Board of California within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of dentists. A violation of these provisions is a crime. Existing law, among other things, prescribes requirements for dentists and assisting personnel who administer or order the administration of general anesthesia and deep sedation.

Existing law, commencing on January 1, 2022, requires a dentist to possess either a current license in good standing and a general anesthesia permit issued by the board, or another specified permit and a general anesthesia permit issued by the board, in order to administer or order the administration of deep sedation or general anesthesia on an outpatient basis for dental patients.

Existing law specifies additional requirements if the patient is under 13 years of age, including that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Pediatric Advanced Life Support (PALS) and airway management or

other board-approved training, as specified. Existing law authorizes the board to approve training standards for general anesthesia and deep sedation, in lieu of PALS certification, if the training standard is an equivalent or higher level of training for dental anesthesia-related emergencies as compared to PALS.

~~This bill, beginning on July 1, 2023, would require, if the patient is 13 years of age or older, that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Advanced Cardiac Life Support (ACLS).~~

~~Existing law, commencing on January 1, 2022, authorizes a dentist to administer or order the administration of moderate sedation on an outpatient basis for a dental patient if specified conditions are met. Existing law specifies additional requirements if the patient is under 13 years of age, including that there be at least 2 support personnel in addition to the operating dentist present at all times during the procedure and that the operating dentist and one personnel member maintain current certification in PALS and airway management or other board-approved training.~~

~~This bill would also require, if the patient is 13 years of age or older, that there be at least 2 support personnel in addition to the operating dentist present at all times during the procedure and that the operating dentist and one personnel member maintain current certification in ACLS and airway management.~~

~~Existing law, commencing on January 1, 2022, requires a dentist who desires to administer or to order the administration of moderate sedation to apply to the board for a permit and produce evidence showing that they have successfully completed training in moderate sedation that meets specified requirements.~~

~~This bill would require a permit holder to maintain current and continuous certification in ACLS and airway management.~~

Because a violation of these provisions would be a crime, this bill imposes 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 1646.1 of the Business and Professions~~
2 ~~Code, as added by Section 4 of Chapter 929 of the Statutes of~~
3 ~~2018, is amended to read:~~

4 ~~1646.1. (a) A dentist shall possess either a current license in~~
5 ~~good standing and a general anesthesia permit issued by the board~~
6 ~~or a permit under Section 1638 or 1640 and a general anesthesia~~
7 ~~permit issued by the board in order to administer or order the~~
8 ~~administration of deep sedation or general anesthesia on an~~
9 ~~outpatient basis for dental patients.~~

10 ~~(b) A dentist shall possess a pediatric endorsement of their~~
11 ~~general anesthesia permit to administer or order the administration~~
12 ~~of deep sedation or general anesthesia to patients under seven years~~
13 ~~of age.~~

14 ~~(c) A dentist shall be physically within the dental office at the~~
15 ~~time of ordering, and during the administration of, general~~
16 ~~anesthesia or deep sedation.~~

17 ~~(d) The operating dentist and at least two additional personnel~~
18 ~~shall be present throughout the procedure involving deep sedation~~
19 ~~or general anesthesia.~~

20 ~~(e) If the operating dentist is the permitted anesthesia provider,~~
21 ~~then both of the following shall apply:~~

22 ~~(1) The operating dentist and at least one of the additional~~
23 ~~personnel shall maintain certification in one of the following:~~

24 ~~(A) If the patient is under 13 years of age, certification in~~
25 ~~Pediatric Advanced Life Support (PALS) or other board-approved~~
26 ~~training in pediatric life support and airway management, adopted~~
27 ~~pursuant to Section 1601.8. The additional personnel who is~~
28 ~~certified in Pediatric Advanced Life Support (PALS) and airway~~
29 ~~management or other board-approved training in pediatric life~~
30 ~~support and airway management shall be solely dedicated to~~
31 ~~monitoring the patient and shall be trained to read and respond to~~
32 ~~monitoring equipment including, but not limited to, pulse oximeter,~~
33 ~~cardiac monitor, blood pressure, pulse, capnograph, and respiration~~
34 ~~monitoring devices.~~

35 ~~(B) If the patient is 13 years of age or older, certification in~~
36 ~~Advanced Cardiac Life Support (ACLS). The additional personnel~~
37 ~~who is certified in ACLS and airway management shall be solely~~
38 ~~dedicated to monitoring the patient and shall be trained to read~~

1 and respond to monitoring equipment including, but not limited
2 to, pulse oximeter, cardiac monitor, blood pressure, pulse,
3 capnograph, and respiration monitoring devices.

4 (2) The operating dentist shall be responsible for initiating and
5 administering any necessary emergency response.

6 (f) If a dedicated permitted anesthesia provider is monitoring
7 the patient and administering deep sedation or general anesthesia,
8 both of the following shall apply:

9 (1) The anesthesia provider and the operating dentist, or one
10 other trained personnel, shall be present throughout the procedure
11 and shall maintain current certification in one of the following:

12 (A) If the patient is under 13 years of age, Pediatric Advanced
13 Life Support (PALS) and airway management or other
14 board-approved training in pediatric life support and airway
15 management, adopted pursuant to Section 1601.8.

16 (B) If the patient is 13 years of age or older, Advanced Cardiac
17 Life Support (ACLS).

18 (2) The anesthesia provider shall be responsible for initiating
19 and administering any necessary emergency response and the
20 operating dentist, or other trained and designated personnel, shall
21 assist the anesthesia provider in emergency response.

22 (g) This article does not apply to the administration of local
23 anesthesia, minimal sedation, or moderate sedation.

24 SEC. 2. Section 1647.2 of the Business and Professions Code,
25 as added by Section 6 of Chapter 929 of the Statutes of 2018, is
26 amended to read:

27 1647.2. (a) A dentist may administer or order the
28 administration of moderate sedation on an outpatient basis for a
29 dental patient if one of the following conditions is met:

30 (1) The dentist possesses a current license in good standing and
31 either holds a valid general anesthesia permit or obtains a moderate
32 sedation permit.

33 (2) The dentist possesses a current permit under Section 1638
34 or 1640 and either holds a valid general anesthesia permit or
35 obtains a moderate sedation permit.

36 (b) A dentist shall obtain a pediatric endorsement on the
37 moderate sedation permit prior to administering moderate sedation
38 to a patient under 13 years of age.

1 ~~(e) (1) A dentist who orders the administration of moderate~~
2 ~~sedation shall be physically present in the treatment facility while~~
3 ~~the patient is sedated.~~

4 ~~(2) There shall be at least two support personnel in addition to~~
5 ~~the operating dentist present at all times during the procedure~~
6 ~~involving moderate sedation.~~

7 ~~(3) For patients under 13 years of age, the operating dentist and~~
8 ~~one personnel member shall maintain current certification in~~
9 ~~Pediatric Advanced Life Support (PALS) and airway management~~
10 ~~or other board-approved training in pediatric life support and~~
11 ~~airway management, adopted pursuant to Section 1601.8. The~~
12 ~~personnel member with current certification in Pediatric Advanced~~
13 ~~Life Support (PALS) and airway management or other~~
14 ~~board-approved training in pediatric life support and airway~~
15 ~~management shall be dedicated to monitoring the patient during~~
16 ~~the procedure involving moderate sedation and may assist with~~
17 ~~interruptible patient-related tasks of short duration, such as holding~~
18 ~~an instrument.~~

19 ~~(4) For patients 13 years of age or older, the operating dentist~~
20 ~~and one personnel member shall maintain current certification in~~
21 ~~Advanced Cardiac Life Support (ACLS). The personnel member~~
22 ~~with current certification in ACLS and airway management shall~~
23 ~~be dedicated to monitoring the patient during the procedure~~
24 ~~involving moderate sedation and may assist with interruptible~~
25 ~~patient-related tasks of short duration, such as holding an~~
26 ~~instrument.~~

27 ~~(d) A dentist with a moderate sedation permit or a moderate~~
28 ~~sedation permit with a pediatric endorsement shall possess the~~
29 ~~training, equipment, and supplies to rescue a patient from an~~
30 ~~unintended deeper level of sedation.~~

31 ~~(e) This article shall not apply to the administration of local~~
32 ~~anesthesia, minimal sedation, deep sedation, or general anesthesia.~~

33 ~~SEC. 3. Section 1647.3 of the Business and Professions Code,~~
34 ~~as added by Section 6 of Chapter 929 of the Statutes of 2018, is~~
35 ~~amended to read:~~

36 ~~1647.3. (a) A dentist who desires to administer or to order the~~
37 ~~administration of moderate sedation shall apply to the board on~~
38 ~~an application form prescribed by the board. The dentist shall~~
39 ~~submit an application fee and produce evidence showing that they~~

- 1 ~~have successfully completed training in moderate sedation that~~
2 ~~meets the requirements of subdivision (c).~~
- 3 ~~(b) The application for a permit shall include documentation~~
4 ~~that equipment and drugs required by the board are on the premises.~~
- 5 ~~(c) Training in the administration of moderate sedation shall be~~
6 ~~acceptable if it meets all of the following as approved by the board:~~
- 7 ~~(1) Consists of at least 60 hours of instruction.~~
- 8 ~~(2) Requires satisfactory completion of at least 20 cases of~~
9 ~~administration of moderate sedation for a variety of dental~~
10 ~~procedures.~~
- 11 ~~(3) Complies with the requirements of the Guidelines for~~
12 ~~Teaching Pain Control and Sedation to Dentists and Dental~~
13 ~~Students of the American Dental Association, including, but not~~
14 ~~limited to, certification of competence in rescuing patients from a~~
15 ~~deeper level of sedation than intended, and managing the airway,~~
16 ~~intravascular or intraosseous access, and reversal medications.~~
- 17 ~~(d) A dentist may apply for a pediatric endorsement for a~~
18 ~~moderate sedation permit by confirming all of the following:~~
- 19 ~~(1) Successful completion of residency in pediatric dentistry~~
20 ~~accredited by the Commission on Dental Accreditation (CODA)~~
21 ~~or the equivalent training in pediatric moderate sedation, as~~
22 ~~determined by the board.~~
- 23 ~~(2) Successful completion of at least 20 cases of moderate~~
24 ~~sedation to patients under 13 years of age to establish competency~~
25 ~~in pediatric moderate sedation, both at the time of the initial~~
26 ~~application and at renewal. The applicant or permitholder shall~~
27 ~~maintain and shall provide proof of these cases upon request by~~
28 ~~the board for up to three permit renewal periods.~~
- 29 ~~(3) In order to provide moderate sedation to children under~~
30 ~~seven years of age, a dentist shall establish and maintain current~~
31 ~~competency for this pediatric population by completing 20 cases~~
32 ~~of moderate sedation for children under seven years of age in the~~
33 ~~24-month period immediately preceding application for the~~
34 ~~pediatric endorsement and for each permit renewal period.~~
- 35 ~~(4) Current certification in Pediatric Advanced Life Support~~
36 ~~(PALS) and airway management or other board-approved training~~
37 ~~in pediatric life support and airway management, adopted pursuant~~
38 ~~to Section 1601.8.~~
- 39 ~~(e) A permitholder shall maintain current and continuous~~
40 ~~certification in Pediatric Advanced Life Support (PALS) and~~

1 airway management or other board-approved training in pediatric
2 life support and airway management, adopted pursuant to Section
3 1601.8, for the duration of the permit.

4 ~~(f) A permitholder shall maintain current and continuous~~
5 ~~certification in Advanced Cardiac Life Support (ACLS) and airway~~
6 ~~management for the duration of the permit.~~

7 ~~(g) Applicants for a pediatric endorsement who otherwise qualify~~
8 ~~for the pediatric endorsement but lack sufficient cases of moderate~~
9 ~~sedation to patients under 13 years of age may administer moderate~~
10 ~~sedation to patients under 13 years of age under the direct~~
11 ~~supervision of a general anesthesia or moderate sedation~~
12 ~~permitholder with a pediatric endorsement. The applicant may~~
13 ~~count these cases toward the 20 required in order to qualify for the~~
14 ~~applicant's pediatric endorsement.~~

15 ~~(h) Moderate sedation permit holders with a pediatric~~
16 ~~endorsement seeking to provide moderate sedation to children~~
17 ~~under seven years of age, but who lack sufficient cases of moderate~~
18 ~~sedation to patients under seven years of age pursuant to paragraph~~
19 ~~(3) of subdivision (d), may administer moderate sedation to patients~~
20 ~~under seven years of age under the direct supervision of a~~
21 ~~permitholder who meets those qualifications.~~

22 *SECTION 1. Section 1646.1 of the Business and Professions*
23 *Code, as added by Section 4 of Chapter 929 of the Statutes of 2018,*
24 *is amended to read:*

25 1646.1. (a) A dentist shall possess either a current license in
26 good standing and a general anesthesia permit issued by the board
27 or a permit under Section 1638 or 1640 and a general anesthesia
28 permit issued by the board in order to administer or order the
29 administration of deep sedation or general anesthesia on an
30 outpatient basis for dental patients.

31 (b) A dentist shall possess a pediatric endorsement of their
32 general anesthesia permit to administer or order the administration
33 of deep sedation or general anesthesia to patients under seven years
34 of age.

35 (c) A dentist shall be physically within the dental office at the
36 time of ordering, and during the administration of, general
37 anesthesia or deep sedation.

38 (d) For patients under 13 years of age, all of the following shall
39 apply:

1 (1) The operating dentist and at least two additional personnel
2 shall be present throughout the procedure involving deep sedation
3 or general anesthesia.

4 (2) If the operating dentist is the permitted anesthesia provider,
5 then both of the following shall apply:

6 (A) The operating dentist and at least one of the additional
7 personnel shall maintain current certification in Pediatric Advanced
8 Life Support (PALS) or other board-approved training in pediatric
9 life support and airway management, adopted pursuant to Section
10 1601.8. The additional personnel who is certified in Pediatric
11 Advanced Life Support (PALS) and airway management or other
12 board-approved training in pediatric life support and airway
13 management shall be solely dedicated to monitoring the patient
14 and shall be trained to read and respond to monitoring equipment
15 including, but not limited to, pulse oximeter, cardiac monitor,
16 blood pressure, pulse, capnograph, and respiration monitoring
17 devices.

18 (B) The operating dentist shall be responsible for initiating and
19 administering any necessary emergency response.

20 (3) If a dedicated permitted anesthesia provider is monitoring
21 the patient and administering deep sedation or general anesthesia,
22 both of the following shall apply:

23 (A) The anesthesia provider and the operating dentist, or one
24 other trained personnel, shall be present throughout the procedure
25 and shall maintain current certification in Pediatric Advanced Life
26 Support (PALS) and airway management or other board-approved
27 training in pediatric life support and airway management, adopted
28 pursuant to Section 1601.8.

29 (B) The anesthesia provider shall be responsible for initiating
30 and administering any necessary emergency response and the
31 operating dentist, or other trained and designated personnel, shall
32 assist the anesthesia provider in emergency response.

33 (e) This article does not apply to the administration of local
34 anesthesia, minimal sedation, or moderate sedation.

35 (f) *This section shall remain in effect only until July 1, 2023,*
36 *and as of that date is repealed.*

37 *SEC. 2. Section 1646.1 is added to the Business and Professions*
38 *Code, to read:*

39 *1646.1. (a) A dentist shall possess either a current license in*
40 *good standing and a general anesthesia permit issued by the board*

1 *or a permit under Section 1638 or 1640 and a general anesthesia*
2 *permit issued by the board in order to administer or order the*
3 *administration of deep sedation or general anesthesia on an*
4 *outpatient basis for dental patients.*

5 *(b) A dentist shall possess a pediatric endorsement of their*
6 *general anesthesia permit to administer or order the administration*
7 *of deep sedation or general anesthesia to patients under seven*
8 *years of age.*

9 *(c) A dentist shall be physically within the dental office at the*
10 *time of ordering, and during the administration of, general*
11 *anesthesia or deep sedation.*

12 *(d) The operating dentist and at least two additional personnel*
13 *shall be present throughout the procedure involving deep sedation*
14 *or general anesthesia.*

15 *(e) If the operating dentist is the permitted anesthesia provider,*
16 *then both of the following shall apply:*

17 *(1) The operating dentist and at least one of the additional*
18 *personnel shall maintain certification in one of the following:*

19 *(A) If the patient is under 13 years of age, certification in*
20 *Pediatric Advanced Life Support (PALS) or other board-approved*
21 *training in pediatric life support and airway management, adopted*
22 *pursuant to Section 1601.8. The additional personnel who is*
23 *certified in PALS and airway management or other board-approved*
24 *training in pediatric life support and airway management shall*
25 *be solely dedicated to monitoring the patient and shall be trained*
26 *to read and respond to monitoring equipment including, but not*
27 *limited to, pulse oximeter, cardiac monitor, blood pressure, pulse,*
28 *capnograph, and respiration monitoring devices.*

29 *(B) If the patient is 13 years of age or older, certification in*
30 *Advanced Cardiac Life Support (ACLS). The additional personnel*
31 *who is certified in ACLS and airway management shall be solely*
32 *dedicated to monitoring the patient and shall be trained to read*
33 *and respond to monitoring equipment including, but not limited*
34 *to, pulse oximeter, cardiac monitor, blood pressure, pulse,*
35 *capnograph, and respiration monitoring devices.*

36 *(2) The operating dentist shall be responsible for initiating and*
37 *administering any necessary emergency response.*

38 *(f) If a dedicated permitted anesthesia provider is monitoring*
39 *the patient and administering deep sedation or general anesthesia,*
40 *both of the following shall apply:*

1 (1) The anesthesia provider and the operating dentist, or one
2 other trained personnel, shall be present throughout the procedure
3 and shall maintain current certification in one of the following:

4 (A) If the patient is under 13 years of age, PALS and airway
5 management or other board-approved training in pediatric life
6 support and airway management, adopted pursuant to Section
7 1601.8.

8 (B) If the patient is 13 years of age or older, ACLS.

9 (2) The anesthesia provider shall be responsible for initiating
10 and administering any necessary emergency response and the
11 operating dentist, or other trained and designated personnel, shall
12 assist the anesthesia provider in emergency response.

13 (g) This article does not apply to the administration of local
14 anesthesia, minimal sedation, or moderate sedation.

15 (h) This section shall become operative on July 1, 2023.

16 ~~SEC. 4.~~

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

O

AMENDED IN ASSEMBLY JUNE 23, 2022
AMENDED IN ASSEMBLY SEPTEMBER 2, 2021
AMENDED IN ASSEMBLY AUGUST 30, 2021
AMENDED IN ASSEMBLY JUNE 23, 2021
AMENDED IN SENATE MAY 20, 2021
AMENDED IN SENATE APRIL 20, 2021
AMENDED IN SENATE APRIL 5, 2021
AMENDED IN SENATE MARCH 3, 2021

SENATE BILL

No. 731

Introduced by Senators Durazo and Bradford
(Coauthors: Senators Becker, Hertzberg, Kamlager, Skinner, and Wiener)

(Coauthors: Assembly Members Bryan, Carrillo, Cristina Garcia, Gipson, Kalra, Lee, Medina, and Stone)

February 19, 2021

An act to amend ~~Section~~ *Sections 44242.5 and 44346 of the Education Code, and to amend Sections 1203.41 and 11105 of, and to amend, repeal, and add Sections 851.93 and 1203.425 of, the Penal Code, relating to criminal records.*

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Durazo. Criminal records: relief.

(1) Existing law establishes the Commission on Teacher Credentialing to, among other things, issue teaching and services credentials. Existing law requires the commission to appoint a

Committee of Credentials and requires allegations of acts or omissions for which adverse action may be taken against applicants or holders of teaching or services credentials to be reported to the committee, including conviction for a controlled substance offense, as defined. Existing law requires the commission to deny an application for the issuance of a credential or the renewal of a credential who has been convicted of a controlled substance offense.

This bill would prohibit the record of a conviction for possession of specified controlled substances that is more than 5 years old and for which relief was granted from being presented to the committee or from being used to deny a credential.

Existing

(2) *Existing law* authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified.

This bill would make this relief available to a defendant who has been convicted of ~~any felony~~ *a felony, as long as that conviction does not require registration as a sex offender.*

Commencing July 1, 2022, existing

Existing law requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for ~~specified automatic conviction~~ and records of arrest relief without requiring the filing of a petition or motion. Under existing law, a person is eligible for arrest record relief if they were arrested on or after January 1, 1973, and the arrest was for a misdemeanor and the charge was dismissed or criminal proceedings have not been initiated within one year after the arrest, or the arrest was for a felony punishable in the county jail and criminal proceedings have not been initiated within 3 years after the date of the arrest. ~~Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.~~

This bill would, commencing July 1, 2023, generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. ~~The bill~~

would, commencing July 1, 2023, additionally make this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease supervision, and parole, and a period of four years has elapsed during which the defendant was not convicted of a new offense, except as specified.

This bill would incorporate additional changes to Section 1203.425 of the Penal Code proposed by AB 898 and AB 1281 to be operative only if this bill, AB 898, and AB 1281 are enacted and this bill is enacted last.

Existing law, commencing January 1, 2022, and subject to appropriation, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief. Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

The bill, commencing July 1, 2023, would additionally make this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of 4 years has elapsed during which the defendant was not convicted of a new felony offense, except as specified. The bill would specify that conviction record relief does not release the defendant from the terms and conditions of unexpired criminal protective orders.

This bill would state that conviction record relief does not affect the authority to receive, or take adverse action based on, criminal history information for purposes of teacher credentialing or employment in public education, as specified. The bill would prohibit disclosure of information relating to a conviction for possession of specified controlled substances when the conviction is more than 5 years old and when relief has been granted under these provisions.

(3) Existing law requires the Department of Justice to maintain state summary criminal history information, as defined, and to furnish this information to various state and local government officers, officials, and other prescribed entities, if needed in the course of their duties.

Existing law requires the department to provide the Commission on Teacher Credentialing with every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted. Existing law makes it a crime for a person authorized by law to receive state summary criminal history information to knowingly furnish that information to a person who is not authorized to receive it.

This bill would require the department to also provide that information to school districts, county offices of education, charter schools, private schools, state special schools for the blind and deaf, or any other entity required to have a background check because of a contract with any of those entities. The bill would prohibit the department from disseminating information for a conviction for possession of specified controlled substances if that conviction is more than 5 years old and relief has been granted. By expanding the scope of a crime, this bill would impose 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: ~~no~~-yes.

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

1 SECTION 1. Section 44242.5 of the Education Code is amended
2 to read:

3 44242.5. (a) Each allegation of an act or omission by an
4 applicant for, or holder of, a credential for which ~~he or she~~ the
5 applicant may be subject to an adverse action shall be presented
6 to the Committee of Credentials.

7 (b) The committee has jurisdiction to commence an initial
8 review upon receipt of any of the following:

9 (1) (A) Official records of the Department of Justice, of a law
10 enforcement agency, of a state or federal court, and of any other
11 agency of this state or another state.

12 (B) For purposes of subparagraph (A), “agency of this state”
13 has the same meaning as that of “state agency” as set forth in
14 Section 11000 of the Government Code.

1 (2) An affidavit or declaration signed by a person ~~or persons~~
2 with personal knowledge of the acts alleged to constitute
3 misconduct.

4 (3) (A) A statement from an employer notifying the commission
5 that, as a result of an allegation of misconduct, or while an
6 allegation of misconduct is pending, a credentialholder has been
7 dismissed, nonreelected, suspended for more than 10 days, or
8 placed pursuant to a final adverse employment action on unpaid
9 administrative leave for more than 10 days, or has resigned or
10 otherwise left employment.

11 (B) The employer shall provide the notice described in
12 subparagraph (A) to the commission not later than 30 days after
13 the dismissal, nonreelection, suspension, placement on unpaid
14 administrative leave, resignation, or departure from employment
15 of the employee.

16 (C) For purposes of subparagraphs (A) and (B), a change in
17 status due solely to unsatisfactory performance pursuant to
18 paragraph (4) of subdivision (a) of Section 44932 or a reduction
19 in force pursuant to Sections 44955 to 44958, inclusive, is not a
20 result of an allegation of misconduct.

21 (4) A notice from an employer that a complaint was filed with
22 the school district alleging sexual misconduct by a credentialholder.
23 Results of an investigation by the committee based on this
24 paragraph shall not be considered for action by the committee
25 unless there is evidence presented to the committee in the form of
26 a written or oral declaration under penalty of perjury that confirms
27 the personal knowledge of the declarant regarding the acts alleged
28 to constitute misconduct.

29 (5) A notice from a school district, employer, public agency, or
30 testing administrator of a violation of Section 44420, 44421.1,
31 44421.5, or 44439.

32 (6) (A) An affirmative response on an application submitted
33 to the commission as to any conviction, adverse action on, or denial
34 of, a license, or pending investigation into a criminal allegation or
35 pending investigation of a noncriminal allegation of misconduct
36 by a governmental licensing entity.

37 (B) Failure to disclose any matter set forth in subparagraph (A).

38 (c) An initial review commences on the date that the written
39 notice is mailed to the applicant or credentialholder that ~~his or her~~
40 *their* fitness to hold a credential is under review. Upon

1 commencement of a formal review pursuant to Section 44244, the
 2 committee shall investigate all alleged misconduct and the
 3 circumstances in mitigation and aggravation. The investigation
 4 shall include, but not be limited to, all of the following:

5 (1) Investigation of the fitness and competence of the applicant
 6 or credentialholder to perform the duties authorized by the
 7 credential for which ~~he or she has~~ *they have* applied or that ~~he or~~
 8 ~~she presently holds.~~ *they presently hold.*

9 (2) Preparation of a summary of the applicable law, a summary
 10 of the facts, contested and uncontested, and a summary of any
 11 circumstances in aggravation or mitigation of the allegation.

12 (3) Determination of probable cause for an adverse action on
 13 the credential. If the allegation is for unprofessional or immoral
 14 conduct, the committee, in any formal review conducted pursuant
 15 to Section 44244 to determine probable cause, shall permit the
 16 employer of the credentialholder to be present while testimony is
 17 taken. If the allegation of unprofessional or immoral conduct
 18 involves sexual abuse, the employer shall be examined in the
 19 meeting for any relevant evidence relating to the sexual abuse.

20 (A) If the committee determines that probable cause for an
 21 adverse action does not exist, the committee shall terminate the
 22 investigation.

23 (B) If the committee determines that probable cause for an
 24 adverse action on the credential exists, upon receipt of a request
 25 from an applicant or a credentialholder pursuant to Section
 26 44244.1, the commission shall initiate an adjudicatory hearing, as
 27 prescribed by Chapter 5 (commencing with Section 11500) of Part
 28 1 of Division 3 of Title 2 of the Government Code, by filing an
 29 accusation or statement of issues.

30 (d) The committee has jurisdiction to commence a formal review
 31 pursuant to Section 44244 upon receipt of any of the following:

32 (1) (A) Official records of a state or federal court that reflect a
 33 conviction or plea, including a plea of nolo contendere, to a
 34 criminal offense or official records of a state court that adjudge a
 35 juvenile to be a dependent of the court pursuant to Section 300 of
 36 the Welfare and Institutions Code due to allegations of sexual
 37 misconduct or physical abuse by a credentialholder or applicant.

38 (B) ~~Nothing in subparagraph (A) shall be construed to~~
 39 *Subparagraph (A) does not* relieve the commission from the

1 confidentiality provisions, notice, and due process requirements
2 set forth in Section 827 of the Welfare and Institutions Code.

3 (2) An affidavit or declaration signed by a person ~~or persons~~
4 with personal knowledge of the acts alleged to constitute
5 misconduct.

6 (3) A statement described in paragraph (3) of subdivision (b).

7 (4) Official records of a governmental licensing entity that
8 reflect an administrative proceeding or investigation, otherwise
9 authorized by law or regulation, ~~which~~ *that* has become final.

10 (5) A notice described in paragraph (5) of subdivision (b).

11 (6) A response or failure to disclose, as described in paragraph
12 (6) of subdivision (b).

13 (e) (1) Upon completion of its investigation, the committee
14 shall report its actions and recommendations to the commission,
15 including its findings as to probable cause, and if probable cause
16 exists, its recommendations as to the appropriate adverse action.

17 (2) The findings shall be available, upon its request, to the
18 employing or last known employing school district, or, if adverse
19 action is recommended by the committee and the credentialholder
20 has not filed a timely appeal of the recommendation of the
21 committee pursuant to Section 44244.1, upon a request made within
22 five years of the date of the committee's recommendations to a
23 school district providing verification that the credentialholder has
24 applied for employment in the school district. The findings, for all
25 purposes, shall remain confidential and limited to school district
26 personnel in a direct supervisory capacity in relation to the person
27 investigated. ~~Any~~ A person who otherwise releases findings
28 received from the committee or the commission, absent a verified
29 release signed by the person who is the subject of the investigation,
30 shall be guilty of a misdemeanor.

31 (3) The findings shall not contain any information that reveals
32 the identity of persons other than the person who is the subject of
33 the investigation.

34 (f) (1) Except as provided in paragraph (2) and, notwithstanding
35 subdivision (b), for purposes of determining whether jurisdiction
36 exists under subdivision (b), the commission, in accordance with
37 Section 44341, may make inquiries and requests for production
38 of information and records only from the Department of Justice,
39 a law enforcement agency, a state or federal court, and a licensing
40 agency of this ~~state~~ *state*, or a licensing agency of another state.

1 (2) For purposes of determining whether jurisdiction exists,
2 paragraph (1) does not apply to release of personnel records.

3 (g) *Notwithstanding subdivision (a), convictions for controlled*
4 *substance offenses listed in Section 11350 or 11377, or former*
5 *Section 11500 or 11500.5, of the Health and Safety Code that are*
6 *more than five years old, for which relief is granted pursuant to*
7 *Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49*
8 *of the Penal Code, shall not be presented to the Committee on*
9 *Credentials.*

10 SEC. 2. *Section 44346 of the Education Code is amended to*
11 *read:*

12 44346. (a) The commission shall deny ~~any~~ *an* application for
13 the issuance of a credential or for the renewal of a credential made
14 by any applicant who comes within any of the following classes:

15 (1) Has been determined to be a sexual psychopath under the
16 provisions of *former* Article 1 (commencing with Section 6300)
17 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
18 Code or under similar provisions of law of any other state.

19 (2) Has been convicted of ~~any~~ *a* sex offense, as defined in
20 Section 44010.

21 (3) Has been convicted of a controlled substance offense, as
22 defined in Section 44011.

23 (4) Has been found to be insane through a criminal proceeding
24 by a federal court or a court in this or any other state.

25 (b) (1) Notwithstanding paragraphs (2) and (3) of subdivision
26 (a), ~~no~~ *a* person shall *not* be denied a credential solely on the basis
27 that ~~he or she~~ *the person* has been convicted of a crime specified
28 in paragraphs (2) and (3) of subdivision (a) if the person has
29 obtained a certificate of rehabilitation and pardon pursuant to
30 Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part
31 3 of the Penal Code, and if ~~his or her~~ probation has been terminated
32 and the information or accusation has been dismissed pursuant to
33 Section 1203.4 of the Penal Code.

34 (2) Notwithstanding any other law, the commission shall deny
35 the application of ~~any~~ *an* applicant who is required to register as
36 a sex offender pursuant to either of the following:

37 (A) Section 290 of the Penal Code.

38 (B) A law of any other state or of the United States when the
39 underlying offense, if committed or attempted in this state, would

1 require registration as a sex offender under Section 290 of the
2 Penal Code.

3 (c) (1) Notwithstanding paragraph (3) of subdivision (a) or
4 subdivision (b), the commission may issue a credential to a person
5 convicted of a controlled substance ~~offense~~ *offense*, as defined in
6 Section ~~44011~~ *44011*, if the commission determines from the
7 evidence presented that the person has been rehabilitated for at
8 least five years, or has received a certificate of rehabilitation and
9 pardon pursuant to Chapter 3.5 (commencing with Section 4852.01)
10 of Title 6 of Part 3 of the Penal Code, or if the accusation or
11 information against the person has been dismissed and ~~he or she~~
12 *the person* has been released from all disabilities and penalties
13 resulting from the offense pursuant to Section 1203.4 of the Penal
14 Code.

15 (2) *Notwithstanding paragraph (3) of subdivision (a), a person*
16 *shall not be denied a credential solely on the basis that they have*
17 *been convicted of a crime specified in Section 11350 or 11377, or*
18 *former Section 11500 or 11500.5, of the Health and Safety Code,*
19 *if that conviction is more than five years old, and for which relief*
20 *has been granted pursuant to Section 1203.4, 1203.4a, 1203.41,*
21 *1203.42, 1203.425, or 1203.49 of the Penal Code.*

22 (d) Notwithstanding paragraph (4) of subdivision (a), the
23 commission may issue a credential to a person found to be insane
24 through a criminal proceeding by a federal court or a court in this
25 or any other state if the commission determines from the evidence
26 presented that the person has been rehabilitated for at least five
27 years.

28 **SECTION 4.**

29 *SEC. 3.* Section 851.93 of the Penal Code is amended to read:

30 851.93. (a) (1) On a monthly basis, the Department of Justice
31 shall review the records in the statewide criminal justice databases,
32 and based on information in the state summary criminal history
33 repository, shall identify persons with records of arrest that meet
34 the criteria set forth in paragraph (2) and are eligible for arrest
35 record relief.

36 (2) A person is eligible for relief pursuant to this section, if the
37 arrest occurred on or after January 1, 1973, and meets any of the
38 following conditions:

39 (A) The arrest was for a misdemeanor offense and the charge
40 was dismissed.

1 (B) The arrest was for a misdemeanor offense, there is no
2 indication that criminal proceedings have been initiated, at least
3 one calendar year has elapsed since the date of the arrest, and no
4 conviction occurred, or the arrestee was acquitted of any charges
5 that arose, from that arrest.

6 (C) The arrest was for an offense that is punishable by
7 imprisonment pursuant to paragraph (1) or (2) of subdivision (h)
8 of Section 1170, there is no indication that criminal proceedings
9 have been initiated, at least three calendar years have elapsed since
10 the date of the arrest, and no conviction occurred, or the arrestee
11 was acquitted of any charges arising, from that arrest.

12 (D) The person successfully completed any of the following,
13 relating to that arrest:

14 (i) A prefiling diversion program, as defined in Section 851.87,
15 administered by a prosecuting attorney in lieu of filing an
16 accusatory pleading.

17 (ii) A drug diversion program administered by a superior court
18 pursuant to Section 1000.5, or a deferred entry of judgment
19 program pursuant to Section 1000 or 1000.8.

20 (iii) A pretrial diversion program, pursuant to Section 1000.4.

21 (iv) A diversion program, pursuant to Section 1001.9.

22 (v) A diversion program described in Chapter 2.8 (commencing
23 with Section 1001.20), Chapter 2.8A (commencing with Section
24 1001.35), Chapter 2.81 (commencing with Section 1001.40),
25 Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A
26 (commencing with Section 1001.60), Chapter 2.9B (commencing
27 with Section 1001.70), Chapter 2.9C (commencing with Section
28 1001.80), Chapter 2.9D (commencing with Section 1001.81), or
29 Chapter 2.92 (commencing with Section 1001.85), of Title 6.

30 (b) (1) The department shall grant relief to a person identified
31 pursuant to subdivision (a), without requiring a petition or motion
32 by a party for that relief if the relevant information is present in
33 the department's electronic records.

34 (2) The state summary criminal history information shall
35 include, directly next to or below the entry or entries regarding the
36 person's arrest record, a note stating "arrest relief granted," listing
37 the date that the department granted relief, and this section. This
38 note shall be included in all statewide criminal databases with a
39 record of the arrest.

1 (3) Except as otherwise provided in subdivision (d), an arrest
2 for which arrest relief has been granted is deemed not to have
3 occurred, and a person who has been granted arrest relief is released
4 from any penalties and disabilities resulting from the arrest, and
5 may answer any question relating to that arrest accordingly.

6 (c) On a monthly basis, the department shall electronically
7 submit a notice to the superior court having jurisdiction over the
8 criminal case, informing the court of all cases for which a
9 complaint was filed in that jurisdiction and for which relief was
10 granted pursuant to this section. Commencing on August 1, 2022,
11 for any record retained by the court pursuant to Section 68152 of
12 the Government Code, except as provided in subdivision (d), the
13 court shall not disclose information concerning an arrest that is
14 granted relief pursuant to this section to any person or entity, in
15 any format, except to the person whose arrest was granted relief
16 or a criminal justice agency, as defined in Section 851.92.

17 (d) Relief granted pursuant to this section is subject to the
18 following conditions:

19 (1) Arrest relief does not relieve a person of the obligation to
20 disclose an arrest in response to a direct question contained in a
21 questionnaire or application for employment as a peace officer, as
22 defined in Section 830.

23 (2) Relief granted pursuant to this section has no effect on the
24 ability of a criminal justice agency, as defined in Section 851.92,
25 to access and use records that are granted relief to the same extent
26 that would have been permitted for a criminal justice agency had
27 relief not been granted.

28 (3) This section does not limit the ability of a district attorney
29 to prosecute, within the applicable statute of limitations, an offense
30 for which arrest relief has been granted pursuant to this section.

31 (4) Relief granted pursuant to this section does not affect a
32 person's authorization to own, possess, or have in the person's
33 custody or control a firearm, or the person's susceptibility to
34 conviction under Chapter 2 (commencing with Section 29800) of
35 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect
36 this authorization or susceptibility.

37 (5) Relief granted pursuant to this section does not affect any
38 prohibition from holding public office that would otherwise apply
39 under law as a result of the arrest.

1 (6) Relief granted pursuant to this section does not affect the
2 authority to receive, or take adverse action based on, criminal
3 history information, including the authority to receive certified
4 court records received or evaluated pursuant to Section 1522,
5 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
6 pursuant to any statutory or regulatory provisions that incorporate
7 the criteria of those sections.

8 (e) This section does not limit petitions, motions, or orders for
9 arrest record relief, as required or authorized by any other law,
10 including, but not limited to, Sections 851.87, 851.90, 851.91,
11 1000.4, and 1001.9.

12 (f) The department shall annually publish statistics for each
13 county regarding the total number of arrests granted relief pursuant
14 to this section and the percentage of arrests for which the state
15 summary criminal history information does not include a
16 disposition, on the OpenJustice Web portal, as defined in Section
17 13010.

18 (g) This section shall be operative commencing July 1, 2022,
19 subject to an appropriation in the annual Budget Act.

20 (h) This section shall remain in effect only until July 1, 2023,
21 and as of that date is repealed.

22 ~~SEC. 2.~~

23 *SEC. 4.* Section 851.93 is added to the Penal Code, to read:

24 851.93. (a) (1) On a monthly basis, the Department of Justice
25 shall review the records in the statewide criminal justice databases,
26 and based on information in the state summary criminal history
27 repository, shall identify persons with records of arrest that meet
28 the criteria set forth in paragraph (2) and are eligible for arrest
29 record relief.

30 (2) A person is eligible for relief pursuant to this section, if the
31 arrest occurred on or after January 1, 1973, and meets any of the
32 following conditions:

33 (A) The arrest was for a misdemeanor offense and the charge
34 was dismissed.

35 (B) The arrest was for a misdemeanor offense, there is no
36 indication that criminal proceedings have been initiated, at least
37 one calendar year has elapsed since the date of the arrest, and no
38 conviction occurred, or the arrestee was acquitted of any charges
39 that arose, from that arrest.

1 (C) (i) The arrest was for a felony offense not described in
2 clause (ii), there is no indication that criminal proceedings have
3 been initiated, at least three calendar years have elapsed since the
4 date of the arrest, and no conviction occurred, or the arrestee was
5 acquitted of any charges arising, from that arrest.

6 (ii) If the arrest was for an offense punishable by imprisonment
7 in the state prison for eight years or more or by imprisonment
8 pursuant to subdivision (h) of Section 1170 for eight years or more,
9 there is no indication that criminal proceedings have been initiated,
10 at least six years have elapsed since the date of the arrest, and no
11 conviction occurred, or the arrestee was acquitted of any charges
12 arising, from that arrest.

13 (D) The person successfully completed any of the following,
14 relating to that arrest:

15 (i) A prefiling diversion program, as defined in subdivision (d)
16 of Section 851.87, administered by a prosecuting attorney in lieu
17 of filing an accusatory pleading.

18 (ii) A drug diversion program administered by a superior court
19 pursuant to Section 1000.5, or a deferred entry of judgment
20 program pursuant to Section 1000 or 1000.8.

21 (iii) A pretrial diversion program, pursuant to Section 1000.4.

22 (iv) A diversion program, pursuant to Section 1001.9.

23 (v) A diversion program described in Chapter 2.8 (commencing
24 with Section 1001.20), Chapter 2.8A (commencing with Section
25 1001.35), Chapter 2.81 (commencing with Section 1001.40),
26 Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A
27 (commencing with Section 1001.60), Chapter 2.9B (commencing
28 with Section 1001.70), Chapter 2.9C (commencing with Section
29 1001.80), Chapter 2.9D (commencing with Section 1001.81), or
30 Chapter 2.92 (commencing with Section 1001.85), of Title 6.

31 (b) (1) The department shall grant relief to a person identified
32 pursuant to subdivision (a), without requiring a petition or motion
33 by a party for that relief if the relevant information is present in
34 the department's electronic records.

35 (2) The state summary criminal history information shall
36 include, directly next to or below the entry or entries regarding the
37 person's arrest record, a note stating "arrest relief granted," listing
38 the date that the department granted relief, and this section. This
39 note shall be included in all statewide criminal databases with a
40 record of the arrest.

1 (3) Except as otherwise provided in subdivision (d), an arrest
2 for which arrest relief has been granted is deemed not to have
3 occurred, and a person who has been granted arrest relief is released
4 from any penalties and disabilities resulting from the arrest, and
5 may answer any question relating to that arrest accordingly.

6 (c) On a monthly basis, the department shall electronically
7 submit a notice to the superior court having jurisdiction over the
8 criminal case, informing the court of all cases for which a
9 complaint was filed in that jurisdiction and for which relief was
10 granted pursuant to this section. Commencing on August 1, 2022,
11 for any record retained by the court pursuant to Section 68152 of
12 the Government Code, except as provided in subdivision (d), the
13 court shall not disclose information concerning an arrest that is
14 granted relief pursuant to this section to any person or entity, in
15 any format, except to the person whose arrest was granted relief
16 or a criminal justice agency, as defined in Section 851.92.

17 (d) Relief granted pursuant to this section is subject to all of the
18 following conditions:

19 (1) Arrest relief does not relieve a person of the obligation to
20 disclose an arrest in response to a direct question contained in a
21 questionnaire or application for employment as a peace officer, as
22 defined in Section 830.

23 (2) Relief granted pursuant to this section has no effect on the
24 ability of a criminal justice agency, as defined in Section 851.92,
25 to access and use records that are granted relief to the same extent
26 that would have been permitted for a criminal justice agency had
27 relief not been granted.

28 (3) This section does not limit the ability of a district attorney
29 to prosecute, within the applicable statute of limitations, an offense
30 for which arrest relief has been granted pursuant to this section.

31 (4) Relief granted pursuant to this section does not affect a
32 person's authorization to own, possess, or have in the person's
33 custody or control a firearm, or the person's susceptibility to
34 conviction under Chapter 2 (commencing with Section 29800) of
35 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect
36 this authorization or susceptibility.

37 (5) Relief granted pursuant to this section does not affect any
38 prohibition from holding public office that would otherwise apply
39 under law as a result of the arrest.

1 (6) Relief granted pursuant to this section does not affect the
2 authority to receive, or take adverse action based on, criminal
3 history information, including the authority to receive certified
4 court records received or evaluated pursuant to Section 1522,
5 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
6 pursuant to any statutory or regulatory provisions that incorporate
7 the criteria of those sections.

8 (e) This section does not limit petitions, motions, or orders for
9 arrest record relief, as required or authorized by any other law,
10 including, but not limited to, Sections 851.87, 851.90, 851.91,
11 1000.4, and 1001.9.

12 (f) The department shall annually publish on the OpenJustice
13 Web portal, as described under Section 13010, statistics for each
14 county regarding the total number of arrests granted relief pursuant
15 to this section and the percentage of arrests for which the state
16 summary criminal history information does not include a
17 disposition.

18 (g) This section shall be operative commencing July 1, 2023,
19 subject to an appropriation in the annual Budget Act.

20 ~~SEC. 3.~~

21 *SEC. 5.* Section 1203.41 of the Penal Code is amended to read:

22 1203.41. (a) If a defendant is convicted of a felony, the court,
23 in its discretion and in the interests of justice, may order the
24 following relief, subject to the conditions of subdivision (b):

25 (1) The court may permit the defendant to withdraw their plea
26 of guilty or plea of nolo contendere and enter a plea of not guilty,
27 or, if the defendant has been convicted after a plea of not guilty,
28 the court shall set aside the verdict of guilty, and, in either case,
29 the court shall dismiss the accusations or information against the
30 defendant and the defendant shall thereafter be released from all
31 penalties and disabilities resulting from the offense of which they
32 have been convicted, except as provided in Section 13555 of the
33 Vehicle Code.

34 (2) The relief available under this section may be granted only
35 after the lapse of one year following the defendant's completion
36 of the sentence, if the sentence was imposed pursuant to
37 subparagraph (B) of paragraph (5) of subdivision (h) of Section
38 1170, or after the lapse of two years following the defendant's
39 completion of the sentence, if the sentence was imposed pursuant

1 to subparagraph (A) of paragraph (5) of subdivision (h) of Section
2 1170 or if the defendant was sentenced to the state prison.

3 (3) The relief available under this section may be granted only
4 if the defendant is not on parole or under supervision pursuant to
5 subparagraph (B) of paragraph (5) of subdivision (h) of Section
6 1170, and is not serving a sentence for, on probation for, or charged
7 with the commission of any offense.

8 (4) The defendant shall be informed, either orally or in writing,
9 of the provisions of this section and of their right, if any, to petition
10 for a certificate of rehabilitation and pardon at the time they are
11 sentenced.

12 (5) The defendant may make the application and change of plea
13 in person or by attorney, or by a probation officer authorized in
14 writing.

15 (6) *If the defendant seeks relief under this section for a felony*
16 *that resulted in a sentence to the state prison, the relief available*
17 *under this section may only be granted if that felony did not result*
18 *in a requirement to register as a sex offender pursuant to Chapter*
19 *5.5 (commencing with Section 290) of Title 9 of Part 1.*

20 (b) Relief granted pursuant to subdivision (a) is subject to all
21 of the following conditions:

22 (1) In any subsequent prosecution of the defendant for any other
23 offense, the prior conviction may be pleaded and proved and shall
24 have the same effect as if the accusation or information had not
25 been dismissed.

26 (2) The order shall state, and the defendant shall be informed,
27 that the order does not relieve them of the obligation to disclose
28 the conviction in response to any direct question contained in any
29 questionnaire or application for public office, for licensure by any
30 state or local agency or by a federally recognized tribe, or for
31 contracting with the California State Lottery Commission.

32 (3) Dismissal of an accusation or information pursuant to this
33 section does not permit a person to own, possess, or have in their
34 custody or control any firearm or prevent their conviction under
35 Chapter 2 (commencing with Section 29800) of Division 9 of Title
36 4 of Part 6.

37 (4) Dismissal of an accusation or information underlying a
38 conviction pursuant to this section does not permit a person
39 prohibited from holding public office as a result of that conviction
40 to hold public office.

1 (c) This section applies to any conviction specified in
2 subdivision (a) that occurred before, on, or after January 1, 2021.

3 (d) A person who petitions for a change of plea or setting aside
4 of a verdict under this section may be required to reimburse the
5 court for the actual costs of services rendered, whether or not the
6 petition is granted and the records are sealed or expunged, at a rate
7 to be determined by the court not to exceed one hundred fifty
8 dollars (\$150), and to reimburse the county for the actual costs of
9 services rendered, whether or not the petition is granted and the
10 records are sealed or expunged, at a rate to be determined by the
11 county board of supervisors not to exceed one hundred fifty dollars
12 (\$150), and to reimburse any city for the actual costs of services
13 rendered, whether or not the petition is granted and the records are
14 sealed or expunged, at a rate to be determined by the city council
15 not to exceed one hundred fifty dollars (\$150). Ability to make
16 this reimbursement shall be determined by the court using the
17 standards set forth in paragraph (2) of subdivision (g) of Section
18 987.8 and shall not be a prerequisite to a person's eligibility under
19 this section. The court may order reimbursement in any case in
20 which the petitioner appears to have the ability to pay, without
21 undue hardship, all or any portion of the costs for services
22 established pursuant to this subdivision.

23 (e) (1) Relief shall not be granted under this section unless the
24 prosecuting attorney has been given 15 days' notice of the petition
25 for relief. The probation officer shall notify the prosecuting attorney
26 when a petition is filed, pursuant to this section.

27 (2) It shall be presumed that the prosecuting attorney has
28 received notice if proof of service is filed with the court.

29 (f) If, after receiving notice pursuant to subdivision (e), the
30 prosecuting attorney fails to appear and object to a petition for
31 dismissal, the prosecuting attorney shall not move to set aside or
32 otherwise appeal the grant of that petition.

33 (g) Relief granted pursuant to this section does not release the
34 defendant from the terms and conditions of any unexpired criminal
35 protective orders that have been issued by the court pursuant to
36 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)
37 of Section 273.5, subdivision (l) of Section 368, or subdivision
38 (k) of Section 646.9. These protective orders shall remain in full
39 effect until expiration or until any further order by the court

1 modifying or terminating the order, despite the dismissal of the
2 underlying accusation or information.

3 (h) Relief granted pursuant to this section does not affect the
4 authority to receive, or take adverse action based on, criminal
5 history information, including the authority to receive certified
6 court records received or evaluated pursuant to Section 1522,
7 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
8 pursuant to any statutory or regulatory provisions that incorporate
9 the criteria of those sections. Relief granted pursuant to this section
10 does not make eligible a person who is otherwise ineligible to
11 provide, or receive payment for providing, in-home supportive
12 services pursuant to Article 7 (commencing with Section 12300)
13 of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions
14 Code, or pursuant to Section 14132.95, 14132.952, or 14132.956
15 of the Welfare and Institutions Code.

16 ~~SEC. 4. Section 1203.425 of the Penal Code is amended to~~
17 ~~read:~~

18 ~~1203.425. (a) (1) (A) Commencing July 1, 2022, and subject~~
19 ~~to an appropriation in the annual Budget Act, on a monthly basis,~~
20 ~~the Department of Justice shall review the records in the statewide~~
21 ~~criminal justice databases, and based on information in the state~~
22 ~~summary criminal history repository and the Supervised Release~~
23 ~~File, shall identify persons with convictions that meet the criteria~~
24 ~~set forth in subparagraph (B) and are eligible for automatic~~
25 ~~conviction record relief.~~

26 ~~(B) A person is eligible for automatic conviction relief pursuant~~
27 ~~to this section if they meet all of the following conditions:~~

28 ~~(i) The person is not required to register pursuant to the Sex~~
29 ~~Offender Registration Act.~~

30 ~~(ii) The person does not have an active record for local, state,~~
31 ~~or federal supervision in the Supervised Release File.~~

32 ~~(iii) Based upon the information available in the department's~~
33 ~~record, including disposition dates and sentencing terms, it does~~
34 ~~not appear that the person is currently serving a sentence for an~~
35 ~~offense and there is no indication of pending criminal charges.~~

36 ~~(iv) Except as otherwise provided in subclause (III) of clause~~
37 ~~(v), there is no indication that the conviction resulted in a sentence~~
38 ~~of incarceration in the state prison.~~

39 ~~(v) The conviction occurred on or after January 1, 1973, and~~
40 ~~meets either of the following criteria:~~

1 ~~(I) The defendant was sentenced to probation and, based upon~~
2 ~~the disposition date and the term of probation specified in the~~
3 ~~department's records, appears to have completed their term of~~
4 ~~probation without revocation.~~

5 ~~(H) The defendant was convicted of an infraction or~~
6 ~~misdemeanor, was not granted probation, and, based upon the~~
7 ~~disposition date and the term specified in the department's records,~~
8 ~~the defendant appears to have completed their sentence, and at~~
9 ~~least one calendar year has elapsed since the date of judgment.~~

10 ~~(2) (A) Except as specified in subdivision (b), the department~~
11 ~~shall grant relief, including dismissal of a conviction, to a person~~
12 ~~identified pursuant to paragraph (1) without requiring a petition~~
13 ~~or motion by a party for that relief if the relevant information is~~
14 ~~present in the department's electronic records.~~

15 ~~(B) The state summary criminal history information shall~~
16 ~~include, directly next to or below the entry or entries regarding the~~
17 ~~person's criminal record, a note stating "relief granted," listing the~~
18 ~~date that the department granted relief and this section. This note~~
19 ~~shall be included in all statewide criminal databases with a record~~
20 ~~of the conviction.~~

21 ~~(C) Except as otherwise provided in paragraph (4) and in Section~~
22 ~~13555 of the Vehicle Code, a person granted conviction relief~~
23 ~~pursuant to this section shall be released from all penalties and~~
24 ~~disabilities resulting from the offense of which the person has been~~
25 ~~convicted.~~

26 ~~(3) Commencing July 1, 2022, and subject to an appropriation~~
27 ~~in the annual Budget Act, on a monthly basis, the department shall~~
28 ~~electronically submit a notice to the superior court having~~
29 ~~jurisdiction over the criminal case, informing the court of all cases~~
30 ~~for which a complaint was filed in that jurisdiction and for which~~
31 ~~relief was granted pursuant to this section. Commencing on August~~
32 ~~1, 2022, for any record retained by the court pursuant to Section~~
33 ~~68152 of the Government Code, except as provided in paragraph~~
34 ~~(4), the court shall not disclose information concerning a conviction~~
35 ~~granted relief pursuant to this section or Section 1203.4, 1203.4a,~~
36 ~~1203.41, or 1203.42, to any person or entity, in any format, except~~
37 ~~to the person whose conviction was granted relief or a criminal~~
38 ~~justice agency, as defined in Section 851.92.~~

39 ~~(4) Relief granted pursuant to this section is subject to the~~
40 ~~following conditions:~~

1 ~~(A) Relief granted pursuant to this section does not relieve a~~
2 ~~person of the obligation to disclose a criminal conviction in~~
3 ~~response to a direct question contained in a questionnaire or~~
4 ~~application for employment as a peace officer, as defined in Section~~
5 ~~830.~~

6 ~~(B) Relief granted pursuant to this section does not relieve a~~
7 ~~person of the obligation to disclose the conviction in response to~~
8 ~~a direct question contained in a questionnaire or application for~~
9 ~~public office, or for contracting with the California State Lottery~~
10 ~~Commission.~~

11 ~~(C) Relief granted pursuant to this section has no effect on the~~
12 ~~ability of a criminal justice agency, as defined in Section 851.92,~~
13 ~~to access and use records that are granted relief to the same extent~~
14 ~~that would have been permitted for a criminal justice agency had~~
15 ~~relief not been granted.~~

16 ~~(D) Relief granted pursuant to this section does not limit the~~
17 ~~jurisdiction of the court over a subsequently filed motion to amend~~
18 ~~the record, petition or motion for postconviction relief, or collateral~~
19 ~~attack on a conviction for which relief has been granted pursuant~~
20 ~~to this section.~~

21 ~~(E) Relief granted pursuant to this section does not affect a~~
22 ~~person's authorization to own, possess, or have in the person's~~
23 ~~custody or control a firearm, or the person's susceptibility to~~
24 ~~conviction under Chapter 2 (commencing with Section 29800) of~~
25 ~~Division 9 of Title 4 of Part 6, if the criminal conviction would~~
26 ~~otherwise affect this authorization or susceptibility.~~

27 ~~(F) Relief granted pursuant to this section does not affect a~~
28 ~~prohibition from holding public office that would otherwise apply~~
29 ~~under law as a result of the criminal conviction.~~

30 ~~(G) Relief granted pursuant to this section does not affect the~~
31 ~~authority to receive, or take adverse action based on, criminal~~
32 ~~history information, including the authority to receive certified~~
33 ~~court records received or evaluated pursuant to Section 1522,~~
34 ~~1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or~~
35 ~~pursuant to any statutory or regulatory provisions that incorporate~~
36 ~~the criteria of those sections.~~

37 ~~(H) Relief granted pursuant to this section does not make eligible~~
38 ~~a person who is otherwise ineligible to provide, or receive payment~~
39 ~~for providing, in-home supportive services pursuant to Article 7~~
40 ~~(commencing with Section 12300) of Chapter 3 of Part 3 of~~

1 ~~Division 9 of the Welfare and Institutions Code, or pursuant to~~
2 ~~Section 14132.95, 14132.952, or 14132.956 of the Welfare and~~
3 ~~Institutions Code.~~

4 ~~(1) In a subsequent prosecution of the defendant for any other~~
5 ~~offense, the prior conviction may be pleaded and proved and shall~~
6 ~~have the same effect as if the relief had not been granted.~~

7 ~~(5) This section shall not limit petitions, motions, or orders for~~
8 ~~relief in a criminal case, as required or authorized by any other~~
9 ~~law, including, but not limited to, Sections 1203.4 and 1204.4a.~~

10 ~~(6) Commencing July 1, 2022, and subject to an appropriation~~
11 ~~in the annual Budget Act, the department shall annually publish~~
12 ~~statistics for each county regarding the total number of convictions~~
13 ~~granted relief pursuant to this section and the total number of~~
14 ~~convictions prohibited from automatic relief pursuant to~~
15 ~~subdivision (b), on the OpenJustice Web portal, as defined in~~
16 ~~Section 13010.~~

17 ~~(b) (1) The prosecuting attorney or probation department may,~~
18 ~~no later than 90 calendar days before the date of a person's~~
19 ~~eligibility for relief pursuant to this section, file a petition to~~
20 ~~prohibit the department from granting automatic relief pursuant~~
21 ~~to this section, based on a showing that granting that relief would~~
22 ~~pose a substantial threat to the public safety.~~

23 ~~(2) The court shall give notice to the defendant and conduct a~~
24 ~~hearing on the petition within 45 days after the petition is filed.~~

25 ~~(3) At a hearing on the petition pursuant to this subdivision, the~~
26 ~~defendant, the probation department, the prosecuting attorney, and~~
27 ~~the arresting agency, through the prosecuting attorney, may present~~
28 ~~evidence to the court. Notwithstanding Sections 1538.5 and 1539,~~
29 ~~the hearing may be heard and determined upon declarations,~~
30 ~~affidavits, police investigative reports, copies of state summary~~
31 ~~criminal history information and local summary criminal history~~
32 ~~information, or any other evidence submitted by the parties that~~
33 ~~is material, reliable, and relevant.~~

34 ~~(4) The prosecutor or probation department has the initial burden~~
35 ~~of proof to show that granting conviction relief would pose a~~
36 ~~substantial threat to the public safety. In determining whether~~
37 ~~granting relief would pose a substantial threat to the public safety,~~
38 ~~the court may consider any relevant factors including, but not~~
39 ~~limited to, either of the following:~~

1 ~~(A) Declarations or evidence regarding the offense for which a~~
2 ~~grant of relief is being contested.~~

3 ~~(B) The defendant’s record of arrests and convictions.~~

4 ~~(5) If the court finds that the prosecutor or probation department~~
5 ~~has satisfied the burden of proof, the burden shifts to the defendant~~
6 ~~to show that the hardship of not obtaining relief outweighs the~~
7 ~~threat to the public safety of providing relief. In determining~~
8 ~~whether the defendant’s hardship outweighs the threat to the public~~
9 ~~safety, the court may consider any relevant factors including, but~~
10 ~~not limited to, either of the following:~~

11 ~~(A) The hardship to the defendant that has been caused by the~~
12 ~~conviction and that would be caused if relief is not granted.~~

13 ~~(B) Declarations or evidence regarding the defendant’s good~~
14 ~~character.~~

15 ~~(6) If the court grants a petition pursuant to this subdivision,~~
16 ~~the court shall furnish a disposition report to the Department of~~
17 ~~Justice pursuant to Section 13151, stating that relief pursuant to~~
18 ~~this section was denied, and the department shall not grant relief~~
19 ~~pursuant to this section.~~

20 ~~(7) A person denied relief pursuant to this section may continue~~
21 ~~to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If~~
22 ~~the court subsequently grants relief pursuant to one of those~~
23 ~~sections, the court shall furnish a disposition report to the~~
24 ~~Department of Justice pursuant to Section 13151, stating that relief~~
25 ~~was granted pursuant to the applicable section, and the department~~
26 ~~shall grant relief pursuant to that section.~~

27 ~~(e) At the time of sentencing, the court shall advise a defendant,~~
28 ~~either orally or in writing, of the provisions of this section and of~~
29 ~~the defendant’s right, if any, to petition for a certificate of~~
30 ~~rehabilitation and pardon.~~

31 ~~(d) This section shall remain in effect only until July 1, 2023,~~
32 ~~and as of that date is repealed.~~

33 ~~SEC. 4.1. Section 1203.425 of the Penal Code is amended to~~
34 ~~read:~~

35 ~~1203.425. (a) (1) (A) Commencing July 1, 2022, and subject~~
36 ~~to an appropriation in the annual Budget Act, on a monthly basis,~~
37 ~~the Department of Justice shall review the records in the statewide~~
38 ~~criminal justice databases, and based on information in the state~~
39 ~~summary criminal history repository and the Supervised Release~~
40 ~~File, shall identify persons with convictions that meet the criteria~~

1 ~~set forth in subparagraph (B) and are eligible for automatic~~
2 ~~conviction record relief.~~

3 ~~(B) A person is eligible for automatic conviction relief pursuant~~
4 ~~to this section if they meet all of the following conditions:~~

5 ~~(i) The person is not required to register pursuant to the Sex~~
6 ~~Offender Registration Act.~~

7 ~~(ii) The person does not have an active record for local, state,~~
8 ~~or federal supervision in the Supervised Release File.~~

9 ~~(iii) Based upon the information available in the department's~~
10 ~~record, including disposition dates and sentencing terms, it does~~
11 ~~not appear that the person is currently serving a sentence for an~~
12 ~~offense and there is no indication of pending criminal charges.~~

13 ~~(iv) Except as otherwise provided in subclause (III) of clause~~
14 ~~(v), there is no indication that the conviction resulted in a sentence~~
15 ~~of incarceration in the state prison.~~

16 ~~(v) The conviction occurred on or after January 1, 1973, and~~
17 ~~meets either of the following criteria:~~

18 ~~(I) The defendant was sentenced to probation and, based upon~~
19 ~~the disposition date and the term of probation specified in the~~
20 ~~department's records, appears to have completed their term of~~
21 ~~probation without revocation.~~

22 ~~(II) The defendant was convicted of an infraction or~~
23 ~~misdemeanor, was not granted probation, and, based upon the~~
24 ~~disposition date and the term specified in the department's records,~~
25 ~~the defendant appears to have completed their sentence, and at~~
26 ~~least one calendar year has elapsed since the date of judgment.~~

27 ~~(2) (A) Except as specified in subdivision (b), the department~~
28 ~~shall grant relief, including dismissal of a conviction, to a person~~
29 ~~identified pursuant to paragraph (1) without requiring a petition~~
30 ~~or motion by a party for that relief if the relevant information is~~
31 ~~present in the department's electronic records.~~

32 ~~(B) The state summary criminal history information shall~~
33 ~~include, directly next to or below the entry or entries regarding the~~
34 ~~person's criminal record, a note stating "relief granted," listing the~~
35 ~~date that the department granted relief and this section. This note~~
36 ~~shall be included in all statewide criminal databases with a record~~
37 ~~of the conviction.~~

38 ~~(C) Except as otherwise provided in paragraph (4) and in Section~~
39 ~~13555 of the Vehicle Code, a person granted conviction relief~~
40 ~~pursuant to this section shall be released from all penalties and~~

1 disabilities resulting from the offense of which the person has been
2 convicted.

3 ~~(3) (A) Commencing July 1, 2022, and subject to an~~
4 ~~appropriation in the annual Budget Act, on a monthly basis, the~~
5 ~~department shall electronically submit a notice to the superior court~~
6 ~~having jurisdiction over the criminal case, informing the court of~~
7 ~~all cases for which a complaint was filed in that jurisdiction and~~
8 ~~for which relief was granted pursuant to this section. Commencing~~
9 ~~on August 1, 2022, for any record retained by the court pursuant~~
10 ~~to Section 68152 of the Government Code, except as provided in~~
11 ~~paragraph (4), the court shall not disclose information concerning~~
12 ~~a conviction granted relief pursuant to this section or Section~~
13 ~~1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in~~
14 ~~any format, except to the person whose conviction was granted~~
15 ~~relief or a criminal justice agency, as defined in Section 851.92.~~

16 ~~(B) If probation is transferred pursuant to Section 1203.9, the~~
17 ~~department shall electronically submit a notice as provided in~~
18 ~~subparagraph (A) to both the transferring court and any subsequent~~
19 ~~receiving court. The electronic notice shall be in a mutually agreed~~
20 ~~upon format.~~

21 ~~(C) If a receiving court reduces a felony to a misdemeanor~~
22 ~~pursuant to subdivision (b) of Section 17, or dismisses a conviction~~
23 ~~pursuant to law, including, but not limited to, Section 1203.4,~~
24 ~~1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish~~
25 ~~a disposition report to the department with the original case number~~
26 ~~and CH number from the transferring court. The department shall~~
27 ~~electronically submit a notice to the superior court that sentenced~~
28 ~~the defendant. If probation is transferred multiple times, the~~
29 ~~department shall electronically submit a notice to all other involved~~
30 ~~courts. The electronic notice shall be in a mutually agreed upon~~
31 ~~format.~~

32 ~~(D) If a court receives notification from the department pursuant~~
33 ~~to subparagraph (B), the court shall update its records to reflect~~
34 ~~the reduction or dismissal. If a court receives notification that a~~
35 ~~case was dismissed pursuant to this section or Section 1203.4,~~
36 ~~1203.4a, 1203.41, or 1203.42, the court shall update its records to~~
37 ~~reflect the dismissal and shall not disclose information concerning~~
38 ~~a conviction granted relief to any person or entity, in any format,~~
39 ~~except to the person whose conviction was granted relief or a~~
40 ~~criminal justice agency, as defined in Section 851.92.~~

1 ~~(4) Relief granted pursuant to this section is subject to the~~
2 ~~following conditions:~~

3 ~~(A) Relief granted pursuant to this section does not relieve a~~
4 ~~person of the obligation to disclose a criminal conviction in~~
5 ~~response to a direct question contained in a questionnaire or~~
6 ~~application for employment as a peace officer, as defined in Section~~
7 ~~830.~~

8 ~~(B) Relief granted pursuant to this section does not relieve a~~
9 ~~person of the obligation to disclose the conviction in response to~~
10 ~~a direct question contained in a questionnaire or application for~~
11 ~~public office, or for contracting with the California State Lottery~~
12 ~~Commission.~~

13 ~~(C) Relief granted pursuant to this section has no effect on the~~
14 ~~ability of a criminal justice agency, as defined in Section 851.92,~~
15 ~~to access and use records that are granted relief to the same extent~~
16 ~~that would have been permitted for a criminal justice agency had~~
17 ~~relief not been granted.~~

18 ~~(D) Relief granted pursuant to this section does not limit the~~
19 ~~jurisdiction of the court over a subsequently filed motion to amend~~
20 ~~the record, petition or motion for postconviction relief, or collateral~~
21 ~~attack on a conviction for which relief has been granted pursuant~~
22 ~~to this section.~~

23 ~~(E) Relief granted pursuant to this section does not affect a~~
24 ~~person's authorization to own, possess, or have in the person's~~
25 ~~custody or control a firearm, or the person's susceptibility to~~
26 ~~conviction under Chapter 2 (commencing with Section 29800) of~~
27 ~~Division 9 of Title 4 of Part 6, if the criminal conviction would~~
28 ~~otherwise affect this authorization or susceptibility.~~

29 ~~(F) Relief granted pursuant to this section does not affect a~~
30 ~~prohibition from holding public office that would otherwise apply~~
31 ~~under law as a result of the criminal conviction.~~

32 ~~(G) Relief granted pursuant to this section does not affect the~~
33 ~~authority to receive, or take adverse action based on, criminal~~
34 ~~history information, including the authority to receive certified~~
35 ~~court records received or evaluated pursuant to Section 1522,~~
36 ~~1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or~~
37 ~~pursuant to any statutory or regulatory provisions that incorporate~~
38 ~~the criteria of those sections.~~

39 ~~(H) Relief granted pursuant to this section does not make eligible~~
40 ~~a person who is otherwise ineligible to provide, or receive payment~~

1 for providing, in-home supportive services pursuant to Article 7
2 (commencing with Section 12300) of Chapter 3 of Part 3 of
3 Division 9 of the Welfare and Institutions Code, or pursuant to
4 Section 14132.95, 14132.952, or 14132.956 of the Welfare and
5 Institutions Code.

6 (1) In a subsequent prosecution of the defendant for any other
7 offense, the prior conviction may be pleaded and proved and shall
8 have the same effect as if the relief had not been granted.

9 (5) This section shall not limit petitions, motions, or orders for
10 relief in a criminal case, as required or authorized by any other
11 law, including, but not limited to, Sections 1203.4 and 1204.4a.

12 (6) Commencing July 1, 2022, and subject to an appropriation
13 in the annual Budget Act, the department shall annually publish
14 statistics for each county regarding the total number of convictions
15 granted relief pursuant to this section and the total number of
16 convictions prohibited from automatic relief pursuant to
17 subdivision (b), on the OpenJustice Web portal, as defined in
18 Section 13010.

19 (b) (1) The prosecuting attorney or probation department may,
20 no later than 90 calendar days before the date of a person's
21 eligibility for relief pursuant to this section, file a petition to
22 prohibit the department from granting automatic relief pursuant
23 to this section, based on a showing that granting that relief would
24 pose a substantial threat to the public safety. If probation was
25 transferred pursuant to Section 1203.9, the prosecuting attorney
26 or probation department in either the receiving county or the
27 transferring county shall file the petition in the county of current
28 jurisdiction.

29 (2) The court shall give notice to the defendant and conduct a
30 hearing on the petition within 45 days after the petition is filed.

31 (3) At a hearing on the petition pursuant to this subdivision, the
32 defendant, the probation department, the prosecuting attorney, and
33 the arresting agency, through the prosecuting attorney, may present
34 evidence to the court. Notwithstanding Sections 1538.5 and 1539,
35 the hearing may be heard and determined upon declarations,
36 affidavits, police investigative reports, copies of state summary
37 criminal history information and local summary criminal history
38 information, or any other evidence submitted by the parties that
39 is material, reliable, and relevant.

1 ~~(4) The prosecutor or probation department has the initial burden~~
2 ~~of proof to show that granting conviction relief would pose a~~
3 ~~substantial threat to the public safety. In determining whether~~
4 ~~granting relief would pose a substantial threat to the public safety,~~
5 ~~the court may consider any relevant factors including, but not~~
6 ~~limited to, either of the following:~~
7 ~~(A) Declarations or evidence regarding the offense for which a~~
8 ~~grant of relief is being contested.~~
9 ~~(B) The defendant's record of arrests and convictions.~~
10 ~~(5) If the court finds that the prosecutor or probation department~~
11 ~~has satisfied the burden of proof, the burden shifts to the defendant~~
12 ~~to show that the hardship of not obtaining relief outweighs the~~
13 ~~threat to the public safety of providing relief. In determining~~
14 ~~whether the defendant's hardship outweighs the threat to the public~~
15 ~~safety, the court may consider any relevant factors including, but~~
16 ~~not limited to, either of the following:~~
17 ~~(A) The hardship to the defendant that has been caused by the~~
18 ~~conviction and that would be caused if relief is not granted.~~
19 ~~(B) Declarations or evidence regarding the defendant's good~~
20 ~~character.~~
21 ~~(6) If the court grants a petition pursuant to this subdivision,~~
22 ~~the court shall furnish a disposition report to the Department of~~
23 ~~Justice pursuant to Section 13151, stating that relief pursuant to~~
24 ~~this section was denied, and the department shall not grant relief~~
25 ~~pursuant to this section. If probation was transferred pursuant to~~
26 ~~Section 1203.9, the department shall electronically submit a notice~~
27 ~~to the transferring court, and, if probation was transferred multiple~~
28 ~~times, to all other involved courts.~~
29 ~~(7) A person denied relief pursuant to this section may continue~~
30 ~~to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If~~
31 ~~the court subsequently grants relief pursuant to one of those~~
32 ~~sections, the court shall furnish a disposition report to the~~
33 ~~Department of Justice pursuant to Section 13151, stating that relief~~
34 ~~was granted pursuant to the applicable section, and the department~~
35 ~~shall grant relief pursuant to that section. If probation was~~
36 ~~transferred pursuant to Section 1203.9, the department shall~~
37 ~~electronically submit a notice that relief was granted pursuant to~~
38 ~~the applicable section to the transferring court and, if probation~~
39 ~~was transferred multiple times, to all other involved courts.~~

1 ~~(e) At the time of sentencing, the court shall advise a defendant,~~
2 ~~either orally or in writing, of the provisions of this section and of~~
3 ~~the defendant's right, if any, to petition for a certificate of~~
4 ~~rehabilitation and pardon.~~

5 ~~(d) This section shall remain in effect only until July 1, 2023,~~
6 ~~and as of that date is repealed.~~

7 ~~SEC. 4.2. Section 1203.425 of the Penal Code is amended to~~
8 ~~read:~~

9 ~~1203.425. (a) (1) (A) Commencing July 1, 2022, and subject~~
10 ~~to an appropriation in the annual Budget Act, on a monthly basis,~~
11 ~~the Department of Justice shall review the records in the statewide~~
12 ~~criminal justice databases, and based on information in the state~~
13 ~~summary criminal history repository and the Supervised Release~~
14 ~~File, shall identify persons with convictions that meet the criteria~~
15 ~~set forth in subparagraph (B) and are eligible for automatic~~
16 ~~conviction record relief.~~

17 ~~(B) A person is eligible for automatic conviction relief pursuant~~
18 ~~to this section if they meet all of the following conditions:~~

19 ~~(i) The person is not required to register pursuant to the Sex~~
20 ~~Offender Registration Act.~~

21 ~~(ii) The person does not have an active record for local, state,~~
22 ~~or federal supervision in the Supervised Release File.~~

23 ~~(iii) Based upon the information available in the department's~~
24 ~~record, including disposition dates and sentencing terms, it does~~
25 ~~not appear that the person is currently serving a sentence for an~~
26 ~~offense and there is no indication of pending criminal charges.~~

27 ~~(iv) Except as otherwise provided in subclause (III) of clause~~
28 ~~(v), there is no indication that the conviction resulted in a sentence~~
29 ~~of incarceration in the state prison.~~

30 ~~(v) The conviction occurred on or after January 1, 1973, and~~
31 ~~meets either of the following criteria:~~

32 ~~(I) The defendant was sentenced to probation and, based upon~~
33 ~~the disposition date and the term of probation specified in the~~
34 ~~department's records, appears to have completed their term of~~
35 ~~probation without revocation.~~

36 ~~(II) The defendant was convicted of an infraction or~~
37 ~~misdemeanor, was not granted probation, and, based upon the~~
38 ~~disposition date and the term specified in the department's records,~~
39 ~~the defendant appears to have completed their sentence, and at~~
40 ~~least one calendar year has elapsed since the date of judgment.~~

1 ~~(2) (A) Except as specified in subdivision (b), the department~~
2 ~~shall grant relief, including dismissal of a conviction, to a person~~
3 ~~identified pursuant to paragraph (1) without requiring a petition~~
4 ~~or motion by a party for that relief if the relevant information is~~
5 ~~present in the department’s electronic records.~~

6 ~~(B) The state summary criminal history information shall~~
7 ~~include, directly next to or below the entry or entries regarding the~~
8 ~~person’s criminal record, a note stating “relief granted,” listing the~~
9 ~~date that the department granted relief and this section. This note~~
10 ~~shall be included in all statewide criminal databases with a record~~
11 ~~of the conviction.~~

12 ~~(C) Except as otherwise provided in paragraph (4) and in Section~~
13 ~~13555 of the Vehicle Code, a person granted conviction relief~~
14 ~~pursuant to this section shall be released from all penalties and~~
15 ~~disabilities resulting from the offense of which the person has been~~
16 ~~convicted.~~

17 ~~(3) Commencing July 1, 2022, and subject to an appropriation~~
18 ~~in the annual Budget Act, on a monthly basis, the department shall~~
19 ~~electronically submit a notice to the superior court having~~
20 ~~jurisdiction over the criminal case, informing the court of all cases~~
21 ~~for which a complaint was filed in that jurisdiction and for which~~
22 ~~relief was granted pursuant to this section. Commencing on August~~
23 ~~1, 2022, for any record retained by the court pursuant to Section~~
24 ~~68152 of the Government Code, except as provided in paragraph~~
25 ~~(4), the court shall not disclose information concerning a conviction~~
26 ~~granted relief pursuant to this section or Section 1203.4, 1203.4a,~~
27 ~~1203.41, or 1203.42, to any person or entity, in any format, except~~
28 ~~to the person whose conviction was granted relief or a criminal~~
29 ~~justice agency, as defined in Section 851.92.~~

30 ~~(4) Relief granted pursuant to this section is subject to the~~
31 ~~following conditions:~~

32 ~~(A) Relief granted pursuant to this section does not relieve a~~
33 ~~person of the obligation to disclose a criminal conviction in~~
34 ~~response to a direct question contained in a questionnaire or~~
35 ~~application for employment as a peace officer, as defined in Section~~
36 ~~830.~~

37 ~~(B) Relief granted pursuant to this section does not relieve a~~
38 ~~person of the obligation to disclose the conviction in response to~~
39 ~~a direct question contained in a questionnaire or application for~~

1 public office, or for contracting with the California State Lottery
2 Commission.

3 (C) Relief granted pursuant to this section has no effect on the
4 ability of a criminal justice agency, as defined in Section 851.92,
5 to access and use records that are granted relief to the same extent
6 that would have been permitted for a criminal justice agency had
7 relief not been granted.

8 (D) Relief granted pursuant to this section does not limit the
9 jurisdiction of the court over a subsequently filed motion to amend
10 the record, petition or motion for postconviction relief, or collateral
11 attack on a conviction for which relief has been granted pursuant
12 to this section.

13 (E) Relief granted pursuant to this section does not affect a
14 person's authorization to own, possess, or have in the person's
15 custody or control a firearm, or the person's susceptibility to
16 conviction under Chapter 2 (commencing with Section 29800) of
17 Division 9 of Title 4 of Part 6, if the criminal conviction would
18 otherwise affect this authorization or susceptibility.

19 (F) Relief granted pursuant to this section does not affect a
20 prohibition from holding public office that would otherwise apply
21 under law as a result of the criminal conviction.

22 (G) Relief granted pursuant to this section does not release a
23 person from the terms and conditions of any unexpired criminal
24 protective order that has been issued by the court pursuant to
25 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)
26 of Section 273.5, subdivision (l) of Section 368, or subdivision
27 (k) of Section 646.9. These protective orders shall remain in full
28 effect until expiration or until any further order by the court
29 modifying or terminating the order, despite the dismissal of the
30 underlying conviction.

31 (H) Relief granted pursuant to this section does not affect the
32 authority to receive, or take adverse action based on, criminal
33 history information, including the authority to receive certified
34 court records received or evaluated pursuant to Section 1522,
35 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
36 pursuant to any statutory or regulatory provisions that incorporate
37 the criteria of those sections.

38 (I) Relief granted pursuant to this section does not make eligible
39 a person who is otherwise ineligible to provide, or receive payment
40 for providing, in-home supportive services pursuant to Article 7

1 ~~(commencing with Section 12300) of Chapter 3 of Part 3 of~~
2 ~~Division 9 of the Welfare and Institutions Code, or pursuant to~~
3 ~~Section 14132.95, 14132.952, or 14132.956 of the Welfare and~~
4 ~~Institutions Code.~~

5 ~~(J) In a subsequent prosecution of the defendant for any other~~
6 ~~offense, the prior conviction may be pleaded and proved and shall~~
7 ~~have the same effect as if the relief had not been granted.~~

8 ~~(5) This section shall not limit petitions, motions, or orders for~~
9 ~~relief in a criminal case, as required or authorized by any other~~
10 ~~law, including, but not limited to, Sections 1203.4 and 1204.4a.~~

11 ~~(6) Commencing July 1, 2022, and subject to an appropriation~~
12 ~~in the annual Budget Act, the department shall annually publish~~
13 ~~statistics for each county regarding the total number of convictions~~
14 ~~granted relief pursuant to this section and the total number of~~
15 ~~convictions prohibited from automatic relief pursuant to~~
16 ~~subdivision (b), on the OpenJustice Web portal, as defined in~~
17 ~~Section 13010.~~

18 ~~(b) (1) The prosecuting attorney or probation department may,~~
19 ~~no later than 90 calendar days before the date of a person's~~
20 ~~eligibility for relief pursuant to this section, file a petition to~~
21 ~~prohibit the department from granting automatic relief pursuant~~
22 ~~to this section, based on a showing that granting that relief would~~
23 ~~pose a substantial threat to the public safety.~~

24 ~~(2) The court shall give notice to the defendant and conduct a~~
25 ~~hearing on the petition within 45 days after the petition is filed.~~

26 ~~(3) At a hearing on the petition pursuant to this subdivision, the~~
27 ~~defendant, the probation department, the prosecuting attorney, and~~
28 ~~the arresting agency, through the prosecuting attorney, may present~~
29 ~~evidence to the court. Notwithstanding Sections 1538.5 and 1539,~~
30 ~~the hearing may be heard and determined upon declarations,~~
31 ~~affidavits, police investigative reports, copies of state summary~~
32 ~~criminal history information and local summary criminal history~~
33 ~~information, or any other evidence submitted by the parties that~~
34 ~~is material, reliable, and relevant.~~

35 ~~(4) The prosecutor or probation department has the initial burden~~
36 ~~of proof to show that granting conviction relief would pose a~~
37 ~~substantial threat to the public safety. In determining whether~~
38 ~~granting relief would pose a substantial threat to the public safety,~~
39 ~~the court may consider any relevant factors including, but not~~
40 ~~limited to, either of the following:~~

1 ~~(A) Declarations or evidence regarding the offense for which a~~
2 ~~grant of relief is being contested.~~
3 ~~(B) The defendant’s record of arrests and convictions.~~
4 ~~(5) If the court finds that the prosecutor or probation department~~
5 ~~has satisfied the burden of proof, the burden shifts to the defendant~~
6 ~~to show that the hardship of not obtaining relief outweighs the~~
7 ~~threat to the public safety of providing relief. In determining~~
8 ~~whether the defendant’s hardship outweighs the threat to the public~~
9 ~~safety, the court may consider any relevant factors including, but~~
10 ~~not limited to, either of the following:~~
11 ~~(A) The hardship to the defendant that has been caused by the~~
12 ~~conviction and that would be caused if relief is not granted.~~
13 ~~(B) Declarations or evidence regarding the defendant’s good~~
14 ~~character.~~
15 ~~(6) If the court grants a petition pursuant to this subdivision,~~
16 ~~the court shall furnish a disposition report to the Department of~~
17 ~~Justice pursuant to Section 13151, stating that relief pursuant to~~
18 ~~this section was denied, and the department shall not grant relief~~
19 ~~pursuant to this section.~~
20 ~~(7) A person denied relief pursuant to this section may continue~~
21 ~~to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If~~
22 ~~the court subsequently grants relief pursuant to one of those~~
23 ~~sections, the court shall furnish a disposition report to the~~
24 ~~Department of Justice pursuant to Section 13151, stating that relief~~
25 ~~was granted pursuant to the applicable section, and the department~~
26 ~~shall grant relief pursuant to that section.~~
27 ~~(e) At the time of sentencing, the court shall advise a defendant,~~
28 ~~either orally or in writing, of the provisions of this section and of~~
29 ~~the defendant’s right, if any, to petition for a certificate of~~
30 ~~rehabilitation and pardon.~~
31 ~~(d) This section shall remain in effect only until July 1, 2023,~~
32 ~~and as of that date is repealed.~~
33 ~~SEC. 4.3. Section 1203.425 of the Penal Code is amended to~~
34 ~~read:~~
35 ~~1203.425. (a) (1) (A) Commencing July 1, 2022, and subject~~
36 ~~to an appropriation in the annual Budget Act, on a monthly basis,~~
37 ~~the Department of Justice shall review the records in the statewide~~
38 ~~criminal justice databases, and based on information in the state~~
39 ~~summary criminal history repository and the Supervised Release~~
40 ~~File, shall identify persons with convictions that meet the criteria~~

1 ~~set forth in subparagraph (B) and are eligible for automatic~~
2 ~~conviction record relief.~~

3 ~~(B) A person is eligible for automatic conviction relief pursuant~~
4 ~~to this section if they meet all of the following conditions:~~

5 ~~(i) The person is not required to register pursuant to the Sex~~
6 ~~Offender Registration Act.~~

7 ~~(ii) The person does not have an active record for local, state,~~
8 ~~or federal supervision in the Supervised Release File.~~

9 ~~(iii) Based upon the information available in the department's~~
10 ~~record, including disposition dates and sentencing terms, it does~~
11 ~~not appear that the person is currently serving a sentence for an~~
12 ~~offense and there is no indication of pending criminal charges.~~

13 ~~(iv) Except as otherwise provided in subclause (III) of clause~~
14 ~~(v), there is no indication that the conviction resulted in a sentence~~
15 ~~of incarceration in the state prison.~~

16 ~~(v) The conviction occurred on or after January 1, 1973, and~~
17 ~~meets either of the following criteria:~~

18 ~~(I) The defendant was sentenced to probation and, based upon~~
19 ~~the disposition date and the term of probation specified in the~~
20 ~~department's records, appears to have completed their term of~~
21 ~~probation without revocation.~~

22 ~~(II) The defendant was convicted of an infraction or~~
23 ~~misdemeanor, was not granted probation, and, based upon the~~
24 ~~disposition date and the term specified in the department's records,~~
25 ~~the defendant appears to have completed their sentence, and at~~
26 ~~least one calendar year has elapsed since the date of judgment.~~

27 ~~(2) (A) Except as specified in subdivision (b), the department~~
28 ~~shall grant relief, including dismissal of a conviction, to a person~~
29 ~~identified pursuant to paragraph (1) without requiring a petition~~
30 ~~or motion by a party for that relief if the relevant information is~~
31 ~~present in the department's electronic records.~~

32 ~~(B) The state summary criminal history information shall~~
33 ~~include, directly next to or below the entry or entries regarding the~~
34 ~~person's criminal record, a note stating "relief granted," listing the~~
35 ~~date that the department granted relief and this section. This note~~
36 ~~shall be included in all statewide criminal databases with a record~~
37 ~~of the conviction.~~

38 ~~(C) Except as otherwise provided in paragraph (4) and in Section~~
39 ~~13555 of the Vehicle Code, a person granted conviction relief~~
40 ~~pursuant to this section shall be released from all penalties and~~

1 disabilities resulting from the offense of which the person has been
2 convicted.

3 ~~(3) (A) Commencing July 1, 2022, and subject to an~~
4 ~~appropriation in the annual Budget Act, on a monthly basis, the~~
5 ~~department shall electronically submit a notice to the superior court~~
6 ~~having jurisdiction over the criminal case, informing the court of~~
7 ~~all cases for which a complaint was filed in that jurisdiction and~~
8 ~~for which relief was granted pursuant to this section. Commencing~~
9 ~~on August 1, 2022, for any record retained by the court pursuant~~
10 ~~to Section 68152 of the Government Code, except as provided in~~
11 ~~paragraph (4), the court shall not disclose information concerning~~
12 ~~a conviction granted relief pursuant to this section or Section~~
13 ~~1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in~~
14 ~~any format, except to the person whose conviction was granted~~
15 ~~relief or a criminal justice agency, as defined in Section 851.92.~~

16 ~~(B) If probation is transferred pursuant to Section 1203.9, the~~
17 ~~department shall electronically submit a notice as provided in~~
18 ~~subparagraph (A) to both the transferring court and any subsequent~~
19 ~~receiving court. The electronic notice shall be in a mutually agreed~~
20 ~~upon format.~~

21 ~~(C) If a receiving court reduces a felony to a misdemeanor~~
22 ~~pursuant to subdivision (b) of Section 17, or dismisses a conviction~~
23 ~~pursuant to law, including, but not limited to, Section 1203.4,~~
24 ~~1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish~~
25 ~~a disposition report to the department with the original case number~~
26 ~~and CH number from the transferring court. The department shall~~
27 ~~electronically submit a notice to the superior court that sentenced~~
28 ~~the defendant. If probation is transferred multiple times, the~~
29 ~~department shall electronically submit a notice to all other involved~~
30 ~~courts. The electronic notice shall be in a mutually agreed upon~~
31 ~~format.~~

32 ~~(D) If a court receives notification from the department pursuant~~
33 ~~to subparagraph (B), the court shall update its records to reflect~~
34 ~~the reduction or dismissal. If a court receives notification that a~~
35 ~~case was dismissed pursuant to this section or Section 1203.4,~~
36 ~~1203.4a, 1203.41, or 1203.42, the court shall update its records to~~
37 ~~reflect the dismissal and shall not disclose information concerning~~
38 ~~a conviction granted relief to any person or entity, in any format,~~
39 ~~except to the person whose conviction was granted relief or a~~
40 ~~criminal justice agency, as defined in Section 851.92.~~

1 ~~(4) Relief granted pursuant to this section is subject to the~~
2 ~~following conditions:~~

3 ~~(A) Relief granted pursuant to this section does not relieve a~~
4 ~~person of the obligation to disclose a criminal conviction in~~
5 ~~response to a direct question contained in a questionnaire or~~
6 ~~application for employment as a peace officer, as defined in Section~~
7 ~~830.~~

8 ~~(B) Relief granted pursuant to this section does not relieve a~~
9 ~~person of the obligation to disclose the conviction in response to~~
10 ~~a direct question contained in a questionnaire or application for~~
11 ~~public office, or for contracting with the California State Lottery~~
12 ~~Commission.~~

13 ~~(C) Relief granted pursuant to this section has no effect on the~~
14 ~~ability of a criminal justice agency, as defined in Section 851.92,~~
15 ~~to access and use records that are granted relief to the same extent~~
16 ~~that would have been permitted for a criminal justice agency had~~
17 ~~relief not been granted.~~

18 ~~(D) Relief granted pursuant to this section does not limit the~~
19 ~~jurisdiction of the court over a subsequently filed motion to amend~~
20 ~~the record, petition or motion for postconviction relief, or collateral~~
21 ~~attack on a conviction for which relief has been granted pursuant~~
22 ~~to this section.~~

23 ~~(E) Relief granted pursuant to this section does not affect a~~
24 ~~person's authorization to own, possess, or have in the person's~~
25 ~~custody or control a firearm, or the person's susceptibility to~~
26 ~~conviction under Chapter 2 (commencing with Section 29800) of~~
27 ~~Division 9 of Title 4 of Part 6, if the criminal conviction would~~
28 ~~otherwise affect this authorization or susceptibility.~~

29 ~~(F) Relief granted pursuant to this section does not affect a~~
30 ~~prohibition from holding public office that would otherwise apply~~
31 ~~under law as a result of the criminal conviction.~~

32 ~~(G) Relief granted pursuant to this section does not release a~~
33 ~~person from the terms and conditions of any unexpired criminal~~
34 ~~protective order that has been issued by the court pursuant to~~
35 ~~paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)~~
36 ~~of Section 273.5, subdivision (l) of Section 368, or subdivision~~
37 ~~(k) of Section 646.9. These protective orders shall remain in full~~
38 ~~effect until expiration or until any further order by the court~~
39 ~~modifying or terminating the order, despite the dismissal of the~~
40 ~~underlying conviction.~~

1 ~~(H) Relief granted pursuant to this section does not affect the~~
2 ~~authority to receive, or take adverse action based on, criminal~~
3 ~~history information, including the authority to receive certified~~
4 ~~court records received or evaluated pursuant to Section 1522,~~
5 ~~1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or~~
6 ~~pursuant to any statutory or regulatory provisions that incorporate~~
7 ~~the criteria of those sections.~~

8 ~~(I) Relief granted pursuant to this section does not make eligible~~
9 ~~a person who is otherwise ineligible to provide, or receive payment~~
10 ~~for providing, in-home supportive services pursuant to Article 7~~
11 ~~(commencing with Section 12300) of Chapter 3 of Part 3 of~~
12 ~~Division 9 of the Welfare and Institutions Code, or pursuant to~~
13 ~~Section 14132.95, 14132.952, or 14132.956 of the Welfare and~~
14 ~~Institutions Code.~~

15 ~~(J) In a subsequent prosecution of the defendant for any other~~
16 ~~offense, the prior conviction may be pleaded and proved and shall~~
17 ~~have the same effect as if the relief had not been granted.~~

18 ~~(5) This section shall not limit petitions, motions, or orders for~~
19 ~~relief in a criminal case, as required or authorized by any other~~
20 ~~law, including, but not limited to, Sections 1203.4 and 1204.4a.~~

21 ~~(6) Commencing July 1, 2022, and subject to an appropriation~~
22 ~~in the annual Budget Act, the department shall annually publish~~
23 ~~statistics for each county regarding the total number of convictions~~
24 ~~granted relief pursuant to this section and the total number of~~
25 ~~convictions prohibited from automatic relief pursuant to~~
26 ~~subdivision (b), on the OpenJustice Web portal, as defined in~~
27 ~~Section 13010.~~

28 ~~(b) (1) The prosecuting attorney or probation department may,~~
29 ~~no later than 90 calendar days before the date of a person's~~
30 ~~eligibility for relief pursuant to this section, file a petition to~~
31 ~~prohibit the department from granting automatic relief pursuant~~
32 ~~to this section, based on a showing that granting that relief would~~
33 ~~pose a substantial threat to the public safety. If probation was~~
34 ~~transferred pursuant to Section 1203.9, the prosecuting attorney~~
35 ~~or probation department in either the receiving county or the~~
36 ~~transferring county shall file the petition in the county of current~~
37 ~~jurisdiction.~~

38 ~~(2) The court shall give notice to the defendant and conduct a~~
39 ~~hearing on the petition within 45 days after the petition is filed.~~

1 ~~(3) At a hearing on the petition pursuant to this subdivision, the~~
2 ~~defendant, the probation department, the prosecuting attorney, and~~
3 ~~the arresting agency, through the prosecuting attorney, may present~~
4 ~~evidence to the court. Notwithstanding Sections 1538.5 and 1539,~~
5 ~~the hearing may be heard and determined upon declarations,~~
6 ~~affidavits, police investigative reports, copies of state summary~~
7 ~~criminal history information and local summary criminal history~~
8 ~~information, or any other evidence submitted by the parties that~~
9 ~~is material, reliable, and relevant.~~

10 ~~(4) The prosecutor or probation department has the initial burden~~
11 ~~of proof to show that granting conviction relief would pose a~~
12 ~~substantial threat to the public safety. In determining whether~~
13 ~~granting relief would pose a substantial threat to the public safety,~~
14 ~~the court may consider any relevant factors including, but not~~
15 ~~limited to, either of the following:~~

16 ~~(A) Declarations or evidence regarding the offense for which a~~
17 ~~grant of relief is being contested.~~

18 ~~(B) The defendant's record of arrests and convictions.~~

19 ~~(5) If the court finds that the prosecutor or probation department~~
20 ~~has satisfied the burden of proof, the burden shifts to the defendant~~
21 ~~to show that the hardship of not obtaining relief outweighs the~~
22 ~~threat to the public safety of providing relief. In determining~~
23 ~~whether the defendant's hardship outweighs the threat to the public~~
24 ~~safety, the court may consider any relevant factors including, but~~
25 ~~not limited to, either of the following:~~

26 ~~(A) The hardship to the defendant that has been caused by the~~
27 ~~conviction and that would be caused if relief is not granted.~~

28 ~~(B) Declarations or evidence regarding the defendant's good~~
29 ~~character.~~

30 ~~(6) If the court grants a petition pursuant to this subdivision,~~
31 ~~the court shall furnish a disposition report to the Department of~~
32 ~~Justice pursuant to Section 13151, stating that relief pursuant to~~
33 ~~this section was denied, and the department shall not grant relief~~
34 ~~pursuant to this section. If probation was transferred pursuant to~~
35 ~~Section 1203.9, the department shall electronically submit a notice~~
36 ~~to the transferring court, and, if probation was transferred multiple~~
37 ~~times, to all other involved courts.~~

38 ~~(7) A person denied relief pursuant to this section may continue~~
39 ~~to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If~~
40 ~~the court subsequently grants relief pursuant to one of those~~

1 sections, the court shall furnish a disposition report to the
2 Department of Justice pursuant to Section 13151, stating that relief
3 was granted pursuant to the applicable section, and the department
4 shall grant relief pursuant to that section. If probation was
5 transferred pursuant to Section 1203.9, the department shall
6 electronically submit a notice that relief was granted pursuant to
7 the applicable section to the transferring court and, if probation
8 was transferred multiple times, to all other involved courts.

9 (e) At the time of sentencing, the court shall advise a defendant,
10 either orally or in writing, of the provisions of this section and of
11 the defendant's right, if any, to petition for a certificate of
12 rehabilitation and pardon.

13 (d) This section shall remain in effect only until July 1, 2023,
14 and as of that date is repealed.

15 SEC. 5. Section 1203.425 is added to the Penal Code, to read:

16 1203.425. (a) (1) (A) Commencing July 1, 2023, and subject
17 to an appropriation in the annual Budget Act, on a monthly basis,
18 the Department of Justice shall review the records in the statewide
19 criminal justice databases, and based on information in the state
20 summary criminal history repository and the Supervised Release
21 File, shall identify persons with convictions that meet the criteria
22 set forth in subparagraph (B) and are eligible for automatic
23 conviction record relief.

24 (B) A person is eligible for automatic conviction relief pursuant
25 to this section if they meet all of the following conditions:

26 (i) The person is not required to register pursuant to the Sex
27 Offender Registration Act.

28 (ii) The person does not have an active record for local, state,
29 or federal supervision in the Supervised Release File.

30 (iii) Based upon the information available in the department's
31 record, including disposition dates and sentencing terms, it does
32 not appear that the person is currently serving a sentence for an
33 offense and there is no indication of pending criminal charges.

34 (iv) The conviction meets either of the following criteria:

35 (I) The conviction occurred on or after January 1, 1973, and
36 meets either of the following criteria:

37 (ia) The defendant was sentenced to probation and, based upon
38 the disposition date and the term of probation specified in the
39 department's records, appears to have completed their term of
40 probation without revocation.

1 ~~(ib) The defendant was convicted of an infraction or~~
2 ~~misdemeanor, was not granted probation, and, based upon the~~
3 ~~disposition date and the term specified in the department's records,~~
4 ~~the defendant appears to have completed their sentence, and at~~
5 ~~least one calendar year has elapsed since the date of judgment.~~

6 ~~(H) The conviction occurred on or after January 1, 2005, the~~
7 ~~defendant was convicted of a felony other than one for which the~~
8 ~~defendant completed probation without revocation, and based upon~~
9 ~~the disposition date and the sentence specified in the department's~~
10 ~~records, appears to have completed all terms of incarceration,~~
11 ~~probation, mandatory supervision, postrelease supervision, and~~
12 ~~parole, and a period of four years has elapsed since the date on~~
13 ~~which the defendant completed probation or supervision for that~~
14 ~~conviction and during which the defendant was not convicted of~~
15 ~~a new felony offense. This subclause does not apply to a conviction~~
16 ~~of a serious felony defined in subdivision (c) of Section 1192.7, a~~
17 ~~violent felony as defined in Section 667.5, or a felony offense~~
18 ~~requiring registration pursuant to Chapter 5.5 (commencing with~~
19 ~~Section 290) of Title 9 of Part 1.~~

20 ~~(2) (A) Except as specified in subdivision (b), the department~~
21 ~~shall grant relief, including dismissal of a conviction, to a person~~
22 ~~identified pursuant to paragraph (1) without requiring a petition~~
23 ~~or motion by a party for that relief if the relevant information is~~
24 ~~present in the department's electronic records.~~

25 ~~(B) 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 ~~(C) Except as otherwise provided in paragraph (4) and in Section~~
32 ~~13555 of the Vehicle Code, a person granted conviction relief~~
33 ~~pursuant to this section shall be released from all penalties and~~
34 ~~disabilities resulting from the offense of which the person has been~~
35 ~~convicted.~~

36 ~~(3) Commencing July 1, 2022, and subject to an appropriation~~
37 ~~in the annual Budget Act, on a monthly basis, the department shall~~
38 ~~electronically submit a notice to the superior court having~~
39 ~~jurisdiction over the criminal case, informing the court of all cases~~
40 ~~for which a complaint was filed in that jurisdiction and for which~~

1 relief was granted pursuant to this section. Commencing on August
2 1, 2022, for any record retained by the court pursuant to Section
3 68152 of the Government Code, except as provided in paragraph
4 (4), the court shall not disclose information concerning a conviction
5 granted relief pursuant to this section or Section 1203.4, 1203.4a,
6 1203.41, or 1203.42, to any person or entity, in any format, except
7 to the person whose conviction was granted relief or a criminal
8 justice agency, as defined in Section 851.92.

9 ~~(4) Relief granted pursuant to this section is subject to the~~
10 ~~following conditions:~~

11 ~~(A) Relief granted pursuant to this section does not relieve a~~
12 ~~person of the obligation to disclose a criminal conviction in~~
13 ~~response to a direct question contained in a questionnaire or~~
14 ~~application for employment as a peace officer, as defined in Section~~
15 ~~830.~~

16 ~~(B) Relief granted pursuant to this section does not relieve a~~
17 ~~person of the obligation to disclose the conviction in response to~~
18 ~~a direct question contained in a questionnaire or application for~~
19 ~~public office, or for contracting with the California State Lottery~~
20 ~~Commission.~~

21 ~~(C) Relief granted pursuant to this section has no effect on the~~
22 ~~ability of a criminal justice agency, as defined in Section 851.92,~~
23 ~~to access and use records that are granted relief to the same extent~~
24 ~~that would have been permitted for a criminal justice agency had~~
25 ~~relief not been granted.~~

26 ~~(D) Relief granted pursuant to this section does not limit the~~
27 ~~jurisdiction of the court over a subsequently filed motion to amend~~
28 ~~the record, petition or motion for postconviction relief, or collateral~~
29 ~~attack on a conviction for which relief has been granted pursuant~~
30 ~~to this section.~~

31 ~~(E) Relief granted pursuant to this section does not affect a~~
32 ~~person's authorization to own, possess, or have in the person's~~
33 ~~custody or control a firearm, or the person's susceptibility to~~
34 ~~conviction under Chapter 2 (commencing with Section 29800) of~~
35 ~~Division 9 of Title 4 of Part 6, if the criminal conviction would~~
36 ~~otherwise affect this authorization or susceptibility.~~

37 ~~(F) Relief granted pursuant to this section does not affect a~~
38 ~~prohibition from holding public office that would otherwise apply~~
39 ~~under law as a result of the criminal conviction.~~

1 ~~(G) Relief granted pursuant to this section does not affect the~~
2 ~~authority to receive, or take adverse action based on, criminal~~
3 ~~history information, including the authority to receive certified~~
4 ~~court records received or evaluated pursuant to Section 1522,~~
5 ~~1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or~~
6 ~~pursuant to any statutory or regulatory provisions that incorporate~~
7 ~~the criteria of those sections.~~

8 ~~(H) Relief granted pursuant to this section does not make eligible~~
9 ~~a person who is otherwise ineligible to provide, or receive payment~~
10 ~~for providing, in-home supportive services pursuant to Article 7~~
11 ~~(commencing with Section 12300) of Chapter 3 of Part 3 of~~
12 ~~Division 9 of the Welfare and Institutions Code, or pursuant to~~
13 ~~Section 14132.95, 14132.952, or 14132.956 of the Welfare and~~
14 ~~Institutions Code.~~

15 ~~(I) In a subsequent prosecution of the defendant for any other~~
16 ~~offense, the prior conviction may be pleaded and proved and shall~~
17 ~~have the same effect as if the relief had not been granted.~~

18 ~~(J) Relief granted pursuant to this section does not release the~~
19 ~~defendant from the terms and conditions of any unexpired criminal~~
20 ~~protective orders that have been issued by the court pursuant to~~
21 ~~paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)~~
22 ~~of Section 273.5, subdivision (l) of Section 368, or subdivision~~
23 ~~(k) of Section 646.9. These protective orders shall remain in full~~
24 ~~effect until expiration or until any further order by the court~~
25 ~~modifying or terminating the order, despite the dismissal of the~~
26 ~~underlying accusation or information.~~

27 ~~(5) This section shall not limit petitions, motions, or orders for~~
28 ~~relief in a criminal case, as required or authorized by any other~~
29 ~~law, including, but not limited to, Sections 1016.5, 1203.4, 1203.4a,~~
30 ~~1203.4b, 1203.41, 1203.42, 1203.49 and 1473.7. This section shall~~
31 ~~not limit petitions for a certificate of rehabilitation or pardon~~
32 ~~pursuant to Chapter 3.5 of Title 6 of Part 3.~~

33 ~~(6) Commencing July 1, 2022, and subject to an appropriation~~
34 ~~in the annual Budget Act, the department shall annually publish~~
35 ~~statistics for each county regarding the total number of convictions~~
36 ~~granted relief pursuant to this section and the total number of~~
37 ~~convictions prohibited from automatic relief pursuant to~~
38 ~~subdivision (b), on the OpenJustice Web portal, as defined in~~
39 ~~Section 13010.~~

1 ~~(b) (1) The prosecuting attorney or probation department may,~~
2 ~~no later than 90 calendar days before the date of a person's~~
3 ~~eligibility for relief pursuant to this section, file a petition to~~
4 ~~prohibit the department from granting automatic relief pursuant~~
5 ~~to this section, based on a showing that granting that relief would~~
6 ~~pose a substantial threat to the public safety.~~

7 ~~(2) The court shall give notice to the defendant and conduct a~~
8 ~~hearing on the petition within 45 days after the petition is filed.~~

9 ~~(3) At a hearing on the petition pursuant to this subdivision, the~~
10 ~~defendant, the probation department, the prosecuting attorney, and~~
11 ~~the arresting agency, through the prosecuting attorney, may present~~
12 ~~evidence to the court. Notwithstanding Sections 1538.5 and 1539,~~
13 ~~the hearing may be heard and determined upon declarations,~~
14 ~~affidavits, police investigative reports, copies of state summary~~
15 ~~criminal history information and local summary criminal history~~
16 ~~information, or any other evidence submitted by the parties that~~
17 ~~is material, reliable, and relevant.~~

18 ~~(4) The prosecutor or probation department has the initial burden~~
19 ~~of proof to show that granting conviction relief would pose a~~
20 ~~substantial threat to the public safety. In determining whether~~
21 ~~granting relief would pose a substantial threat to the public safety,~~
22 ~~the court may consider any relevant factors including, but not~~
23 ~~limited to, either of the following:~~

24 ~~(A) Declarations or evidence regarding the offense for which a~~
25 ~~grant of relief is being contested.~~

26 ~~(B) The defendant's record of arrests and convictions.~~

27 ~~(5) If the court finds that the prosecutor or probation department~~
28 ~~has satisfied the burden of proof, the burden shifts to the defendant~~
29 ~~to show that the hardship of not obtaining relief outweighs the~~
30 ~~threat to the public safety of providing relief. In determining~~
31 ~~whether the defendant's hardship outweighs the threat to the public~~
32 ~~safety, the court may consider any relevant factors including, but~~
33 ~~not limited to, either of the following:~~

34 ~~(A) The hardship to the defendant that has been caused by the~~
35 ~~conviction and that would be caused if relief is not granted.~~

36 ~~(B) Declarations or evidence regarding the defendant's good~~
37 ~~character.~~

38 ~~(6) If the court grants a petition pursuant to this subdivision,~~
39 ~~the court shall furnish a disposition report to the Department of~~
40 ~~Justice pursuant to Section 13151, stating that relief pursuant to~~

1 ~~this section was denied, and the department shall not grant relief~~
2 ~~pursuant to this section.~~

3 ~~(7) A person denied relief pursuant to this section may continue~~
4 ~~to be eligible for relief pursuant to law, including, but not limited~~
5 ~~to, Section 1203.4, 1203.4a, 1203.4b, or 1203.41. If the court~~
6 ~~subsequently grants relief pursuant to one of those sections, the~~
7 ~~court shall furnish a disposition report to the Department of Justice~~
8 ~~pursuant to Section 13151, stating that relief was granted pursuant~~
9 ~~to the applicable section, and the department shall grant relief~~
10 ~~pursuant to that section.~~

11 ~~(e) At the time of sentencing, the court shall advise a defendant,~~
12 ~~either orally or in writing, of the provisions of this section and of~~
13 ~~the defendant’s right, if any, to petition for a certificate of~~
14 ~~rehabilitation and pardon.~~

15 ~~SEC. 5.1. Section 1203.425 is added to the Penal Code, to read:~~

16 ~~1203.425. (a) (1) (A) Commencing July 1, 2023, and subject~~
17 ~~to an appropriation in the annual Budget Act, on a monthly basis,~~
18 ~~the Department of Justice shall review the records in the statewide~~
19 ~~criminal justice databases, and based on information in the state~~
20 ~~summary criminal history repository and the Supervised Release~~
21 ~~File, shall identify persons with convictions that meet the criteria~~
22 ~~set forth in subparagraph (B) and are eligible for automatic~~
23 ~~conviction record relief.~~

24 ~~(B) A person is eligible for automatic conviction relief pursuant~~
25 ~~to this section if they meet all of the following conditions:~~

26 ~~(i) The person is not required to register pursuant to the Sex~~
27 ~~Offender Registration Act.~~

28 ~~(ii) The person does not have an active record for local, state,~~
29 ~~or federal supervision in the Supervised Release File.~~

30 ~~(iii) Based upon the information available in the department’s~~
31 ~~record, including disposition dates and sentencing terms, it does~~
32 ~~not appear that the person is currently serving a sentence for an~~
33 ~~offense and there is no indication of pending criminal charges.~~

34 ~~(iv) The conviction meets either of the following criteria:~~

35 ~~(I) The conviction occurred on or after January 1, 1973, and~~
36 ~~meets either of the following criteria:~~

37 ~~(ia) The defendant was sentenced to probation and, based upon~~
38 ~~the disposition date and the term of probation specified in the~~
39 ~~department’s records, appears to have completed their term of~~
40 ~~probation without revocation.~~

1 ~~(ib) The defendant was convicted of an infraction or~~
2 ~~misdemeanor, was not granted probation, and, based upon the~~
3 ~~disposition date and the term specified in the department's records,~~
4 ~~the defendant appears to have completed their sentence, and at~~
5 ~~least one calendar year has elapsed since the date of judgment.~~

6 ~~(H) The conviction occurred on or after January 1, 2005, the~~
7 ~~defendant was convicted of a felony other than one for which the~~
8 ~~defendant completed probation without revocation, and based upon~~
9 ~~the disposition date and the sentence specified in the department's~~
10 ~~records, appears to have completed all terms of incarceration,~~
11 ~~probation, mandatory supervision, postrelease supervision, and~~
12 ~~parole, and a period of four years has elapsed since the date on~~
13 ~~which the defendant completed probation or supervision for that~~
14 ~~conviction and during which the defendant was not convicted of~~
15 ~~a new felony offense. This subclause does not apply to a conviction~~
16 ~~of a serious felony defined in subdivision (c) of Section 1192.7, a~~
17 ~~violent felony as defined in Section 667.5, or a felony offense~~
18 ~~requiring registration pursuant to Chapter 5.5 (commencing with~~
19 ~~Section 290) of Title 9 of Part 1.~~

20 ~~(2) (A) Except as specified in subdivision (b), the department~~
21 ~~shall grant relief, including dismissal of a conviction, to a person~~
22 ~~identified pursuant to paragraph (1) without requiring a petition~~
23 ~~or motion by a party for that relief if the relevant information is~~
24 ~~present in the department's electronic records.~~

25 ~~(B) 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 ~~(C) Except as otherwise provided in paragraph (4) and in Section~~
32 ~~13555 of the Vehicle Code, a person granted conviction relief~~
33 ~~pursuant to this section shall be released from all penalties and~~
34 ~~disabilities resulting from the offense of which the person has been~~
35 ~~convicted.~~

36 ~~(3) (A) Commencing July 1, 2022, and subject to an~~
37 ~~appropriation in the annual Budget Act, on a monthly basis, the~~
38 ~~department shall electronically submit a notice to the superior court~~
39 ~~having jurisdiction over the criminal case, informing the court of~~
40 ~~all cases for which a complaint was filed in that jurisdiction and~~

1 for which relief was granted pursuant to this section. Commencing
2 on August 1, 2022, for any record retained by the court pursuant
3 to Section 68152 of the Government Code, except as provided in
4 paragraph (4), the court shall not disclose information concerning
5 a conviction granted relief pursuant to this section or Section
6 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in
7 any format, except to the person whose conviction was granted
8 relief or a criminal justice agency, as defined in Section 851.92.

9 (B) If probation is transferred pursuant to Section 1203.9, the
10 department shall electronically submit a notice as provided in
11 subparagraph (A) to both the transferring court and any subsequent
12 receiving court. The electronic notice shall be in a mutually agreed
13 upon format.

14 (C) If a receiving court reduces a felony to a misdemeanor
15 pursuant to subdivision (b) of Section 17, or dismisses a conviction
16 pursuant to law, including, but not limited to, Section 1203.4,
17 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish
18 a disposition report to the department with the original case number
19 and CH number from the transferring court. The department shall
20 electronically submit a notice to the superior court that sentenced
21 the defendant. If probation is transferred multiple times, the
22 department shall electronically submit a notice to all other involved
23 courts. The electronic notice shall be in a mutually agreed upon
24 format.

25 (D) If a court receives notification from the department pursuant
26 to subparagraph (B), the court shall update its records to reflect
27 the reduction or dismissal. If a court receives notification that a
28 case was dismissed pursuant to this section or Section 1203.4,
29 1203.4a, 1203.41, or 1203.42, the court shall update its records to
30 reflect the dismissal and shall not disclose information concerning
31 a conviction granted relief to any person or entity, in any format,
32 except to the person whose conviction was granted relief or a
33 criminal justice agency, as defined in Section 851.92.

34 (4) Relief granted pursuant to this section is subject to the
35 following conditions:

36 (A) Relief granted pursuant to this section does not relieve a
37 person of the obligation to disclose a criminal conviction in
38 response to a direct question contained in a questionnaire or
39 application for employment as a peace officer, as defined in Section
40 830.

1 ~~(B) Relief granted pursuant to this section does not relieve a~~
2 ~~person of the obligation to disclose the conviction in response to~~
3 ~~a direct question contained in a questionnaire or application for~~
4 ~~public office, or for contracting with the California State Lottery~~
5 ~~Commission.~~

6 ~~(C) Relief granted pursuant to this section has no effect on the~~
7 ~~ability of a criminal justice agency, as defined in Section 851.92,~~
8 ~~to access and use records that are granted relief to the same extent~~
9 ~~that would have been permitted for a criminal justice agency had~~
10 ~~relief not been granted.~~

11 ~~(D) Relief granted pursuant to this section does not limit the~~
12 ~~jurisdiction of the court over a subsequently filed motion to amend~~
13 ~~the record, petition or motion for postconviction relief, or collateral~~
14 ~~attack on a conviction for which relief has been granted pursuant~~
15 ~~to this section.~~

16 ~~(E) Relief granted pursuant to this section does not affect a~~
17 ~~person's authorization to own, possess, or have in the person's~~
18 ~~custody or control a firearm, or the person's susceptibility to~~
19 ~~conviction under Chapter 2 (commencing with Section 29800) of~~
20 ~~Division 9 of Title 4 of Part 6, if the criminal conviction would~~
21 ~~otherwise affect this authorization or susceptibility.~~

22 ~~(F) Relief granted pursuant to this section does not affect a~~
23 ~~prohibition from holding public office that would otherwise apply~~
24 ~~under law as a result of the criminal conviction.~~

25 ~~(G) Relief granted pursuant to this section does not affect the~~
26 ~~authority to receive, or take adverse action based on, criminal~~
27 ~~history information, including the authority to receive certified~~
28 ~~court records received or evaluated pursuant to Section 1522,~~
29 ~~1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or~~
30 ~~pursuant to any statutory or regulatory provisions that incorporate~~
31 ~~the criteria of those sections.~~

32 ~~(H) Relief granted pursuant to this section does not make eligible~~
33 ~~a person who is otherwise ineligible to provide, or receive payment~~
34 ~~for providing, in-home supportive services pursuant to Article 7~~
35 ~~(commencing with Section 12300) of Chapter 3 of Part 3 of~~
36 ~~Division 9 of the Welfare and Institutions Code, or pursuant to~~
37 ~~Section 14132.95, 14132.952, or 14132.956 of the Welfare and~~
38 ~~Institutions Code.~~

1 ~~(I) In a subsequent prosecution of the defendant for any other~~
2 ~~offense, the prior conviction may be pleaded and proved and shall~~
3 ~~have the same effect as if the relief had not been granted.~~

4 ~~(J) Relief granted pursuant to this section does not release the~~
5 ~~defendant from the terms and conditions of any unexpired criminal~~
6 ~~protective orders that have been issued by the court pursuant to~~
7 ~~paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)~~
8 ~~of Section 273.5, subdivision (l) of Section 368, or subdivision~~
9 ~~(k) of Section 646.9. These protective orders shall remain in full~~
10 ~~effect until expiration or until any further order by the court~~
11 ~~modifying or terminating the order, despite the dismissal of the~~
12 ~~underlying accusation or information.~~

13 ~~(5) This section shall not limit petitions, motions, or orders for~~
14 ~~relief in a criminal case, as required or authorized by any other~~
15 ~~law, including, but not limited to, Sections 1016.5, 1203.4, 1203.4a,~~
16 ~~1203.4b, 1203.41, 1203.42, 1203.49 and 1473.7. This section shall~~
17 ~~not limit petitions for a certificate of rehabilitation or pardon~~
18 ~~pursuant to Chapter 3.5 of Title 6 of Part 3.~~

19 ~~(6) Commencing July 1, 2022, and subject to an appropriation~~
20 ~~in the annual Budget Act, the department shall annually publish~~
21 ~~statistics for each county regarding the total number of convictions~~
22 ~~granted relief pursuant to this section and the total number of~~
23 ~~convictions prohibited from automatic relief pursuant to~~
24 ~~subdivision (b), on the OpenJustice Web portal, as defined in~~
25 ~~Section 13010.~~

26 ~~(b) (1) The prosecuting attorney or probation department may,~~
27 ~~no later than 90 calendar days before the date of a person's~~
28 ~~eligibility for relief pursuant to this section, file a petition to~~
29 ~~prohibit the department from granting automatic relief pursuant~~
30 ~~to this section, based on a showing that granting that relief would~~
31 ~~pose a substantial threat to the public safety. If probation was~~
32 ~~transferred pursuant to Section 1203.9, the prosecuting attorney~~
33 ~~or probation department in either the receiving county or the~~
34 ~~transferring county shall file the petition in the county of current~~
35 ~~jurisdiction.~~

36 ~~(2) The court shall give notice to the defendant and conduct a~~
37 ~~hearing on the petition within 45 days after the petition is filed.~~

38 ~~(3) At a hearing on the petition pursuant to this subdivision, the~~
39 ~~defendant, the probation department, the prosecuting attorney, and~~
40 ~~the arresting agency, through the prosecuting attorney, may present~~

1 evidence to the court. Notwithstanding Sections 1538.5 and 1539,
2 the hearing may be heard and determined upon declarations,
3 affidavits, police investigative reports, copies of state summary
4 criminal history information and local summary criminal history
5 information, or any other evidence submitted by the parties that
6 is material, reliable, and relevant.

7 (4) ~~The prosecutor or probation department has the initial burden
8 of proof to show that granting conviction relief would pose a
9 substantial threat to the public safety. In determining whether
10 granting relief would pose a substantial threat to the public safety,
11 the court may consider any relevant factors including, but not
12 limited to, either of the following:~~

13 ~~(A) Declarations or evidence regarding the offense for which a
14 grant of relief is being contested.~~

15 ~~(B) The defendant's record of arrests and convictions.~~

16 (5) ~~If the court finds that the prosecutor or probation department
17 has satisfied the burden of proof, the burden shifts to the defendant
18 to show that the hardship of not obtaining relief outweighs the
19 threat to the public safety of providing relief. In determining
20 whether the defendant's hardship outweighs the threat to the public
21 safety, the court may consider any relevant factors including, but
22 not limited to, either of the following:~~

23 ~~(A) The hardship to the defendant that has been caused by the
24 conviction and that would be caused if relief is not granted.~~

25 ~~(B) Declarations or evidence regarding the defendant's good
26 character.~~

27 (6) ~~If the court grants a petition pursuant to this subdivision,
28 the court shall furnish a disposition report to the Department of
29 Justice pursuant to Section 13151, stating that relief pursuant to
30 this section was denied, and the department shall not grant relief
31 pursuant to this section. If probation was transferred pursuant to
32 Section 1203.9, the department shall electronically submit a notice
33 to the transferring court, and, if probation was transferred multiple
34 times, to all other involved courts.~~

35 (7) ~~A person denied relief pursuant to this section may continue
36 to be eligible for relief pursuant to law, including, but not limited
37 to, Section 1203.4, 1203.4a, 1203.4b, or 1203.41. If the court
38 subsequently grants relief pursuant to one of those sections, the
39 court shall furnish a disposition report to the Department of Justice
40 pursuant to Section 13151, stating that relief was granted pursuant~~

1 to the applicable section, and the department shall grant relief
2 pursuant to that section. If probation was transferred pursuant to
3 Section 1203.9, the department shall electronically submit a notice
4 that relief was granted pursuant to the applicable section to the
5 transferring court and, if probation was transferred multiple times,
6 to all other involved courts.

7 (e) At the time of sentencing, the court shall advise a defendant,
8 either orally or in writing, of the provisions of this section and of
9 the defendant's right, if any, to petition for a certificate of
10 rehabilitation and pardon.

11 SEC. 6. (a) Section 4.1 of this bill incorporates amendments
12 to Section 1203.425 of the Penal Code proposed by both this bill
13 and Assembly Bill 898. That section of this bill shall only become
14 operative if (1) both bills are enacted and become effective on or
15 before January 1, 2022, (2) each bill amends Section 1203.425 of
16 the Penal Code, and (3) Assembly Bill 1281 is not enacted or as
17 enacted does not amend that section, and (4) this bill is enacted
18 after Assembly Bill 898, in which case Sections 4, 4.2, and 4.3 of
19 this bill shall not become operative.

20 (b) Section 4.2 of this bill incorporates amendments to Section
21 1203.425 of the Penal Code proposed by both this bill and
22 Assembly Bill 1281. That section of this bill shall only become
23 operative if (1) both bills are enacted and become effective on or
24 before January 1, 2022, (2) each bill amends Section 1203.425 of
25 the Penal Code, (3) Assembly Bill 898 is not enacted or as enacted
26 does not amend that section, and (4) this bill is enacted after
27 Assembly Bill 1281 in which case Sections 4, 4.1, and 4.3 of this
28 bill shall not become operative.

29 (c) Section 4.3 of this bill incorporates amendments to Section
30 1203.425 of the Penal Code proposed by this bill, Assembly Bill
31 898, and Assembly Bill 1281. That section of this bill shall only
32 become operative if (1) all three bills are enacted and become
33 effective on or before January 1, 2022, (2) all three bills amend
34 Section 1203.425 of the Penal Code, and (3) this bill is enacted
35 after Assembly Bill 898 and Assembly Bill 1281, in which case
36 Sections 4, 4.1, and 4.2 of this bill shall not become operative.

37 SEC. 7. (a) Section 5.1 of this bill incorporates amendments
38 to Section 1203.425 of the Penal Code proposed by this bill and
39 Assembly Bill 898. That section of this bill shall become operative
40 if (1) both bills are enacted and become effective on or before

1 ~~January 1, 2022, (2) each bill amends Section 1203.425 of the~~
 2 ~~Penal Code, and (3) Assembly Bill 1281 is not enacted or as~~
 3 ~~enacted does not amend that section, and (4) this bill is enacted~~
 4 ~~after Assembly Bill 898, in which case Section 5 of this bill shall~~
 5 ~~not become operative and subdivision (b) of this section shall not~~
 6 ~~apply.~~

7 ~~(b) Section 5.1 of this bill incorporates amendments to Section~~
 8 ~~1203.425 of the Penal Code proposed by this bill, Assembly Bill~~
 9 ~~898, and Assembly Bill 1281. That section of this bill shall become~~
 10 ~~operative if (1) all three bills are enacted and become effective on~~
 11 ~~or before January 1, 2022, (2) each bill amends Section 1203.425~~
 12 ~~of the Penal Code, and (3) this bill is enacted after Assembly Bill~~
 13 ~~898 and Assembly Bill 1281, in which case Section 5 of this bill~~
 14 ~~shall not become operative and subdivision (a) of this section shall~~
 15 ~~not apply.~~

16 *SEC. 6. Section 1203.425 of the Penal Code is amended to*
 17 *read:*

18 1203.425. (a) (1) (A) Commencing July 1, 2022, and subject
 19 to an appropriation in the annual Budget Act, on a monthly basis,
 20 the Department of Justice shall review the records in the statewide
 21 criminal justice databases, and based on information in the state
 22 summary criminal history repository and the Supervised Release
 23 File, shall identify persons with convictions that meet the criteria
 24 set forth in subparagraph (B) and are eligible for automatic
 25 conviction record relief.

26 (B) A person is eligible for automatic conviction relief pursuant
 27 to this section if they meet all of the following conditions:

28 (i) The person is not required to register pursuant to the Sex
 29 Offender Registration Act.

30 (ii) The person does not have an active record for local, state,
 31 or federal supervision in the Supervised Release File.

32 (iii) Based upon the information available in the department’s
 33 record, including disposition dates and sentencing terms, it does
 34 not appear that the person is currently serving a sentence for an
 35 offense and there is no indication of pending criminal charges.

36 (iv) Except as otherwise provided in subclause (III) of clause
 37 (v), there is no indication that the conviction resulted in a sentence
 38 of incarceration in the state prison.

39 (v) The conviction occurred on or after January 1, 1973, and
 40 meets either of the following criteria:

1 (I) The defendant was sentenced to probation and, based upon
2 the disposition date and the term of probation specified in the
3 department’s records, appears to have completed their term of
4 probation without revocation.

5 (II) The defendant was convicted of an infraction or
6 misdemeanor, was not granted probation, and, based upon the
7 disposition date and the term specified in the department’s records,
8 the defendant appears to have completed their sentence, and at
9 least one calendar year has elapsed since the date of judgment.

10 (2) (A) Except as specified in subdivision (b), the department
11 shall grant relief, including dismissal of a conviction, to a person
12 identified pursuant to paragraph (1) without requiring a petition
13 or motion by a party for that relief if the relevant information is
14 present in the department’s electronic records.

15 (B) The state summary criminal history information shall
16 include, directly next to or below the entry or entries regarding the
17 person’s criminal record, a note stating “relief granted,” listing the
18 date that the department granted relief and this section. This note
19 shall be included in all statewide criminal databases with a record
20 of the conviction.

21 (C) Except as otherwise provided in paragraph (4) and in Section
22 13555 of the Vehicle Code, a person granted conviction relief
23 pursuant to this section shall be released from all penalties and
24 disabilities resulting from the offense of which the person has been
25 convicted.

26 (3) (A) Commencing July 1, 2022, and subject to an
27 appropriation in the annual Budget Act, on a monthly basis, the
28 department shall electronically submit a notice to the superior court
29 having jurisdiction over the criminal case, informing the court of
30 all cases for which a complaint was filed in that jurisdiction and
31 for which relief was granted pursuant to this section. Commencing
32 on August 1, 2022, for any record retained by the court pursuant
33 to Section 68152 of the Government Code, except as provided in
34 paragraph (4), the court shall not disclose information concerning
35 a conviction granted relief pursuant to this section or Section
36 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in
37 any format, except to the person whose conviction was granted
38 relief or a criminal justice agency, as defined in Section 851.92.

39 (B) If probation is transferred pursuant to Section 1203.9, the
40 department shall electronically submit a notice as provided in

1 subparagraph (A) to both the transferring court and any subsequent
2 receiving court. The electronic notice shall be in a mutually agreed
3 upon format.

4 (C) If a receiving court reduces a felony to a misdemeanor
5 pursuant to subdivision (b) of Section 17, or dismisses a conviction
6 pursuant to law, including, but not limited to, Section 1203.4,
7 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish
8 a disposition report to the department with the original case number
9 and CII number from the transferring court. The department shall
10 electronically submit a notice to the superior court that sentenced
11 the defendant. If probation is transferred multiple times, the
12 department shall electronically submit a notice to all other involved
13 courts. The electronic notice shall be in a mutually agreed upon
14 format.

15 (D) If a court receives notification from the department pursuant
16 to subparagraph (B), the court shall update its records to reflect
17 the reduction or dismissal. If a court receives notification that a
18 case was dismissed pursuant to this section or Section 1203.4,
19 1203.4a, 1203.41, or 1203.42, the court shall update its records to
20 reflect the dismissal and shall not disclose information concerning
21 a conviction granted relief to any person or entity, in any format,
22 except to the person whose conviction was granted relief or a
23 criminal justice agency, as defined in Section 851.92.

24 (4) Relief granted pursuant to this section is subject to the
25 following conditions:

26 (A) Relief granted pursuant to this section does not relieve a
27 person of the obligation to disclose a criminal conviction in
28 response to a direct question contained in a questionnaire or
29 application for employment as a peace officer, as defined in Section
30 830.

31 (B) Relief granted pursuant to this section does not relieve a
32 person of the obligation to disclose the conviction in response to
33 a direct question contained in a questionnaire or application for
34 public office, or for contracting with the California State Lottery
35 Commission.

36 (C) Relief granted pursuant to this section has no effect on the
37 ability of a criminal justice agency, as defined in Section 851.92,
38 to access and use records that are granted relief to the same extent
39 that would have been permitted for a criminal justice agency had
40 relief not been granted.

1 (D) Relief granted pursuant to this section does not limit the
2 jurisdiction of the court over a subsequently filed motion to amend
3 the record, petition or motion for postconviction relief, or collateral
4 attack on a conviction for which relief has been granted pursuant
5 to this section.

6 (E) Relief granted pursuant to this section does not affect a
7 person's authorization to own, possess, or have in the person's
8 custody or control a firearm, or the person's susceptibility to
9 conviction under Chapter 2 (commencing with Section 29800) of
10 Division 9 of Title 4 of Part 6, if the criminal conviction would
11 otherwise affect this authorization or susceptibility.

12 (F) Relief granted pursuant to this section does not affect a
13 prohibition from holding public office that would otherwise apply
14 under law as a result of the criminal conviction.

15 (G) Relief granted pursuant to this section does not release a
16 person from the terms and conditions of any unexpired criminal
17 protective order that has been issued by the court pursuant to
18 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)
19 of Section 273.5, subdivision (l) of Section 368, or subdivision
20 (k) of Section 646.9. These protective orders shall remain in full
21 effect until expiration or until any further order by the court
22 modifying or terminating the order, despite the dismissal of the
23 underlying conviction.

24 (H) Relief granted pursuant to this section does not affect the
25 authority to receive, or take adverse action based on, criminal
26 history information, including the authority to receive certified
27 court records received or evaluated pursuant to Section 1522,
28 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
29 pursuant to any statutory or regulatory provisions that incorporate
30 the criteria of those sections.

31 (I) Relief granted pursuant to this section does not make eligible
32 a person who is otherwise ineligible to provide, or receive payment
33 for providing, in-home supportive services pursuant to Article 7
34 (commencing with Section 12300) of Chapter 3 of Part 3 of
35 Division 9 of the Welfare and Institutions Code, or pursuant to
36 Section 14132.95, 14132.952, or 14132.956 of the Welfare and
37 Institutions Code.

38 (J) In a subsequent prosecution of the defendant for any other
39 offense, the prior conviction may be pleaded and proved and shall
40 have the same effect as if the relief had not been granted.

1 (K) (i) Relief granted pursuant to this section does not affect
2 the authority to receive, or take adverse action based on, criminal
3 history information, including the authority to receive certified
4 court records received or evaluated pursuant to Article 1
5 (commencing with Section 44000) of Chapter 1, Article 3
6 (commencing with Section 44240) and Article 8 (commencing with
7 Section 44330) of Chapter 2, Article 1 (commencing with Section
8 44420) of Chapter 3, Article 3 (commencing with Section 44930)
9 of Chapter 4, and Article 1 (commencing with Section 45100) and
10 Article 6 (commencing with Section 45240) of Chapter 5, of Part
11 25 of Division 3 of Title 2 of the Education Code, or pursuant to
12 any statutory or regulatory provisions that relate to, incorporate,
13 expand upon, or interpret the authority of those provisions.

14 (ii) Notwithstanding clause (i) or any other law, information
15 relating to a conviction for a controlled substance offense listed
16 in Section 11350 or 11377, or former Section 11500 or 11500.5,
17 of the Health and Safety Code that is more than five years old, for
18 which relief is granted pursuant to this section, shall not be
19 disclosed.

20 (5) This section shall not limit petitions, motions, or orders for
21 relief in a criminal case, as required or authorized by any other
22 law, including, but not limited to, Sections 1203.4 and 1204.4a.

23 (6) Commencing July 1, 2022, and subject to an appropriation
24 in the annual Budget Act, the department shall annually publish
25 statistics for each county regarding the total number of convictions
26 granted relief pursuant to this section and the total number of
27 convictions prohibited from automatic relief pursuant to
28 subdivision (b), on the OpenJustice Web portal, as defined in
29 Section 13010.

30 (b) (1) The prosecuting attorney or probation department may,
31 no later than 90 calendar days before the date of a person's
32 eligibility for relief pursuant to this section, file a petition to
33 prohibit the department from granting automatic relief pursuant
34 to this section, based on a showing that granting that relief would
35 pose a substantial threat to the public safety. If probation was
36 transferred pursuant to Section 1203.9, the prosecuting attorney
37 or probation department in either the receiving county or the
38 transferring county shall file the petition in the county of current
39 jurisdiction.

1 (2) The court shall give notice to the defendant and conduct a
2 hearing on the petition within 45 days after the petition is filed.

3 (3) At a hearing on the petition pursuant to this subdivision, the
4 defendant, the probation department, the prosecuting attorney, and
5 the arresting agency, through the prosecuting attorney, may present
6 evidence to the court. Notwithstanding Sections 1538.5 and 1539,
7 the hearing may be heard and determined upon declarations,
8 affidavits, police investigative reports, copies of state summary
9 criminal history information and local summary criminal history
10 information, or any other evidence submitted by the parties that
11 is material, reliable, and relevant.

12 (4) The prosecutor or probation department has the initial burden
13 of proof to show that granting conviction relief would pose a
14 substantial threat to the public safety. In determining whether
15 granting relief would pose a substantial threat to the public safety,
16 the court may consider any relevant factors including, but not
17 limited to, either of the following:

18 (A) Declarations or evidence regarding the offense for which a
19 grant of relief is being contested.

20 (B) The defendant's record of arrests and convictions.

21 (5) If the court finds that the prosecutor or probation department
22 has satisfied the burden of proof, the burden shifts to the defendant
23 to show that the hardship of not obtaining relief outweighs the
24 threat to the public safety of providing relief. In determining
25 whether the defendant's hardship outweighs the threat to the public
26 safety, the court may consider any relevant factors including, but
27 not limited to, either of the following:

28 (A) The hardship to the defendant that has been caused by the
29 conviction and that would be caused if relief is not granted.

30 (B) Declarations or evidence regarding the defendant's good
31 character.

32 (6) If the court grants a petition pursuant to this subdivision,
33 the court shall furnish a disposition report to the Department of
34 Justice pursuant to Section 13151, stating that relief pursuant to
35 this section was denied, and the department shall not grant relief
36 pursuant to this section. If probation was transferred pursuant to
37 Section 1203.9, the department shall electronically submit a notice
38 to the transferring court, and, if probation was transferred multiple
39 times, to all other involved courts.

1 (7) A person denied relief pursuant to this section may continue
2 to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If
3 the court subsequently grants relief pursuant to one of those
4 sections, the court shall furnish a disposition report to the
5 Department of Justice pursuant to Section 13151, stating that relief
6 was granted pursuant to the applicable section, and the department
7 shall grant relief pursuant to that section. If probation was
8 transferred pursuant to Section 1203.9, the department shall
9 electronically submit a notice that relief was granted pursuant to
10 the applicable section to the transferring court and, if probation
11 was transferred multiple times, to all other involved courts.

12 (c) At the time of sentencing, the court shall advise a defendant,
13 either orally or in writing, of the provisions of this section and of
14 the defendant's right, if any, to petition for a certificate of
15 rehabilitation and pardon.

16 (d) *This section shall become inoperative on July 1, 2023, and,
17 as of January 1, 2024, is repealed.*

18 *SEC. 7. Section 1203.425 is added to the Penal Code, to read:*
19 *1203.425. (a) (1) (A) Commencing July 1, 2023, and subject*
20 *to an appropriation in the annual Budget Act, on a monthly basis,*
21 *the Department of Justice shall review the records in the statewide*
22 *criminal justice databases, and based on information in the state*
23 *summary criminal history repository and the Supervised Release*
24 *File, shall identify persons with convictions that meet the criteria*
25 *set forth in subparagraph (B) and are eligible for automatic*
26 *conviction record relief.*

27 *(B) A person is eligible for automatic conviction relief pursuant*
28 *to this section if they meet all of the following conditions:*

29 *(i) The person is not required to register pursuant to the Sex*
30 *Offender Registration Act.*

31 *(ii) The person does not have an active record for local, state,*
32 *or federal supervision in the Supervised Release File.*

33 *(iii) Based upon the information available in the department's*
34 *record, including disposition dates and sentencing terms, it does*
35 *not appear that the person is currently serving a sentence for an*
36 *offense and there is no indication of pending criminal charges.*

37 *(iv) The conviction meets either of the following criteria:*

38 *(I) The conviction occurred on or after January 1, 1973, and*
39 *meets either of the following criteria:*

1 (ia) *The defendant was sentenced to probation and, based upon*
2 *the disposition date and the term of probation specified in the*
3 *department’s records, appears to have completed their term of*
4 *probation without revocation.*

5 (ib) *The defendant was convicted of an infraction or*
6 *misdemeanor, was not granted probation, and, based upon the*
7 *disposition date and the term specified in the department’s records,*
8 *the defendant appears to have completed their sentence, and at*
9 *least one calendar year has elapsed since the date of judgment.*

10 (II) *The conviction occurred on or after January 1, 2005, the*
11 *defendant was convicted of a felony other than one for which the*
12 *defendant completed probation without revocation, and based*
13 *upon the disposition date and the sentence specified in the*
14 *department’s records, appears to have completed all terms of*
15 *incarceration, probation, mandatory supervision, postrelease*
16 *community supervision, and parole, and a period of four years*
17 *has elapsed since the date on which the defendant completed*
18 *probation or supervision for that conviction and during which the*
19 *defendant was not convicted of a new felony offense. This subclause*
20 *does not apply to a conviction of a serious felony defined in*
21 *subdivision (c) of Section 1192.7, a violent felony as defined in*
22 *Section 667.5, or a felony offense requiring registration pursuant*
23 *to Chapter 5.5 (commencing with Section 290) of Title 9 of Part*
24 *1.*

25 (2) (A) *Except as specified in subdivision (b), the department*
26 *shall grant relief, including dismissal of a conviction, to a person*
27 *identified pursuant to paragraph (1) without requiring a petition*
28 *or motion by a party for that relief if the relevant information is*
29 *present in the department’s electronic records.*

30 (B) *The state summary criminal history information shall*
31 *include, directly next to or below the entry or entries regarding*
32 *the person’s criminal record, a note stating “relief granted,”*
33 *listing the date that the department granted relief and this section.*
34 *This note shall be included in all statewide criminal databases*
35 *with a record of the conviction.*

36 (C) *Except as otherwise provided in paragraph (4) and in*
37 *Section 13555 of the Vehicle Code, a person granted conviction*
38 *relief pursuant to this section shall be released from all penalties*
39 *and disabilities resulting from the offense of which the person has*
40 *been convicted.*

1 (3) (A) Commencing July 1, 2022, and subject to an
2 appropriation in the annual Budget Act, on a monthly basis, the
3 department shall electronically submit a notice to the superior
4 court having jurisdiction over the criminal case, informing the
5 court of all cases for which a complaint was filed in that
6 jurisdiction and for which relief was granted pursuant to this
7 section. Commencing on August 1, 2022, for any record retained
8 by the court pursuant to Section 68152 of the Government Code,
9 except as provided in paragraph (4), the court shall not disclose
10 information concerning a conviction granted relief pursuant to
11 this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to
12 any person or entity, in any format, except to the person whose
13 conviction was granted relief or a criminal justice agency, as
14 defined in Section 851.92.

15 (B) If probation is transferred pursuant to Section 1203.9, the
16 department shall electronically submit a notice as provided in
17 subparagraph (A) to both the transferring court and any
18 subsequent receiving court. The electronic notice shall be in a
19 mutually agreed upon format.

20 (C) If a receiving court reduces a felony to a misdemeanor
21 pursuant to subdivision (b) of Section 17, or dismisses a conviction
22 pursuant to law, including, but not limited to, Section 1203.4,
23 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish
24 a disposition report to the department with the original case
25 number and CII number from the transferring court. The
26 department shall electronically submit a notice to the superior
27 court that sentenced the defendant. If probation is transferred
28 multiple times, the department shall electronically submit a notice
29 to all other involved courts. The electronic notice shall be in a
30 mutually agreed upon format.

31 (D) If a court receives notification from the department pursuant
32 to subparagraph (B), the court shall update its records to reflect
33 the reduction or dismissal. If a court receives notification that a
34 case was dismissed pursuant to this section or Section 1203.4,
35 1203.4a, 1203.41, or 1203.42, the court shall update its records
36 to reflect the dismissal and shall not disclose information
37 concerning a conviction granted relief to any person or entity, in
38 any format, except to the person whose conviction was granted
39 relief or a criminal justice agency, as defined in Section 851.92.

1 (4) Relief granted pursuant to this section is subject to the
2 following conditions:

3 (A) Relief granted pursuant to this section does not relieve a
4 person of the obligation to disclose a criminal conviction in
5 response to a direct question contained in a questionnaire or
6 application for employment as a peace officer, as defined in Section
7 830.

8 (B) Relief granted pursuant to this section does not relieve a
9 person of the obligation to disclose the conviction in response to
10 a direct question contained in a questionnaire or application for
11 public office, or for contracting with the California State Lottery
12 Commission.

13 (C) Relief granted pursuant to this section has no effect on the
14 ability of a criminal justice agency, as defined in Section 851.92,
15 to access and use records that are granted relief to the same extent
16 that would have been permitted for a criminal justice agency had
17 relief not been granted.

18 (D) Relief granted pursuant to this section does not limit the
19 jurisdiction of the court over a subsequently filed motion to amend
20 the record, petition or motion for postconviction relief, or collateral
21 attack on a conviction for which relief has been granted pursuant
22 to this section.

23 (E) Relief granted pursuant to this section does not affect a
24 person's authorization to own, possess, or have in the person's
25 custody or control a firearm, or the person's susceptibility to
26 conviction under Chapter 2 (commencing with Section 29800) of
27 Division 9 of Title 4 of Part 6, if the criminal conviction would
28 otherwise affect this authorization or susceptibility.

29 (F) Relief granted pursuant to this section does not affect a
30 prohibition from holding public office that would otherwise apply
31 under law as a result of the criminal conviction.

32 (G) Relief granted pursuant to this section does not release a
33 person from the terms and conditions of any unexpired criminal
34 protective order that has been issued by the court pursuant to
35 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)
36 of Section 273.5, subdivision (l) of Section 368, or subdivision (k)
37 of Section 646.9. These protective orders shall remain in full effect
38 until expiration or until any further order by the court modifying
39 or terminating the order, despite the dismissal of the underlying
40 conviction.

1 (H) Relief granted pursuant to this section does not affect the
2 authority to receive, or take adverse action based on, criminal
3 history information, including the authority to receive certified
4 court records received or evaluated pursuant to Section 1522,
5 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
6 pursuant to any statutory or regulatory provisions that incorporate
7 the criteria of those sections.

8 (I) Relief granted pursuant to this section does not make eligible
9 a person who is otherwise ineligible to provide, or receive payment
10 for providing, in-home supportive services pursuant to Article 7
11 (commencing with Section 12300) of Chapter 3 of Part 3 of
12 Division 9 of the Welfare and Institutions Code, or pursuant to
13 Section 14132.95, 14132.952, or 14132.956 of the Welfare and
14 Institutions Code.

15 (J) In a subsequent prosecution of the defendant for any other
16 offense, the prior conviction may be pleaded and proved and shall
17 have the same effect as if the relief had not been granted.

18 (K) (i) Relief granted pursuant to this section does not affect
19 the authority to receive, or take adverse action based on, criminal
20 history information, including the authority to receive certified
21 court records received or evaluated pursuant to Article 1
22 (commencing with Section 44000) of Chapter 1, Article 3
23 (commencing with Section 44240) and Article 8 (commencing with
24 Section 44330) of Chapter 2, Article 1 (commencing with Section
25 44420) of Chapter 3, Article 3 (commencing with Section 44930)
26 of Chapter 4, Article 1 (commencing with Section 45100) and
27 Article 6 (commencing with Section 45240) of Chapter 5, of Part
28 25 of Division 3 of Title 2 of the Education Code, or pursuant to
29 any statutory or regulatory provisions that relate to, incorporate,
30 expand upon or interpret the authority of those provisions.

31 (ii) Notwithstanding clause (i) or any other law, information
32 for a conviction for a controlled substance offense listed in Section
33 11350 or 11377, or former Section 11500 or 11500.5, of the Health
34 and Safety Code that is more than five years old, for which relief
35 is granted pursuant to this section, shall not be disclosed.

36 (L) Relief granted pursuant to this section does not release the
37 defendant from the terms and conditions of any unexpired criminal
38 protective orders that have been issued by the court pursuant to
39 paragraph (1) of subdivision (i) of Section 136.2, subdivision (j)
40 of Section 273.5, subdivision (l) of Section 368, or subdivision (k)

1 of Section 646.9. These protective orders shall remain in full effect
2 until expiration or until any further order by the court modifying
3 or terminating the order, despite the dismissal of the underlying
4 accusation or information.

5 (5) This section shall not limit petitions, motions, or orders for
6 relief in a criminal case, as required or authorized by any other
7 law, including, but not limited to, Sections 1016.5, 1203.4, 1203.4a,
8 1203.4b, 1203.41, 1203.42, 1203.49, and 1473.7. This section
9 shall not limit petitions for a certificate of rehabilitation or pardon
10 pursuant to Chapter 3.5 (commencing with Section 4852.01) of
11 Title 6 of Part 3.

12 (6) Commencing July 1, 2022, and subject to an appropriation
13 in the annual Budget Act, the department shall annually publish
14 statistics for each county regarding the total number of convictions
15 granted relief pursuant to this section and the total number of
16 convictions prohibited from automatic relief pursuant to
17 subdivision (b), on the OpenJustice Web portal, as defined in
18 Section 13010.

19 (b) (1) The prosecuting attorney or probation department may,
20 no later than 90 calendar days before the date of a person's
21 eligibility for relief pursuant to this section, file a petition to
22 prohibit the department from granting automatic relief pursuant
23 to this section, based on a showing that granting that relief would
24 pose a substantial threat to the public safety. If probation was
25 transferred pursuant to Section 1203.9, the prosecuting attorney
26 or probation department in either the receiving county or the
27 transferring county shall file the petition in the county of current
28 jurisdiction.

29 (2) The court shall give notice to the defendant and conduct a
30 hearing on the petition within 45 days after the petition is filed.

31 (3) At a hearing on the petition pursuant to this subdivision, the
32 defendant, the probation department, the prosecuting attorney,
33 and the arresting agency, through the prosecuting attorney, may
34 present evidence to the court. Notwithstanding Sections 1538.5
35 and 1539, the hearing may be heard and determined upon
36 declarations, affidavits, police investigative reports, copies of state
37 summary criminal history information and local summary criminal
38 history information, or any other evidence submitted by the parties
39 that is material, reliable, and relevant.

1 (4) The prosecutor or probation department has the initial
2 burden of proof to show that granting conviction relief would pose
3 a substantial threat to the public safety. In determining whether
4 granting relief would pose a substantial threat to the public safety,
5 the court may consider any relevant factors including, but not
6 limited to, either of the following:

7 (A) Declarations or evidence regarding the offense for which
8 a grant of relief is being contested.

9 (B) The defendant's record of arrests and convictions.

10 (5) If the court finds that the prosecutor or probation department
11 has satisfied the burden of proof, the burden shifts to the defendant
12 to show that the hardship of not obtaining relief outweighs the
13 threat to the public safety of providing relief. In determining
14 whether the defendant's hardship outweighs the threat to the public
15 safety, the court may consider any relevant factors including, but
16 not limited to, either of the following:

17 (A) The hardship to the defendant that has been caused by the
18 conviction and that would be caused if relief is not granted.

19 (B) Declarations or evidence regarding the defendant's good
20 character.

21 (6) If the court grants a petition pursuant to this subdivision,
22 the court shall furnish a disposition report to the Department of
23 Justice pursuant to Section 13151, stating that relief pursuant to
24 this section was denied, and the department shall not grant relief
25 pursuant to this section. If probation was transferred pursuant to
26 Section 1203.9, the department shall electronically submit a notice
27 to the transferring court, and, if probation was transferred multiple
28 times, to all other involved courts.

29 (7) A person denied relief pursuant to this section may continue
30 to be eligible for relief pursuant to law, including, but not limited
31 to, Section 1203.4, 1203.4a, 1203.4b, or 1203.41. If the court
32 subsequently grants relief pursuant to one of those sections, the
33 court shall furnish a disposition report to the Department of Justice
34 pursuant to Section 13151, stating that relief was granted pursuant
35 to the applicable section, and the department shall grant relief
36 pursuant to that section. If probation was transferred pursuant to
37 Section 1203.9, the department shall electronically submit a notice
38 that relief was granted pursuant to the applicable section to the
39 transferring court and, if probation was transferred multiple times,
40 to all other involved courts.

1 (c) *At the time of sentencing, the court shall advise a defendant,*
2 *either orally or in writing, of the provisions of this section and of*
3 *the defendant's right, if any, to petition for a certificate of*
4 *rehabilitation and pardon.*

5 (d) *This section shall become operative on July 1, 2023.*

6 SEC. 8. *Section 11105 of the Penal Code is amended to read:*

7 11105. (a) (1) The Department of Justice shall maintain state
8 summary criminal history information.

9 (2) As used in this section:

10 (A) "State summary criminal history information" means the
11 master record of information compiled by the Attorney General
12 pertaining to the identification and criminal history of a person,
13 such as name, date of birth, physical description, fingerprints,
14 photographs, dates of arrests, arresting agencies and booking
15 numbers, charges, dispositions, sentencing information, and similar
16 data about the person.

17 (B) "State summary criminal history information" does not refer
18 to records and data compiled by criminal justice agencies other
19 than the Attorney General, nor does it refer to records of complaints
20 to or investigations conducted by, or records of intelligence
21 information or security procedures of, the office of the Attorney
22 General and the Department of Justice.

23 (b) The Attorney General shall furnish state summary criminal
24 history information to the following, if needed in the course of
25 their duties, provided that when information is furnished to assist
26 an agency, officer, or official of state or local government, a public
27 utility, or any other entity, in fulfilling employment, certification,
28 or licensing duties, Chapter 1321 of the Statutes of 1974 and
29 Section 432.7 of the Labor Code shall apply:

30 (1) The courts of the state.

31 (2) Peace officers of the state, as defined in Section 830.1,
32 subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section
33 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and
34 (b) of Section 830.5.

35 (3) District attorneys of the state.

36 (4) Prosecuting city attorneys or city prosecutors of a city within
37 the state.

38 (5) City attorneys pursuing civil gang injunctions pursuant to
39 Section 186.22a, or drug abatement actions pursuant to Section

1 3479 or 3480 of the Civil Code, or Section 11571 of the Health
2 and Safety Code.

3 (6) Probation officers of the state.

4 (7) Parole officers of the state.

5 (8) A public defender or attorney of record when representing
6 a person in proceedings upon a petition for a certificate of
7 rehabilitation and pardon pursuant to Section 4852.08.

8 (9) A public defender or attorney of record when representing
9 a person in a criminal case or a juvenile delinquency proceeding,
10 including all appeals and postconviction motions, or a parole,
11 mandatory supervision pursuant to paragraph (5) of subdivision
12 (h) of Section 1170, or postrelease community supervision
13 revocation or revocation extension proceeding, if the information
14 is requested in the course of representation.

15 (10) An agency, officer, or official of the state if the state
16 summary criminal history information is required to implement a
17 statute or regulation that expressly refers to specific criminal
18 conduct applicable to the subject person of the state summary
19 criminal history information, and contains requirements or
20 exclusions, or both, expressly based upon that specified criminal
21 conduct. The agency, officer, or official of the state authorized by
22 this paragraph to receive state summary criminal history
23 information may perform state and federal criminal history
24 information checks as provided for in subdivision (u). The
25 Department of Justice shall provide a state or federal response to
26 the agency, officer, or official pursuant to subdivision (p).

27 (11) A city, county, city and county, or district, or an officer or
28 official thereof, if access is needed in order to assist that agency,
29 officer, or official in fulfilling employment, certification, or
30 licensing duties, and if the access is specifically authorized by the
31 city council, board of supervisors, or governing board of the city,
32 county, or district if the state summary criminal history information
33 is required to implement a statute, ordinance, or regulation that
34 expressly refers to specific criminal conduct applicable to the
35 subject person of the state summary criminal history information,
36 and contains requirements or exclusions, or both, expressly based
37 upon that specified criminal conduct. The city, county, city and
38 county, district, or the officer or official thereof authorized by this
39 paragraph may also transmit fingerprint images and related

1 information to the Department of Justice to be transmitted to the
2 Federal Bureau of Investigation.

3 (12) The subject of the state summary criminal history
4 information under procedures established under Article 5
5 (commencing with Section 11120).

6 (13) A person or entity when access is expressly authorized by
7 statute if the criminal history information is required to implement
8 a statute or regulation that expressly refers to specific criminal
9 conduct applicable to the subject person of the state summary
10 criminal history information, and contains requirements or
11 exclusions, or both, expressly based upon that specified criminal
12 conduct.

13 (14) Health officers of a city, county, city and county, or district
14 when in the performance of their official duties enforcing Section
15 120175 of the Health and Safety Code.

16 (15) A managing or supervising correctional officer of a county
17 jail or other county correctional facility.

18 (16) A humane society, or society for the prevention of cruelty
19 to animals, for the specific purpose of complying with Section
20 14502 of the Corporations Code for the appointment of humane
21 officers.

22 (17) Local child support agencies established by Section 17304
23 of the Family Code. When a local child support agency closes a
24 support enforcement case containing state summary criminal
25 history information, the agency shall delete or purge from the file
26 and destroy documents or information concerning or arising from
27 offenses for or of which the parent has been arrested, charged, or
28 convicted, other than for offenses related to the parent's having
29 failed to provide support for minor children, consistent with the
30 requirements of Section 17531 of the Family Code.

31 (18) County child welfare agency personnel who have been
32 delegated the authority of county probation officers to access state
33 summary criminal history information pursuant to Section 272 of
34 the Welfare and Institutions Code for the purposes specified in
35 Section 16504.5 of the Welfare and Institutions Code. Information
36 from criminal history records provided pursuant to this subdivision
37 shall not be used for a purpose other than those specified in this
38 section and Section 16504.5 of the Welfare and Institutions Code.
39 When an agency obtains records both on the basis of name checks

1 and fingerprint checks, final placement decisions shall be based
2 only on the records obtained pursuant to the fingerprint check.

3 (19) The court of a tribe, or court of a consortium of tribes, that
4 has entered into an agreement with the state pursuant to Section
5 10553.1 of the Welfare and Institutions Code. This information
6 may be used only for the purposes specified in Section 16504.5
7 of the Welfare and Institutions Code and for tribal approval or
8 tribal licensing of foster care or adoptive homes. Article 6
9 (commencing with Section 11140) shall apply to officers, members,
10 and employees of a tribal court receiving state summary criminal
11 history information pursuant to this section.

12 (20) Child welfare agency personnel of a tribe or consortium
13 of tribes that has entered into an agreement with the state pursuant
14 to Section 10553.1 of the Welfare and Institutions Code and to
15 whom the state has delegated duties under paragraph (2) of
16 subdivision (a) of Section 272 of the Welfare and Institutions Code.
17 The purposes for use of the information shall be for the purposes
18 specified in Section 16504.5 of the Welfare and Institutions Code
19 and for tribal approval or tribal licensing of foster care or adoptive
20 homes. When an agency obtains records on the basis of name
21 checks and fingerprint checks, final placement decisions shall be
22 based only on the records obtained pursuant to the fingerprint
23 check. Article 6 (commencing with Section 11140) shall apply to
24 child welfare agency personnel receiving criminal record offender
25 information pursuant to this section.

26 (21) An officer providing conservatorship investigations
27 pursuant to Sections 5351, 5354, and 5356 of the Welfare and
28 Institutions Code.

29 (22) A court investigator providing investigations or reviews
30 in conservatorships pursuant to Section 1826, 1850, 1851, or
31 2250.6 of the Probate Code.

32 (23) A person authorized to conduct a guardianship investigation
33 pursuant to Section 1513 of the Probate Code.

34 (24) A humane officer pursuant to Section 14502 of the
35 Corporations Code for the purposes of performing the officer's
36 duties.

37 (25) A public agency described in subdivision (b) of Section
38 15975 of the Government Code, for the purpose of oversight and
39 enforcement policies with respect to its contracted providers.

1 (26) (A) A state entity, or its designee, that receives federal tax
2 information. A state entity or its designee that is authorized by this
3 paragraph to receive state summary criminal history information
4 also may transmit fingerprint images and related information to
5 the Department of Justice to be transmitted to the Federal Bureau
6 of Investigation for the purpose of the state entity or its designee
7 obtaining federal level criminal offender record information from
8 the Department of Justice. This information shall be used only for
9 the purposes set forth in Section 1044 of the Government Code.

10 (B) For purposes of this paragraph, “federal tax information,”
11 “state entity” and “designee” are as defined in paragraphs (1), (2),
12 and (3), respectively, of subdivision (f) of Section 1044 of the
13 Government Code.

14 (c) The Attorney General may furnish state summary criminal
15 history information and, when specifically authorized by this
16 subdivision, federal level criminal history information upon a
17 showing of a compelling need to any of the following, provided
18 that when information is furnished to assist an agency, officer, or
19 official of state or local government, a public utility, or any other
20 entity in fulfilling employment, certification, or licensing duties,
21 Chapter 1321 of the Statutes of 1974 and Section 432.7 of the
22 Labor Code shall apply:

23 (1) A public utility, as defined in Section 216 of the Public
24 Utilities Code, that operates a nuclear energy facility when access
25 is needed in order to assist in employing persons to work at the
26 facility, provided that, if the Attorney General supplies the data,
27 the Attorney General shall furnish a copy of the data to the person
28 to whom the data relates.

29 (2) A peace officer of the state other than those included in
30 subdivision (b).

31 (3) An illegal dumping enforcement officer as defined in
32 subdivision (i) of Section 830.7.

33 (4) A peace officer of another country.

34 (5) Public officers, other than peace officers, of the United
35 States, other states, or possessions or territories of the United
36 States, provided that access to records similar to state summary
37 criminal history information is expressly authorized by a statute
38 of the United States, other states, or possessions or territories of
39 the United States if the information is needed for the performance
40 of their official duties.

1 (6) A person when disclosure is requested by a probation, parole,
2 or peace officer with the consent of the subject of the state
3 summary criminal history information and for purposes of
4 furthering the rehabilitation of the subject.

5 (7) The courts of the United States, other states, or territories
6 or possessions of the United States.

7 (8) Peace officers of the United States, other states, or territories
8 or possessions of the United States.

9 (9) An individual who is the subject of the record requested if
10 needed in conjunction with an application to enter the United States
11 or a foreign nation.

12 (10) (A) (i) A public utility, as defined in Section 216 of the
13 Public Utilities Code, or a cable corporation as defined in
14 subparagraph (B), if receipt of criminal history information is
15 needed in order to assist in employing current or prospective
16 employees, contract employees, or subcontract employees who,
17 in the course of their employment, may be seeking entrance to
18 private residences or adjacent grounds. The information provided
19 shall be limited to the record of convictions and arrests for which
20 the person is released on bail or on their own recognizance pending
21 trial.

22 (ii) If the Attorney General supplies the data pursuant to this
23 paragraph, the Attorney General shall furnish a copy of the data
24 to the current or prospective employee to whom the data relates.

25 (iii) State summary criminal history information is confidential
26 and the receiving public utility or cable corporation shall not
27 disclose its contents, other than for the purpose for which it was
28 acquired. The state summary criminal history information in the
29 possession of the public utility or cable corporation and all copies
30 made from it shall be destroyed not more than 30 days after
31 employment or promotion or transfer is denied or granted, except
32 for those cases where a current or prospective employee is out on
33 bail or on their own recognizance pending trial, in which case the
34 state summary criminal history information and all copies shall be
35 destroyed not more than 30 days after the case is resolved.

36 (iv) A violation of this paragraph is a misdemeanor, and shall
37 give the current or prospective employee who is injured by the
38 violation a cause of action against the public utility or cable
39 corporation to recover damages proximately caused by the
40 violations. A public utility's or cable corporation's request for

1 state summary criminal history information for purposes of
2 employing current or prospective employees who may be seeking
3 entrance to private residences or adjacent grounds in the course
4 of their employment shall be deemed a “compelling need” as
5 required to be shown in this subdivision.

6 (v) This section shall not be construed as imposing a duty upon
7 public utilities or cable corporations to request state summary
8 criminal history information on current or prospective employees.

9 (B) For purposes of this paragraph, “cable corporation” means
10 a corporation or firm that transmits or provides television,
11 computer, or telephone services by cable, digital, fiber optic,
12 satellite, or comparable technology to subscribers for a fee.

13 (C) Requests for federal level criminal history information
14 received by the Department of Justice from entities authorized
15 pursuant to subparagraph (A) shall be forwarded to the Federal
16 Bureau of Investigation by the Department of Justice. Federal level
17 criminal history information received or compiled by the
18 Department of Justice may then be disseminated to the entities
19 referenced in subparagraph (A), as authorized by law.

20 (11) A campus of the California State University or the
21 University of California, or a four-year college or university
22 accredited by a regional accreditation organization approved by
23 the United States Department of Education, if needed in
24 conjunction with an application for admission by a convicted felon
25 to a special education program for convicted felons, including, but
26 not limited to, university alternatives and halfway houses. Only
27 conviction information shall be furnished. The college or university
28 may require the convicted felon to be fingerprinted, and any inquiry
29 to the department under this section shall include the convicted
30 felon’s fingerprints and any other information specified by the
31 department.

32 (12) A foreign government, if requested by the individual who
33 is the subject of the record requested, if needed in conjunction with
34 the individual’s application to adopt a minor child who is a citizen
35 of that foreign nation. Requests for information pursuant to this
36 paragraph shall be in accordance with the process described in
37 Sections 11122 to 11124, inclusive. The response shall be provided
38 to the foreign government or its designee and to the individual
39 who requested the information.

1 (d) Whenever an authorized request for state summary criminal
2 history information pertains to a person whose fingerprints are on
3 file with the Department of Justice and the department has no
4 criminal history of that person, and the information is to be used
5 for employment, licensing, or certification purposes, the fingerprint
6 card accompanying the request for information, if any, may be
7 stamped “no criminal record” and returned to the person or entity
8 making the request.

9 (e) Whenever state summary criminal history information is
10 furnished as the result of an application and is to be used for
11 employment, licensing, or certification purposes, the Department
12 of Justice may charge the person or entity making the request a
13 fee that it determines to be sufficient to reimburse the department
14 for the cost of furnishing the information. In addition, the
15 Department of Justice may add a surcharge to the fee to fund
16 maintenance and improvements to the systems from which the
17 information is obtained. Notwithstanding any other law, a person
18 or entity required to pay a fee to the department for information
19 received under this section may charge the applicant a fee sufficient
20 to reimburse the person or entity for this expense. All moneys
21 received by the department pursuant to this section, Sections
22 11105.3 and 26190, and former Section 13588 of the Education
23 Code shall be deposited in a special account in the General Fund
24 to be available for expenditure by the department to offset costs
25 incurred pursuant to those sections and for maintenance and
26 improvements to the systems from which the information is
27 obtained upon appropriation by the Legislature.

28 (f) Whenever there is a conflict, the processing of criminal
29 fingerprints and fingerprints of applicants for security guard or
30 alarm agent registrations or firearms qualification permits
31 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4
32 of the Business and Professions Code shall take priority over the
33 processing of other applicant fingerprints.

34 (g) It is not a violation of this section to disseminate statistical
35 or research information obtained from a record, provided that the
36 identity of the subject of the record is not disclosed.

37 (h) It is not a violation of this section to include information
38 obtained from a record in (1) a transcript or record of a judicial or
39 administrative proceeding or (2) any other public record if the

1 inclusion of the information in the public record is authorized by
2 a court, statute, or decisional law.

3 (i) Notwithstanding any other law, the Department of Justice
4 or a state or local law enforcement agency may require the
5 submission of fingerprints for the purpose of conducting state
6 summary criminal history information checks that are authorized
7 by law.

8 (j) The state summary criminal history information shall include
9 any finding of mental incompetence pursuant to Chapter 6
10 (commencing with Section 1367) of Title 10 of Part 2 arising out
11 of a complaint charging a felony offense specified in Section 290.

12 (k) (1) This subdivision shall apply whenever state or federal
13 summary criminal history information is furnished by the
14 Department of Justice as the result of an application by an
15 authorized agency or organization and the information is to be
16 used for peace officer employment or certification purposes. As
17 used in this subdivision, a peace officer is defined in Chapter 4.5
18 (commencing with Section 830) of Title 3 of Part 2.

19 (2) Notwithstanding any other law, whenever state summary
20 criminal history information is initially furnished pursuant to
21 paragraph (1), the Department of Justice shall disseminate the
22 following information:

23 (A) Every conviction rendered against the applicant.

24 (B) Every arrest for an offense for which the applicant is
25 presently awaiting trial, whether the applicant is incarcerated or
26 has been released on bail or on their own recognizance pending
27 trial.

28 (C) Every arrest or detention, except for an arrest or detention
29 resulting in an exoneration, provided, however, that where the
30 records of the Department of Justice do not contain a disposition
31 for the arrest, the Department of Justice first makes a genuine effort
32 to determine the disposition of the arrest.

33 (D) Every successful diversion.

34 (E) Every date and agency name associated with all retained
35 peace officer or nonsworn law enforcement agency employee
36 preemployment criminal offender record information search
37 requests.

38 (F) Sex offender registration status of the applicant.

39 (G) Sentencing information, if present in the department's
40 records at the time of the response.

1 (l) (1) This subdivision shall apply whenever state or federal
2 summary criminal history information is furnished by the
3 Department of Justice as the result of an application by a criminal
4 justice agency or organization as defined in Section 13101, and
5 the information is to be used for criminal justice employment,
6 licensing, or certification purposes.

7 (2) Notwithstanding any other law, whenever state summary
8 criminal history information is initially furnished pursuant to
9 paragraph (1), the Department of Justice shall disseminate the
10 following information:

11 (A) Every conviction rendered against the applicant.

12 (B) Every arrest for an offense for which the applicant is
13 presently awaiting trial, whether the applicant is incarcerated or
14 has been released on bail or on their own recognizance pending
15 trial.

16 (C) Every arrest for an offense for which the records of the
17 Department of Justice do not contain a disposition or which did
18 not result in a conviction, provided that the Department of Justice
19 first makes a genuine effort to determine the disposition of the
20 arrest. However, information concerning an arrest shall not be
21 disclosed if the records of the Department of Justice indicate or if
22 the genuine effort reveals that the subject was exonerated,
23 successfully completed a diversion or deferred entry of judgment
24 program, or the arrest was deemed a detention, or the subject was
25 granted relief pursuant to Section 851.91.

26 (D) Every date and agency name associated with all retained
27 peace officer or nonsworn law enforcement agency employee
28 preemployment criminal offender record information search
29 requests.

30 (E) Sex offender registration status of the applicant.

31 (F) Sentencing information, if present in the department's
32 records at the time of the response.

33 (m) (1) This subdivision shall apply whenever state or federal
34 summary criminal history information is furnished by the
35 Department of Justice as the result of an application by an
36 authorized agency or organization pursuant to Section 1522,
37 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
38 a statute that incorporates the criteria of any of those sections or
39 this subdivision by reference, and the information is to be used for
40 employment, licensing, or certification purposes.

1 (2) Notwithstanding any other law, whenever state summary
2 criminal history information is initially furnished pursuant to
3 paragraph (1), the Department of Justice shall disseminate the
4 following information:

5 (A) Every conviction of an offense rendered against the
6 applicant, except a conviction for which relief has been granted
7 pursuant to Section 1203.49.

8 (B) Every arrest for an offense for which the applicant is
9 presently awaiting trial, whether the applicant is incarcerated or
10 has been released on bail or on their own recognizance pending
11 trial.

12 (C) Every arrest for an offense for which the Department of
13 Social Services is required by paragraph (1) of subdivision (a) of
14 Section 1522 of the Health and Safety Code to determine if an
15 applicant has been arrested. However, if the records of the
16 Department of Justice do not contain a disposition for an arrest,
17 the Department of Justice shall first make a genuine effort to
18 determine the disposition of the arrest.

19 (D) Sex offender registration status of the applicant.

20 (E) Sentencing information, if present in the department's
21 records at the time of the response.

22 (3) Notwithstanding the requirements of the sections referenced
23 in paragraph (1) of this subdivision, the Department of Justice
24 shall not disseminate information about an arrest subsequently
25 deemed a detention or an arrest that resulted in the successful
26 completion of a diversion program, exoneration, or a grant of relief
27 pursuant to Section 851.91.

28 (n) (1) This subdivision shall apply whenever state or federal
29 summary criminal history information, to be used for employment,
30 licensing, or certification purposes, is furnished by the Department
31 of Justice as the result of an application by an authorized agency,
32 organization, or individual pursuant to any of the following:

33 (A) Paragraph (10) of subdivision (c), when the information is
34 to be used by a cable corporation.

35 (B) Section 11105.3 or 11105.4.

36 (C) Section 15660 of the Welfare and Institutions Code.

37 (D) A statute that incorporates the criteria of any of the statutory
38 provisions listed in subparagraph (A), (B), or (C), or of this
39 subdivision, by reference.

1 (2) With the exception of applications submitted by
2 transportation companies authorized pursuant to Section 11105.3,
3 and notwithstanding any other law, whenever state summary
4 criminal history information is initially furnished pursuant to
5 paragraph (1), the Department of Justice shall disseminate the
6 following information:

7 (A) Every conviction, except a conviction for which relief has
8 been granted pursuant to Section 1203.49, rendered against the
9 applicant for a violation or attempted violation of an offense
10 specified in subdivision (a) of Section 15660 of the Welfare and
11 Institutions Code. However, with the exception of those offenses
12 for which registration is required pursuant to Section 290, the
13 Department of Justice shall not disseminate information pursuant
14 to this subdivision unless the conviction occurred within 10 years
15 of the date of the agency's request for information or the conviction
16 is over 10 years old but the subject of the request was incarcerated
17 within 10 years of the agency's request for information.

18 (B) Every arrest for a violation or attempted violation of an
19 offense specified in subdivision (a) of Section 15660 of the Welfare
20 and Institutions Code for which the applicant is presently awaiting
21 trial, whether the applicant is incarcerated or has been released on
22 bail or on their own recognizance pending trial.

23 (C) Sex offender registration status of the applicant.

24 (D) Sentencing information, if present in the department's
25 records at the time of the response.

26 (o) (1) This subdivision shall apply whenever state or federal
27 summary criminal history information is furnished by the
28 Department of Justice as the result of an application by an
29 authorized agency or organization pursuant to Section 379 or 1300
30 of the Financial Code, or a statute that incorporates the criteria of
31 either of those sections or this subdivision by reference, and the
32 information is to be used for employment, licensing, or certification
33 purposes.

34 (2) Notwithstanding any other law, whenever state summary
35 criminal history information is initially furnished pursuant to
36 paragraph (1), the Department of Justice shall disseminate the
37 following information:

38 (A) Every conviction rendered against the applicant for a
39 violation or attempted violation of an offense specified in Section

1 1300 of the Financial Code, except a conviction for which relief
2 has been granted pursuant to Section 1203.49.

3 (B) Every arrest for a violation or attempted violation of an
4 offense specified in Section 1300 of the Financial Code for which
5 the applicant is presently awaiting trial, whether the applicant is
6 incarcerated or has been released on bail or on their own
7 recognizance pending trial.

8 (C) Sentencing information, if present in the department's
9 records at the time of the response.

10 (p) (1) This subdivision shall apply whenever state or federal
11 criminal history information is furnished by the Department of
12 Justice as the result of an application by an agency, organization,
13 or individual not defined in subdivision (k), (l), (m), (n), or (o), or
14 by a transportation company authorized pursuant to Section
15 11105.3, or a statute that incorporates the criteria of that section
16 or this subdivision by reference, and the information is to be used
17 for employment, licensing, or certification purposes.

18 (2) Notwithstanding any other law, whenever state summary
19 criminal history information is initially furnished pursuant to
20 paragraph (1), the Department of Justice shall disseminate the
21 following information:

22 (A) Every conviction rendered against the applicant, except a
23 conviction for which relief has been granted pursuant to Section
24 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49. The
25 Commission on Teacher—~~Credentia~~ling *Credentia*ling, *school*
26 *districts, county offices of education, charter schools, private*
27 *schools, state special schools for the blind and deaf, or any other*
28 *entity required to have a background check because of a contract*
29 *with a school district, county office of education, charter school,*
30 *private school, or the state special schools for the blind and deaf,*
31 shall receive every conviction rendered against an applicant,
32 retroactive to January 1, 2020, regardless of relief granted pursuant
33 to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or
34 1203.49.

35 (B) *Notwithstanding subparagraph (A) or any other law,*
36 *information for a conviction for a controlled substance offense*
37 *listed in Section 11350 or 11377, or former Section 11500 or*
38 *11500.5, of the Health and Safety Code that is more than five years*
39 *old, for which relief is granted pursuant to Section 1203.4, 1203.4a,*
40 *1203.41, 1203.42, 1203.425, or 1203.49, shall not be disseminated.*

- 1 ~~(B)~~
- 2 (C) Every arrest for an offense for which the applicant is
- 3 presently awaiting trial, whether the applicant is incarcerated or
- 4 has been released on bail or on their own recognizance pending
- 5 trial.
- 6 ~~(C)~~
- 7 (D) Sex offender registration status of the applicant.
- 8 ~~(D)~~
- 9 (E) Sentencing information, if present in the department’s
- 10 records at the time of the response.
- 11 (q) All agencies, organizations, or individuals defined in
- 12 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the
- 13 Department of Justice for subsequent notification pursuant to
- 14 Section 11105.2. This subdivision shall not supersede sections that
- 15 mandate an agency, organization, or individual to contract with
- 16 the Department of Justice for subsequent notification pursuant to
- 17 Section 11105.2.
- 18 (r) This section does not require the Department of Justice to
- 19 cease compliance with any other statutory notification
- 20 requirements.
- 21 (s) The provisions of Section 50.12 of Title 28 of the Code of
- 22 Federal Regulations are to be followed in processing federal
- 23 criminal history information.
- 24 (t) Whenever state or federal summary criminal history
- 25 information is furnished by the Department of Justice as the result
- 26 of an application by an authorized agency, organization, or
- 27 individual defined in subdivisions (k) to (p), inclusive, and the
- 28 information is to be used for employment, licensing, or certification
- 29 purposes, the authorized agency, organization, or individual shall
- 30 expeditiously furnish a copy of the information to the person to
- 31 whom the information relates if the information is a basis for an
- 32 adverse employment, licensing, or certification decision. When
- 33 furnished other than in person, the copy shall be delivered to the
- 34 last contact information provided by the applicant.
- 35 (u) (1) If a fingerprint-based criminal history information check
- 36 is required pursuant to any statute, that check shall be requested
- 37 from the Department of Justice and shall be applicable to the person
- 38 identified in the referencing statute. The agency or entity identified
- 39 in the statute shall submit to the Department of Justice fingerprint
- 40 images and related information required by the Department of

1 Justice of the types of applicants identified in the referencing
2 statute, for the purpose of obtaining information as to the existence
3 and content of a record of state or federal convictions and state or
4 federal arrests and also information as to the existence and content
5 of a record of the state or federal arrests for which the Department
6 of Justice establishes that the person is free on bail or on their own
7 recognizance pending trial or appeal.

8 (2) If requested, the Department of Justice shall transmit
9 fingerprint images and related information received pursuant to
10 this section to the Federal Bureau of Investigation for the purpose
11 of obtaining a federal criminal history information check. The
12 Department of Justice shall review the information returned from
13 the Federal Bureau of Investigation, and compile and disseminate
14 a response or a fitness determination, as appropriate, to the agency
15 or entity identified in the referencing statute.

16 (3) The Department of Justice shall provide a state- or
17 federal-level response or a fitness determination, as appropriate,
18 to the agency or entity identified in the referencing statute, pursuant
19 to the identified subdivision.

20 (4) The agency or entity identified in the referencing statute
21 shall request from the Department of Justice subsequent notification
22 service, as provided pursuant to Section 11105.2, for persons
23 described in the referencing statute.

24 (5) The Department of Justice shall charge a fee sufficient to
25 cover the reasonable cost of processing the request described in
26 this subdivision.

27 *SEC. 9. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution because*
29 *the only costs that may be incurred by a local agency or school*
30 *district will be incurred because this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section 17556 of*
33 *the Government Code, or changes the definition of a crime within*
34 *the meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*

O

Introduced by Senator Ochoa BoghJanuary 31, 2022

An act to amend Section 2827 of, and to add Section 1646.14 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 889, as introduced, Ochoa Bogh. Nurse anesthetists.

Existing law, the Dental Practice Act, establishes the Dental Board of California in the Department of Consumer Affairs for the licensure and regulation of dentists. The act governs, among other things, the use of general anesthesia and deep sedation, as defined, for adult patients and patients under 13 years of age. The act requires a dentist to possess either a current license in good standing and a general anesthesia permit or a general anesthesia permit together with a maxillofacial surgery permit or a special permit to administer general anesthesia or deep sedation on an outpatient basis for dental patients.

Existing law, the Nurse Anesthetists Act, provides for the certification and regulation of nurse anesthetists by the Board of Registered Nursing, which is within the Department of Consumer Affairs. Under existing law, the utilization of a nurse anesthetist to provide anesthesia services is required to be approved by the acute care facility administration and the appropriate committee, and at the discretion of the physician, dentist, or podiatrist. If a general anesthetic agent is administered in a dental office, existing law requires the dentist to hold a permit authorized by the provisions governing a dentist's use of deep sedation and general anesthesia.

This bill would allow a nurse anesthetist to administer general anesthesia or deep sedation to dental patients if the nurse anesthetist receives a permit from the Dental Board of California. This bill would

require that a nurse anesthetist, in order to administer deep sedation or general anesthesia, apply to the board and provide, among other things, evidence that the nurse anesthetist has met specified educational requirements. This bill would authorize the board to require an onsite inspection and evaluation prior to the issuance or renewal of a permit, and would require that a nurse anesthetist who fails that inspection and evaluation have their permit suspended, as specified. This bill would authorize a nurse anesthetist to apply to the board for an endorsement to perform general anesthesia or deep sedation on a child under 7 years of age.

This bill would also require a nurse anesthetist that is providing general anesthesia or deep sedation in a dental office to do so in accordance with the provisions of the Dental Practice Act that govern the use of general anesthesia or deep sedation in a dental office and in accordance with specified provisions of the Nursing Practice Act. By expanding the scope of existing crimes under the Dental Practice Act and the Nurse Anesthetists Act, this bill would impose 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 2827 of the Business and Professions
2 Code is amended to read:
3 2827. The utilization of a nurse anesthetist to provide anesthesia
4 services in an acute care facility shall be approved by the acute
5 care facility administration and the appropriate committee, and at
6 the discretion of the physician, dentist or podiatrist. ~~If a general
7 anesthetic agent is administered in a dental office, the dentist shall
8 hold a permit authorized by Article 2.7 (commencing with Section
9 1646) of Chapter 4 or, commencing January 1, 2022, Article 2.75
10 (commencing with Section 1646) of Chapter 4. General anesthesia
11 or deep sedation administered in a dental office by a nurse
12 anesthetist shall be in accordance with all of the following:~~

1 (a) Article 2.7 (commencing with Section 1646) of Chapter 4
2 or, commencing January 1, 2022, Article 2.75 (commencing with
3 Section 1646) of Chapter 4.

4 (b) Paragraph (2) of subdivision (b) of Section 2725.

5 SEC. 2. Section 1646.14 is added to the Business and
6 Professions Code, to read:

7 1646.14. (a) Notwithstanding any other law, including, but
8 not limited to, Sections 1646.1 and 1647.2, a certified registered
9 nurse anesthetist licensed pursuant to Article 2 (commencing with
10 Section 2725) of Chapter 6 and certified as a nurse anesthetist
11 pursuant to Article 7 (commencing with Section 2825) of Chapter
12 6 may administer general anesthesia or deep sedation in the office
13 of a licensed dentist to dental patients without regard to whether
14 the dentist possesses a permit issued pursuant to this article, if all
15 of the following are met:

16 (1) The nurse anesthetist holds a valid general anesthesia permit
17 issued by the Dental Board of California pursuant to subdivision

18 (b).

19 (2) The nurse anesthetist meets the requirements of subdivision
20 (d) of Section 1646.1

21 (b) A nurse anesthetist who desires to administer general
22 anesthesia or deep sedation as set forth in subdivision (a) shall
23 apply to the board on an application form prescribed by the board
24 and shall submit all of the following:

25 (1) The payment of an application fee prescribed by this article.

26 (2) Evidence satisfactory to the board and the Board of
27 Registered Nursing showing that the applicant has successfully
28 completed an accredited program pursuant to subdivision (b) of
29 Section 2826.

30 (3) Documentation demonstrating that all equipment and drugs
31 required by the board are on the premises for use in any dental
32 office in which the nurse anesthetist administers general anesthesia
33 or deep sedation.

34 (c) Prior to issuance or renewal of a permit pursuant to this
35 section, the board may, at its discretion, require an onsite inspection
36 and evaluation of the facility, equipment, and personnel, including,
37 but not limited to, the certified registered nurse anesthetist and
38 procedures utilized. At least one of the people evaluating the
39 procedures utilized by the nurse anesthetist shall be a certified
40 registered nurse anesthetist expert in outpatient general anesthesia

1 or deep sedation who has been authorized or retained under contract
2 by the board for this purpose.

3 (d) A nurse anesthetist who has failed an onsite inspection and
4 evaluation shall have their permit suspended automatically for 30
5 days after the date on which the board notifies the nurse anesthetist
6 of the failure unless within that time period the nurse anesthetist
7 has retaken and passed an onsite inspection and evaluation. A nurse
8 anesthetist who is issued a permit under this article shall be subject
9 to an onsite inspection and evaluation at least once every five years.
10 Refusal to submit to an inspection shall result in automatic denial
11 or revocation of the permit.

12 (e) A nurse anesthetist who additionally meets the requirements
13 of paragraphs (2) and (3) of subdivision (c) of Section 1646.2 may
14 apply to the board for a pediatric endorsement to provide general
15 anesthesia or deep sedation to a child under seven years of age. A
16 nurse anesthetist without sufficient cases to obtain a pediatric
17 endorsement may qualify for the endorsement pursuant to the
18 requirements of subdivision (d) of Section 1646.2.

19 SEC. 3. 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.

O

**Introduced by Senator Ochoa Bogh
(Coauthors: Senators Jones and Nielsen)**

February 15, 2022

An act to amend Sections 701, 703, 1006.5, and 2734 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1031, as introduced, Ochoa Bogh. Healing arts boards: inactive license fees.

Existing law establishes healing arts boards in the Department of Consumer Affairs to ensure private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California. Existing law requires each healing arts board to issue inactive licenses to holders of active licenses whose license is not punitively restricted by that board. Existing law prohibits the holder of an inactive license from engaging in any activity for which an active license is required. Existing law requires the renewal fee for an active license to apply to an inactive license, unless the board establishes a lower fee.

This bill would instead require the renewal fee for an inactive license to be $\frac{1}{2}$ of the amount of the fee for a renewal of an active license, unless the board establishes a lower fee. 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. Section 701 of the Business and Professions Code
2 is amended to read:

3 701. (a) As used in this article, “board” refers to ~~any a~~ healing
4 arts board, division, or examining committee ~~which that~~ licenses
5 or certifies health professionals.

6 (b) Each healing arts board referred to in this division shall
7 issue, upon application and payment of the ~~normal renewal fee,~~
8 *inactive license renewal fee, in an amount determined by the board*
9 *pursuant to Section 703*, an inactive license or certificate to a
10 current holder of an active license or certificate whose license or
11 certificate is not suspended, revoked, or otherwise punitively
12 restricted by that board.

13 SEC. 2. Section 703 of the Business and Professions Code is
14 amended to read:

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

22 (b) ~~The Notwithstanding any other law, the renewal fee for a~~
23 ~~license or certificate in an active status shall apply also for inactive~~
24 ~~status shall be one-half of the amount of the fee for the renewal of~~
25 ~~a license or certificate in an inactive active status, unless a lower~~
26 ~~fee has been established by the issuing board. the issuing board~~
27 ~~establishes a lower fee.~~

28 SEC. 3. Section 1006.5 of the Business and Professions Code
29 is amended to read:

30 1006.5. Notwithstanding any other law, the amount of
31 regulatory fees necessary to carry out the responsibilities required
32 by the Chiropractic Initiative Act and this chapter are fixed in the
33 following schedule:

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

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

- 1 (c) Fee to renew an active ~~or inactive~~ license to practice
2 chiropractic: three hundred thirteen dollars (\$313).
- 3 (d) Fee to apply for approval as a continuing education provider:
4 eighty-four dollars (\$84).
- 5 (e) Biennial continuing education provider renewal fee: fifty-six
6 dollars (\$56).
- 7 (f) Fee to apply for approval of a continuing education course:
8 fifty-six dollars (\$56) per course.
- 9 (g) Fee to apply for a satellite office certificate: sixty-two dollars
10 (\$62).
- 11 (h) Fee to renew a satellite office certificate: thirty-one dollars
12 (\$31).
- 13 (i) Fee to apply for a license to practice chiropractic pursuant
14 to Section 9 of the Chiropractic Initiative Act: three hundred
15 seventy-one dollars (\$371).
- 16 (j) Fee to apply for a certificate of registration of a chiropractic
17 corporation: one hundred eighty-six dollars (\$186).
- 18 (k) Fee to renew a certificate of registration of a chiropractic
19 corporation: thirty-one dollars (\$31).
- 20 (l) Fee to file a chiropractic corporation special report: thirty-one
21 dollars (\$31).
- 22 (m) Fee to apply for approval as a referral service: five hundred
23 fifty-seven dollars (\$557).
- 24 (n) Fee for an endorsed verification of licensure: one hundred
25 twenty-four dollars (\$124).
- 26 (o) Fee for replacement of a lost or destroyed license: fifty
27 dollars (\$50).
- 28 (p) Fee for replacement of a satellite office certificate: fifty
29 dollars (\$50).
- 30 (q) Fee for replacement of a certificate of registration of a
31 chiropractic corporation: fifty dollars (\$50).
- 32 (r) Fee to restore a forfeited or canceled license to practice
33 chiropractic: double the annual renewal fee specified in subdivision
34 (c).
- 35 (s) Fee to apply for approval to serve as a preceptor: thirty-one
36 dollars (\$31).
- 37 (t) Fee to petition for reinstatement of a revoked license: three
38 hundred seventy-one dollars (\$371).
- 39 (u) Fee to petition for early termination of probation: three
40 hundred seventy-one dollars (\$371).

1 (v) Fee to petition for reduction of penalty: three hundred
2 seventy-one dollars (\$371).

3 SEC. 4. Section 2734 of the Business and Professions Code is
4 amended to read:

5 2734. Upon application in writing to the board and payment
6 of ~~the biennial renewal fee~~, *a renewal fee, in an amount determined*
7 *by the board pursuant to Section 703*, a licensee may have ~~his~~ *their*
8 license placed in an inactive status for an indefinite period of time.
9 A licensee whose license is in an inactive status ~~may~~ *shall* not
10 practice nursing. However, ~~such a licensee does not have the~~
11 *licensee is not required* to comply with the continuing education
12 standards of Section 2811.5.

O

AMENDED IN SENATE MARCH 30, 2022

SENATE BILL

No. 1237

Introduced by Senator Newman

February 17, 2022

An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as amended, Newman. Licenses: military service.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee's or registrant's license without examination or penalty if certain requirements are met.

Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.

This bill would ~~require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California.~~ *define the phrase*

“called to active duty” to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified. This bill would also make nonsubstantive changes to those provisions.

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 114.3 of the Business and Professions
2 Code is amended to read:

3 114.3. (a) Notwithstanding any other law, every board, as
4 defined in Section 22, within the department shall waive the
5 renewal fees, continuing education requirements, and other renewal
6 requirements as determined by the board, if any are applicable,
7 for a licensee or registrant called to active duty as a member of
8 the United States Armed Forces or the California National Guard
9 if all of the following requirements are met:

10 (1) The licensee or registrant possessed a current and valid
11 license with the board at the time the licensee or registrant was
12 called to active duty.

13 (2) The renewal requirements are waived only for the period
14 during which the licensee or registrant is on active duty service.

15 (3) Written documentation that substantiates the licensee or
16 registrant’s active duty service is provided to the board.

17 (b) *For purposes of this section, the phrase “called to active
18 duty” shall have the same meaning as “active duty” as defined in
19 Section 101 of Title 10 of the United States Code and shall
20 additionally include individuals who are on active duty in the
21 California National Guard, whether due to proclamation of a state
22 of insurrection pursuant to Section 143 of the Military and Veterans
23 Code or due to a proclamation of a state extreme emergency or
24 when the California National Guard is otherwise on active duty
25 pursuant to Section 146 of the Military and Veterans Code.*

26 ~~(b)~~

27 (c) (1) Except as specified in paragraph (2), the licensee or
28 registrant shall not engage in any activities requiring a license
29 during the period that the waivers provided by this section are in
30 effect.

31 (2) If the licensee or registrant will provide services for which
32 the licensee or registrant is licensed while on active duty, the board

1 shall convert the license status to military active and no private
2 practice of any type shall be permitted.

3 ~~(e)~~

4 (d) In order to engage in any activities for which the licensee
5 or registrant is licensed once discharged from active duty, the
6 licensee or registrant shall meet all necessary renewal requirements
7 as determined by the board within six months from the licensee's
8 or registrant's date of discharge from active duty service.

9 ~~(e)~~

10 (e) After a licensee or registrant receives notice of the licensee
11 or registrant's discharge date, the licensee or registrant shall notify
12 the board of their discharge from active duty within 60 days of
13 receiving their notice of discharge.

14 ~~(e) A board shall waive the renewal fees of a licensee or~~
15 ~~registrant called to active duty as a member of the United States~~
16 ~~Armed Forces or the California National Guard if the licensee or~~
17 ~~registrant is stationed outside of California.~~

18 (f) A board may adopt regulations to carry out the provisions
19 of this section.

20 (g) This section shall not apply to any board that has a similar
21 license renewal waiver process statutorily authorized for that board.

O

Introduced by Senator LeyvaFebruary 18, 2022

An act to amend Section 328 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1310, as introduced, Leyva. Professions and vocations: consumer complaints.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs, and requires the director to receive complaints from consumers concerning prescribed matters, including violations of California law governing businesses and professions licensed by any agency of the department, and promulgated regulations. Existing law requires the director, through the Division of Investigation, to implement complaint prioritization guidelines for boards within the department to utilize in prioritizing their respective complaint and investigative workloads. Existing law requires the director to amend the guidelines to include the category of "allegations of serious harm to a minor" under the "urgent" or "highest priority" level on or before July 1, 2019.

This bill would require the director to post these guidelines on the department's internet website and periodically amend this material. The bill would remove the obsolete provision requiring the director to amend the guidelines to include the category described above under the "urgent" or "highest priority" level.

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 328 of the Business and Professions Code
2 is amended to read:
3 328. (a) In order to implement the Consumer Protection
4 Enforcement Initiative of 2010, the director, through the Division
5 of Investigation, shall implement “Complaint Prioritization
6 Guidelines” for boards to utilize in prioritizing their respective
7 complaint and investigative workloads. The guidelines shall be
8 used to determine the referral of complaints to the division and
9 those that are retained by the health care boards for investigation.
10 *The director shall post these guidelines on the department’s*
11 *internet website and shall periodically amend this material.*
12 (b) Neither the Medical Board of California nor the Podiatric
13 Medical Board of California shall be required to utilize the
14 guidelines implemented pursuant to subdivision (a).
15 ~~(c) On or before July 1, 2019, the director shall amend the~~
16 ~~guidelines implemented pursuant to subdivision (a) to include the~~
17 ~~category of “allegations of serious harm to a minor” under the~~
18 ~~“urgent” or “highest priority” level.~~

O

Introduced by Senator JonesFebruary 18, 2022

An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1365, as introduced, Jones. Licensing boards: procedures.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require the department to establish a process to assist each board in developing its internet website, as specified.

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

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 114.6 is added to the Business and
2 Professions Code, to read:
3 114.6. (a) Each board within the department shall publicly
4 post on its internet website a list of criteria used to evaluate
5 applicants with criminal convictions so that potential applicants
6 for licensure may be better informed about their possibilities of
7 gaining licensure before investing time and resources into
8 education, training, and application fees.
9 (b) The department shall do all of the following:
10 (1) (A) Establish a process to assist each board in developing
11 its internet website in compliance with subdivision (a).
12 (B) As part of this process, the department shall disseminate
13 materials to, and serve as a clearing house to, boards in order to
14 provide guidance and best practices in assisting applicants with
15 criminal convictions gain employment.
16 (2) (A) Develop a process for each board to use in verifying
17 applicant information and performing background checks of
18 applicants.
19 (B) In developing this process, the board may examine the model
20 used for performing background checks of applicants established
21 by the Department of Insurance. The process developed shall
22 require applicants with convictions to provide certified court
23 documents instead of listing convictions on application documents.
24 This process shall prevent license denials due to unintentional
25 reporting errors. This process shall also include procedures to
26 expedite the fee-waiver process for any low-income applicant
27 requesting a background check.
28 (3) (A) Develop a procedure to provide for an informal appeals
29 process.
30 (B) In developing this informal appeals process, the department
31 may examine the model for informal appeals used by the Bureau
32 of Security and Investigative Services. The informal appeals

- 1 process shall occur between an initial license denial and an
- 2 administrative law hearing.

O

AMENDED IN ASSEMBLY JUNE 21, 2022

AMENDED IN SENATE MAY 19, 2022

SENATE BILL

No. 1443

Introduced by Senator Roth

February 18, 2022

An act to amend Sections 1601.1, 1616.5, 2456.1, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 7573.5, 7576, 7588.8, 7593.1, 7593.5, 7599.80, 7599.345, 7602, 7653, 7712.5, 7712.9, 7729, 7729.3, 7729.4, 7729.5, 7729.6, 7729.7, 7729.8, 7729.10, 7730, 7730.1, 7730.2, 7730.3, 7730.4, 7730.5, 7730.6, 7730.7, 7730.8, 7730.10, 7730.11, 8000, 8005, 8030.2, 8030.4, 8030.6, 8030.8, 8050, 8051, 8710, 9812.5, 9830.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 9873, ~~18602, and 18613~~ of *and 18602 of, and to add Section 7729.11 to*, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefore.

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as amended, Roth. The Department of Consumer Affairs.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025, and make related conforming changes.

Existing law specifies that all osteopathic physician's and surgeon's certificates shall expire at midnight on the last day of the birth month of the licensee during the 2nd year of a 2-year term. Existing law requires the Osteopathic Medical Board of California to establish by regulation procedures for the administration of a birth date renewal program.

This bill, instead, would specify that physician's and surgeon's certificates shall be issued for 2 years and shall expire at midnight on the last day of the month in which the license was issued. The bill would also remove the provisions requiring the board to establish procedures for the administration of a birth date renewal program.

Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services and makes violations of those provisions a crime. Existing law, until January 1, 2024, authorizes the bureau to issue a private investigator license to a limited liability company.

This bill would extend that date to January 1, 2025. By extending the operation of these provisions, the bill would impose a state-mandated local program.

Existing law, the Alarm Company Act, establishes the Bureau of Security and Investigative Services headed by the Chief of the Bureau of Security and Investigative Services within the Department of Consumer Affairs and sets forth its powers and duties over the licensure, registration, and regulation of alarm company operators. Existing law prohibits a person from engaging in the activities of an alarm company operator unless the person holds a valid alarm company operator's license. Existing law makes a violation of these provisions a crime. Existing law authorizes the bureau to establish fees and penalties for licensure and registration. Existing law, beginning on January 1, 2024, prohibits an alarm company operator from conducting business under these provisions as a limited liability company.

This bill would extend that date until January 1, 2025, and make other conforming changes. By extending the operation of these provisions, the bill would impose a state-mandated local program.

Existing law, the Cemetery and Funeral Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel. Existing law authorizes the bureau to set the amount, within specified parameters, of various fees and regulatory charges under the act,

including fees and charges relating to a certificate of authority, a crematory license, a funeral director's license, a funeral establishment's license, an embalmer's license, a cemetery broker's license, a cemetery salesperson's license, a cremated remains disposer, a crematory manager license, a cemetery manager license, a cemetery authority operating a cemetery, and a hydrolysis facility license.

This bill would remove the bureau's authority to set the amount of those fees and, instead, specify the amount of each fee. The bill would establish a delinquent renewal fee for a funeral establishment license. The bill would make other conforming changes.

Existing law authorizes a cemetery authority that maintains a cemetery to place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. Existing law prohibits commingling special care funds derived from trusts created by a revocable agreement for investment and requires those funds to be accounted for separately from all other funds. Existing law requires a cemetery authority to file with the bureau an annual audit report of the endowment care fund and special care fund, as specified.

This bill would establish fees for filing an annual report on the endowment care fund and special care fund, as specified.

Existing law requires, until January 1, 2024, funds generated by fees received by the Court Reporters Board of California, pursuant to specified provisions, in excess of funds needed to support the board's operating budget for the fiscal year, to be transferred from the Court Reporters' Fund and used by the board for the purpose of establishing and maintaining a Transcript Reimbursement Fund, which is continuously appropriated, to provide shorthand reporting services to low-income litigants in civil cases who are unable to otherwise afford those services.

This bill would continue the operation of provisions that provide for funds to be transferred into the Transcript Reimbursement Fund until January 1, 2025, and make other conforming changes. By continuing the transfer of funds into a continuously appropriated fund, the bill would make an appropriation.

Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, unless the person or entity is a licensed shorthand reporter, a shorthand reporting corporation, or one

of specified other persons or entities not subject to those provisions. Existing law makes a violation of these provisions a misdemeanor. Existing law, on and after July 1, 2022, and until January 1, 2024, authorizes an entity that is not a shorthand reporting corporation to engage in specified acts if the entity is approved for registration by the board, as specified.

This bill would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is approved for registration by the board, as specified, until January 1, 2025. Because a violation of the provisions regulating shorthand reporting is a crime, by expanding the provisions described above to apply to these additional registrants, the bill would expand the scope of a crime and impose a state-mandated local program.

Existing law specifies that there is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of a director. Existing law, the Electronic and Appliance Repair Dealer Registration Law, regulates service dealers, as defined, and applies its provisions, until January 1, 2023, to service contractors. Among other things, existing law, until January 1, 2023, requires the director to gather evidence of specified violations by any service contractor and to conduct spot check investigations of service contractors throughout the state on a continuous basis. Existing law establishes the Electronic and Appliance Repair Fund, a continuously appropriated fund, and establishes a specified fee structure that, among other things, specifies the initial registration fee and annual renewal fee for a service dealer or service contractor who does not operate a place of business in this state. Existing law revises those provisions and repeals the provisions applicable to an out-of-state service contractor on January 1, 2023.

This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024. The bill would extend the fee schedule and provisions applicable to an out-of-state service contractor until January 1, 2024. Because the bill would continue the operation of provisions that require service contractors to pay fees that are deposited into a continuously appropriated fund, the Electronic and Appliance Repair Fund, this bill would make an appropriation.

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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 1601.1 of the Business and Professions
2 Code is amended to read:

3 1601.1. (a) There shall be in the Department of Consumer
4 Affairs the Dental Board of California in which the administration
5 of this chapter is vested. The board shall consist of eight practicing
6 dentists, one registered dental hygienist, one registered dental
7 assistant, and five public members. Of the eight practicing dentists,
8 one shall be a member of a faculty of any California dental college,
9 and one shall be a dentist practicing in a nonprofit community
10 clinic. The appointing powers, described in Section 1603, may
11 appoint to the board a person who was a member of the prior board.
12 The board shall be organized into standing committees dealing
13 with examinations, enforcement, and other subjects as the board
14 deems appropriate.

15 (b) For purposes of this chapter, any reference in this chapter
16 to the Board of Dental Examiners shall be deemed to refer to the
17 Dental Board of California.

18 (c) The board shall have all authority previously vested in the
19 existing board under this chapter. The board may enforce all
20 disciplinary actions undertaken by the previous board.

21 (d) This section shall remain in effect only until January 1, 2025,
22 and as of that date is repealed. Notwithstanding any other law, the
23 repeal of this section renders the board subject to review by the
24 appropriate policy committees of the Legislature.

25 SEC. 2. Section 1616.5 of the Business and Professions Code
26 is amended to read:

27 1616.5. (a) The board, by and with the approval of the director,
28 may appoint a person exempt from civil service who shall be
29 designated as an executive officer and who shall exercise the

1 powers and perform the duties delegated by the board and vested
2 in the executive officer by this chapter.

3 (b) This section shall remain in effect only until January 1, 2025,
4 and as of that date is repealed.

5 *SEC. 3. Section 2456.1 of the Business and Professions Code*
6 *is amended to read:*

7 2456.1. All osteopathic physician’s and surgeon’s certificates
8 shall *be issued for two years and shall expire at 12* midnight on
9 the last day of the ~~birth~~ month of the licensee *in which the license*
10 *was issued* during the second year of ~~a~~ *the* two-year term if not
11 renewed on or before that day.

12 ~~The board shall establish by regulation procedures for the~~
13 ~~administration of a birth date renewal program, including, but not~~
14 ~~limited to, the establishment of a system of staggered license~~
15 ~~expiration dates such that a relatively equal number of licenses~~
16 ~~expire monthly.~~

17 To renew an unexpired license, the licensee shall, on or before
18 the dates on which it would otherwise expire, apply for renewal
19 on a form prescribed by the board and pay the prescribed renewal
20 fee.

21 ~~SEC. 3.~~

22 *SEC. 4. Section 5000 of the Business and Professions Code*
23 *is amended to read:*

24 5000. (a) There is in the Department of Consumer Affairs the
25 California Board of Accountancy, which consists of 15 members,
26 7 of whom shall be licensees, and 8 of whom shall be public
27 members who shall not be licentiates of the board or registered by
28 the board. The board has the powers and duties conferred by this
29 chapter.

30 (b) The Governor shall appoint four of the public members, and
31 the seven licensee members as provided in this section. The Senate
32 Committee on Rules and the Speaker of the Assembly shall each
33 appoint two public members. In appointing the seven licensee
34 members, the Governor shall appoint individuals representing a
35 cross section of the accounting profession.

36 (c) This section shall remain in effect only until January 1, 2025,
37 and as of that date is repealed.

38 (d) Notwithstanding any other law, the repeal of this section
39 renders the board subject to review by the appropriate policy
40 committees of the Legislature. However, the review of the board

1 shall be limited to reports or studies specified in this chapter and
2 those issues identified by the appropriate policy committees of the
3 Legislature and the board regarding the implementation of new
4 licensing requirements.

5 ~~SEC. 4.~~

6 *SEC. 5.* Section 5015.6 of the Business and Professions Code
7 is amended to read:

8 5015.6. The board may appoint a person exempt from civil
9 service who shall be designated as an executive officer and who
10 shall exercise the powers and perform the duties delegated by the
11 board and vested in the executive officer by this chapter.

12 This section shall remain in effect only until January 1, 2025,
13 and as of that date is repealed.

14 ~~SEC. 5.~~

15 *SEC. 6.* Section 5510 of the Business and Professions Code
16 is amended to read:

17 5510. There is in the Department of Consumer Affairs a
18 California Architects Board which consists of 10 members.

19 Any reference in law to the California Board of Architectural
20 Examiners shall mean the California Architects Board.

21 This section shall remain in effect only until January 1, 2025,
22 and as of that date is repealed. Notwithstanding any other law, the
23 repeal of this section renders the board subject to review by the
24 appropriate policy committees of the Legislature.

25 ~~SEC. 6.~~

26 *SEC. 7.* Section 5517 of the Business and Professions Code
27 is amended to read:

28 5517. The board may appoint a person exempt from civil
29 service who shall be designated as an executive officer and who
30 shall exercise the powers and perform the duties delegated by the
31 board and vested in the executive officer by this chapter.

32 This section shall remain in effect only until January 1, 2025,
33 and as of that date is repealed.

34 ~~SEC. 7.~~

35 *SEC. 8.* Section 5620 of the Business and Professions Code
36 is amended to read:

37 5620. The duties, powers, purposes, responsibilities, and
38 jurisdiction of the California State Board of Landscape Architects
39 that were succeeded to and vested with the Department of
40 Consumer Affairs in accordance with Chapter 908 of the Statutes

1 of 1994 are hereby transferred to the California Architects Board.
2 The Legislature finds that the purpose for the transfer of power is
3 to promote and enhance the efficiency of state government and
4 that assumption of the powers and duties by the California
5 Architects Board shall not be viewed or construed as a precedent
6 for the establishment of state regulation over a profession or
7 vocation that was not previously regulated by a board, as defined
8 in Section 477.

9 (a) There is in the Department of Consumer Affairs a California
10 Architects Board as defined in Article 2 (commencing with Section
11 5510) of Chapter 3 of Division 3.

12 Whenever in this chapter “board” is used, it refers to the
13 California Architects Board.

14 (b) Except as provided herein, the board may delegate its
15 authority under this chapter to the Landscape Architects Technical
16 Committee.

17 (c) After review of proposed regulations, the board may direct
18 the examining committee to notice and conduct hearings to adopt,
19 amend, or repeal regulations pursuant to Section 5630, provided
20 that the board itself shall take final action to adopt, amend, or
21 repeal those regulations.

22 (d) The board shall not delegate its authority to discipline a
23 landscape architect or to take action against a person who has
24 violated this chapter.

25 (e) This section shall remain in effect only until January 1, 2025,
26 and as of that date is repealed.

27 ~~SEC. 8.~~

28 *SEC. 9.* Section 5621 of the Business and Professions Code
29 is amended to read:

30 5621. (a) There is hereby created within the jurisdiction of the
31 board, a Landscape Architects Technical Committee, hereinafter
32 referred to in this chapter as the landscape architects committee.

33 (b) The landscape architects committee shall consist of five
34 members who shall be licensed to practice landscape architecture
35 in this state. The Governor shall appoint three of the members.
36 The Senate Committee on Rules and the Speaker of the Assembly
37 shall appoint one member each.

38 (c) The initial members to be appointed by the Governor are as
39 follows: one member for a term of one year; one member for a
40 term of two years; and one member for a term of three years. The

1 Senate Committee on Rules and the Speaker of the Assembly shall
2 initially each appoint one member for a term of four years.
3 Thereafter, appointments shall be made for four-year terms,
4 expiring on June 1 of the fourth year and until the appointment
5 and qualification of the member's successor or until one year shall
6 have elapsed, whichever first occurs. Vacancies shall be filled for
7 the unexpired term.

8 (d) No person shall serve as a member of the landscape
9 architects committee for more than two consecutive terms.

10 (e) This section shall remain in effect only until January 1, 2025,
11 and as of that date is repealed.

12 ~~SEC. 9.~~

13 *SEC. 10.* Section 5622 of the Business and Professions Code
14 is amended to read:

15 5622. (a) The landscape architects committee may assist the
16 board in the examination of candidates for a landscape architect's
17 license and, after investigation, evaluate and make
18 recommendations regarding potential violations of this chapter.

19 (b) The landscape architects committee may investigate, assist,
20 and make recommendations to the board regarding the regulation
21 of landscape architects in this state.

22 (c) The landscape architects committee may perform duties and
23 functions that have been delegated to it by the board pursuant to
24 Section 5620.

25 (d) The landscape architects committee may send a
26 representative to all meetings of the full board to report on the
27 committee's activities.

28 (e) This section shall remain in effect only until January 1, 2025,
29 and as of that date is repealed.

30 ~~SEC. 10.~~

31 *SEC. 11.* Section 6710 of the Business and Professions Code
32 is amended to read:

33 6710. (a) There is in the Department of Consumer Affairs a
34 Board for Professional Engineers, Land Surveyors, and Geologists,
35 which consists of 15 members.

36 (b) Any reference in any law or regulation to the Board of
37 Registration for Professional Engineers and Land Surveyors, or
38 the Board for Professional Engineers and Land Surveyors, is
39 deemed to refer to the Board for Professional Engineers, Land
40 Surveyors, and Geologists.

1 (c) This section shall remain in effect only until January 1, 2025,
2 and as of that date is repealed. Notwithstanding any other law, the
3 repeal of this section renders the board subject to review by the
4 appropriate policy committees of the Legislature.

5 ~~SEC. 11.~~

6 *SEC. 12.* Section 6714 of the Business and Professions Code
7 is amended to read:

8 6714. The board shall appoint an executive officer at a salary
9 to be fixed and determined by the board with the approval of the
10 Director of Finance.

11 This section shall remain in effect only until January 1, 2025,
12 and as of that date is repealed.

13 ~~SEC. 12.~~

14 *SEC. 13.* Section 6981 of the Business and Professions Code
15 is amended to read:

16 6981. Notwithstanding any other law, the powers and duties
17 of the bureau, as set forth in this chapter, shall be subject to review
18 by the appropriate policy committees of the Legislature. The review
19 shall be performed as if this chapter were scheduled to be repealed
20 as of January 1, 2025.

21 ~~SEC. 13.~~

22 *SEC. 14.* Section 7000.5 of the Business and Professions Code
23 is amended to read:

24 7000.5. (a) There is in the Department of Consumer Affairs
25 a Contractors State License Board, which consists of 15 members.

26 (b) Notwithstanding any other provision of law, the repeal of
27 this section renders the board subject to review by the appropriate
28 policy committees of the Legislature.

29 (c) This section shall remain in effect only until January 1, 2025,
30 and as of that date is repealed.

31 ~~SEC. 14.~~

32 *SEC. 15.* Section 7011 of the Business and Professions Code
33 is amended to read:

34 7011. (a) The board, by and with the approval of the director,
35 shall appoint a registrar of contractors and fix the registrar's
36 compensation.

37 (b) The registrar shall be the executive officer and secretary of
38 the board and shall carry out all of the administrative duties as
39 provided in this chapter and as delegated to the registrar by the
40 board.

1 (c) For the purpose of administration of this chapter, there may
2 be appointed a deputy registrar, a chief reviewing and hearing
3 officer, and, subject to Section 159.5, other assistants and
4 subordinates as may be necessary.

5 (d) Appointments shall be made in accordance with the
6 provisions of civil service laws.

7 (e) This section shall remain in effect only until January 1, 2025,
8 and as of that date is repealed.

9 ~~SEC. 15.~~

10 *SEC. 16.* Section 7511.5 of the Business and Professions Code
11 is amended to read:

12 7511.5. Notwithstanding any other law, the powers and duties
13 of the bureau, as set forth in this chapter, shall be subject to review
14 by the appropriate policy committees of the Legislature. The review
15 shall be performed as if this chapter were scheduled to be repealed
16 as of January 1, 2025.

17 ~~SEC. 16.~~

18 *SEC. 17.* Section 7512.3 of the Business and Professions Code,
19 as amended by Section 76 of Chapter 312 of the Statutes of 2020,
20 is amended to read:

21 7512.3. (a) As used in this chapter, “person” includes any
22 individual, firm, company, limited liability company, association,
23 organization, partnership, and corporation.

24 (b) This section shall remain in effect only until January 1, 2025,
25 and as of that date is repealed.

26 ~~SEC. 17.~~

27 *SEC. 18.* Section 7512.3 of the Business and Professions Code,
28 as amended by Section 77 of Chapter 312 of the Statutes of 2020,
29 is amended to read:

30 7512.3. (a) As used in this chapter, “person” includes any
31 individual, firm, company, association, organization, partnership,
32 and corporation.

33 (b) This section shall become operative on January 1, 2025.

34 ~~SEC. 18.~~

35 *SEC. 19.* Section 7512.14 of the Business and Professions
36 Code is amended to read:

37 7512.14. (a) As used in this chapter, “member” means an
38 individual who is a member of a limited liability company as
39 specified in Section 17704.01 of the Corporations Code.

1 (b) This section shall remain in effect only until January 1, 2025,
2 and as of that date is repealed.

3 ~~SEC. 19.~~

4 *SEC. 20.* Section 7512.15 of the Business and Professions
5 Code is amended to read:

6 7512.15. (a) As used in this chapter, “manager” means an
7 individual designated under an operating agreement of a
8 manager-managed limited liability company who is responsible
9 for performing the management functions for the limited liability
10 company specified in subdivision (c) of Section 17704.07 of the
11 Corporations Code.

12 (b) This section shall remain in effect only until January 1, 2025,
13 and as of that date is repealed.

14 ~~SEC. 20.~~

15 *SEC. 21.* Section 7520.3 of the Business and Professions Code
16 is amended to read:

17 7520.3. (a) As a condition of the issuance, reinstatement,
18 reactivation, or continued valid use of a license under this chapter,
19 a limited liability company shall, in accordance with this section,
20 maintain a policy or policies of insurance against liability imposed
21 on or against it by law for damages arising out of claims based
22 upon acts, errors, or omissions arising out of the private investigator
23 services it provides.

24 (b) The total aggregate limit of liability under the policy or
25 policies of insurance required under this section shall be as follows:

26 (1) For a limited liability company licensee with five or fewer
27 persons named as members pursuant to subdivision (i) of Section
28 7525.1, the aggregate limit shall not be less than one million dollars
29 (\$1,000,000).

30 (2) For a limited liability company licensee with more than five
31 persons named as members pursuant to subdivision (i) of Section
32 7525.1, an additional one hundred thousand dollars (\$100,000) of
33 insurance shall be obtained for each person named as members of
34 the licensee except that the maximum amount of insurance is not
35 required to exceed five million dollars (\$5,000,000) in any one
36 designated period, less amounts paid in defending, settling, or
37 discharging claims as set forth under this section.

38 (c) Prior to the issuance, reinstatement, or reactivation of a
39 limited liability company license as provided under this chapter,
40 the applicant or licensee shall, in the manner prescribed by the

1 bureau, submit the information and documentation required by
2 this section and requested by the bureau, demonstrating compliance
3 with the financial security requirements specified by this section.

4 (d) For any insurance policy secured by a licensee in satisfaction
5 of this section, a Certificate of Liability Insurance, signed by an
6 authorized agent or employee of the insurer, shall be submitted
7 electronically or otherwise to the bureau. The insurer issuing the
8 certificate shall report to the bureau the following information for
9 any policy required under this section: name, license number,
10 policy number, dates that coverage is scheduled to commence and
11 lapse, and cancellation date if applicable. The insurer shall list the
12 bureau as the certificate holder for the purposes of receiving
13 notifications related to the policy's status.

14 (e) (1) If a licensee fails to maintain sufficient insurance as
15 required by this section, or fails to provide proof of the required
16 insurance upon request by the bureau, the license is subject to
17 suspension and shall be automatically suspended pursuant to this
18 subdivision until the date that the licensee provides proof to the
19 bureau of compliance with the insurance coverage requirement.

20 (2) Prior to an automatic suspension, the bureau shall notify the
21 licensee, in writing, that it has 30 days to provide proof to the
22 bureau of having the required insurance or the license shall be
23 automatically suspended.

24 (3) If the licensee fails to provide proof of insurance coverage
25 within this period, the bureau may automatically suspend the
26 license.

27 (f) If the license of a limited liability company is suspended
28 pursuant to subdivision (e), each member of the limited liability
29 company shall be personally liable up to one million dollars
30 (\$1,000,000) each for damages resulting to third parties in
31 connection with the company's performance, during the period of
32 suspension, of any act or contract when a license is required by
33 this chapter.

34 (g) On and after July 1, 2018, a licensee organized as a limited
35 liability company shall report a paid or pending claim against its
36 liability insurance to the bureau, which shall post a notice of the
37 claim on the Department of Consumer Affairs BreEZe License
38 Verification Internet Web page.

39 (h) This section shall remain in effect only until January 1, 2025,
40 and as of that date is repealed.

1 ~~SEC. 21.~~

2 *SEC. 22.* Section 7525.1 of the Business and Professions Code,
3 as amended by Section 81 of Chapter 312 of the Statutes of 2020,
4 is amended to read:

5 7525.1. An application shall be verified and shall include:

6 (a) The full name and business address of the applicant.

7 (b) The name under which the applicant intends to do business.

8 (c) A statement as to the general nature of the business in which
9 the applicant intends to engage.

10 (d) A verified statement of their experience qualifications.

11 (e) (1) If the applicant is an individual, a qualified manager, a
12 partner of a partnership, an officer of a corporation designated in
13 subdivision (h), or a member, officer, or manager of a limited
14 liability company designated in subdivision (i), one personal
15 identification form provided by the bureau upon which shall appear
16 a photograph taken within one year immediately preceding the
17 date of the filing of the application together with two legible sets
18 of fingerprints, one set of which shall be forwarded to the Federal
19 Bureau of Investigation for purposes of a background check, on a
20 form approved by the Department of Justice, and a personal
21 description of each person, respectively. The identification form
22 shall include residence addresses and employment history for the
23 previous five years and be signed under penalty of perjury.

24 (2) The bureau may impose a fee not to exceed three dollars
25 (\$3) for processing classifiable fingerprint cards submitted by
26 applicants, excluding those submitted into an electronic fingerprint
27 system using electronic fingerprint technology.

28 (f) In addition, if the applicant for a license is an individual, the
29 application shall list all other names known as or used during the
30 past 10 years and shall state that the applicant is to be personally
31 and actively in charge of the business for which the license is
32 sought. If any other qualified manager is to be actively in charge
33 of the business, the application shall be subscribed, verified, and
34 signed by the applicant, under penalty of perjury. If any other
35 person is to be actively in charge of the business, the application
36 shall also be subscribed, verified, and signed by that person under
37 penalty of perjury.

38 (g) If the applicants for a license are copartners, the application
39 shall state the true names and addresses of all partners and the
40 name of the partner to be actively in charge of the business for

1 which the license is sought and list all other names known as or
2 used during the past 10 years. If a qualified manager other than a
3 partner is to be actively in charge of the business, then the
4 application shall be subscribed, verified, and signed by all of the
5 partners under penalty of perjury. If any other person is to be
6 actively in charge of the business, the application shall also be
7 subscribed, verified, and signed by that person, under penalty of
8 perjury, under penalty of perjury by all of the partners and the
9 qualified manager, or by all of the partners or the qualified
10 manager.

11 (h) If the applicant for a license is a corporation, the application
12 shall state the true names and complete residence addresses of the
13 chief executive officer, secretary, chief financial officer, and any
14 other corporate officer who will be active in the business to be
15 licensed. The application shall also state the name and address of
16 the designated person to be actively in charge of the business for
17 which the license is sought. The application shall be subscribed,
18 verified, and signed by a duly authorized officer of the applicant
19 and by the qualified manager thereof, under penalty of perjury.

20 (i) If the applicant for a license is a limited liability company,
21 the application shall state the true name and complete residence
22 address of each member, manager, and any officer who will be
23 active in the business to be licensed. A certified copy of the articles
24 of organization, as filed by the Secretary of State, shall be supplied
25 to the bureau upon request. In the case of a manager-managed
26 limited liability company, the application shall be subscribed,
27 verified, and signed by a manager; otherwise, in the case of a
28 member-managed limited liability company, the application shall
29 be subscribed, verified, and signed by a duly authorized member
30 of the applicant and by the qualified manager thereof. The
31 application shall also state whether any of the members, managers,
32 officers, or the qualified manager has ever used an alias.

33 (j) Any other information, evidence, statements, or documents
34 as may be required by the director.

35 (k) At the discretion of the applicant, a valid email address.

36 (l) This section shall remain in effect only until January 1, 2025,
37 and as of that date is repealed.

1 ~~SEC. 22.~~

2 SEC. 23. Section 7525.1 of the Business and Professions Code,
3 as amended by Section 82 of Chapter 312 of the Statutes of 2020,
4 is amended to read:

5 7525.1. An application shall be verified and shall include:

- 6 (a) The full name and business address of the applicant.
- 7 (b) The name under which the applicant intends to do business.
- 8 (c) A statement as to the general nature of the business in which
- 9 the applicant intends to engage.

10 (d) A verified statement of their experience qualifications.

11 (e) (1) If the applicant is an individual, a qualified manager, a
12 partner of a partnership, or an officer of a corporation designated
13 in subdivision (h), one personal identification form provided by
14 the bureau upon which shall appear a photograph taken within one
15 year immediately preceding the date of the filing of the application
16 together with two legible sets of fingerprints, one set of which
17 shall be forwarded to the Federal Bureau of Investigation for
18 purposes of a background check, on a form approved by the
19 Department of Justice, and a personal description of each person,
20 respectively. The identification form shall include residence
21 addresses and employment history for the previous five years and
22 be signed under penalty of perjury.

23 (2) The bureau may impose a fee not to exceed three dollars
24 (\$3) for processing classifiable fingerprint cards submitted by
25 applicants, excluding those submitted into an electronic fingerprint
26 system using electronic fingerprint technology.

27 (f) In addition, if the applicant for a license is an individual, the
28 application shall list all other names known as or used during the
29 past 10 years and shall state that the applicant is to be personally
30 and actively in charge of the business for which the license is
31 sought. If any other qualified manager is to be actively in charge
32 of the business, the application shall be subscribed, verified, and
33 signed by the applicant, under penalty of perjury. If any other
34 person is to be actively in charge of the business, the application
35 shall also be subscribed, verified, and signed by that person under
36 penalty of perjury.

37 (g) If the applicants for a license are copartners, the application
38 shall state the true names and addresses of all partners and the
39 name of the partner to be actively in charge of the business for
40 which the license is sought and list all other names known as or

1 used during the past 10 years. If a qualified manager other than a
2 partner is to be actively in charge of the business, then the
3 application shall be subscribed, verified, and signed by all of the
4 partners under penalty of perjury. If any other person is to be
5 actively in charge of the business, the application shall also be
6 subscribed, verified, and signed under penalty of perjury by that
7 person, by all of the partners and the qualified manager, or by all
8 of the partners or the qualified manager.

9 (h) If the applicant for a license is a corporation, the application
10 shall state the true names and complete residence addresses of the
11 chief executive officer, secretary, chief financial officer, and any
12 other corporate officer who will be active in the business to be
13 licensed. The application shall also state the name and address of
14 the designated person to be actively in charge of the business for
15 which the license is sought. The application shall be subscribed,
16 verified, and signed by a duly authorized officer of the applicant
17 and by the qualified manager thereof, under penalty of perjury.

18 (i) Any other information, evidence, statements, or documents
19 as may be required by the director.

20 (j) At the discretion of the applicant, a valid email address.

21 (k) This section shall become operative on January 1, 2025.

22 ~~SEC. 23.~~

23 *SEC. 24.* Section 7529 of the Business and Professions Code,
24 as amended by Section 83 of Chapter 312 of the Statutes of 2020,
25 is amended to read:

26 7529. (a) (1) Upon the issuance of and with each biennial
27 renewal of a license, a license in the form of an enhanced photo
28 identification card of the size, design, and content as may be
29 determined by the director or the director's designee shall be issued
30 by the bureau to each licensee, as follows:

31 (A) If the licensee is an individual, the enhanced photo
32 identification card shall be issued to the licensee and to the
33 licensee's qualified manager.

34 (B) If the licensee is a partnership, the enhanced photo
35 identification card shall be issued to each partner of the partnership
36 licensee active in the business and to the licensee's qualified
37 manager.

38 (C) If the licensee is a corporation, the enhanced photo
39 identification card shall be issued to each officer active in the
40 business and to the licensee's qualified manager.

1 (D) If the licensee is a limited liability company, the enhanced
2 photo identification card shall be issued to each member, officer,
3 and manager of the licensee active in the business and to the
4 licensee’s qualified manager.

5 (2) The enhanced photo identification card is evidence that the
6 licensee is licensed pursuant to this chapter. The card shall contain
7 the name of the licensee, license expiration date, and a photograph
8 of the licensee. The enhanced photo identification card shall clearly
9 state that the person is licensed as a private investigator or is the
10 qualified manager or officer of the licensee. The enhanced photo
11 identification card is to be composed of a durable material and
12 may incorporate technologically advanced security features. The
13 bureau may recover its costs in an amount sufficient to reimburse
14 the department’s costs for furnishing the enhanced photo
15 identification card. The fee charged shall not exceed the actual
16 direct costs for system development, maintenance, and processing
17 necessary to provide this service. The total amount of costs shall
18 be recovered by including that amount in the fee charged for the
19 initial application of and renewal of licensure. When the position,
20 office, or association with a licensee belonging to a person to whom
21 a card is issued is terminated, the person shall surrender the card
22 to the licensee and, within five days thereafter, the licensee shall
23 mail or deliver the card to the bureau for cancellation. Every
24 person, while engaged in any activity for which licensure is
25 required, shall display the person’s valid enhanced photo
26 identification card as provided by regulation.

27 (b) This section shall remain in effect only until January 1, 2025,
28 and as of that date is repealed.

29 ~~SEC. 24.~~

30 *SEC. 25.* Section 7529 of the Business and Professions Code,
31 as amended by Section 84 of Chapter 312 of the Statutes of 2020,
32 is amended to read:

33 7529. (a) Upon the issuance of and with each biennial renewal
34 of a license, a license in the form of an enhanced photo
35 identification card of the size, design, and content as may be
36 determined by the director or the director’s designee shall be issued
37 by the bureau to each licensee, as follows:

38 (1) If the licensee is an individual, the enhanced photo
39 identification card shall be issued to the licensee and to the
40 licensee’s qualified manager.

1 (2) If the licensee is a partnership, the enhanced photo
2 identification card shall be issued to each partner of the partnership
3 licensee active in the business and to the licensee’s qualified
4 manager.

5 (3) If the licensee is a corporation, the enhanced photo
6 identification card shall be issued to each officer active in the
7 business and to the licensee’s qualified manager.

8 (b) The enhanced photo identification card is evidence that the
9 licensee is licensed pursuant to this chapter. The card shall contain
10 the name of the licensee, license expiration date, and a photograph
11 of the licensee. The enhanced photo identification card shall clearly
12 state that the person is licensed as a private investigator or is the
13 qualified manager or officer of the licensee. The enhanced photo
14 identification card is to be composed of a durable material and
15 may incorporate technologically advanced security features. The
16 bureau may recover its costs in an amount sufficient to reimburse
17 the department’s costs for furnishing the enhanced photo
18 identification card. The fee charged shall not exceed the actual
19 direct costs for system development, maintenance, and processing
20 necessary to provide this service. The total amount of costs shall
21 be recovered by including that amount in the fee charged for the
22 initial application of and renewal of licensure. When the position,
23 office, or association with a licensee belonging to a person to whom
24 a card is issued is terminated, the person shall surrender the card
25 to the licensee and, within five days thereafter, the licensee shall
26 mail or deliver the card to the bureau for cancellation. Every
27 person, while engaged in any activity for which licensure is
28 required, shall display the person’s valid enhanced photo
29 identification card as provided by regulation.

30 (c) This section shall become operative on January 1, 2025.

31 ~~SEC. 25.~~

32 *SEC. 26.* Section 7533.5 of the Business and Professions Code,
33 as amended by Section 85 of Chapter 312 of the Statutes of 2020,
34 is amended to read:

35 7533.5. (a) A licensee shall notify the bureau within 30 days
36 of any change in its corporate officers required to be named
37 pursuant to subdivision (h) of Section 7525.1 or members or
38 managers required to be named pursuant to subdivision (i) of
39 Section 7525.1, and of any addition of a new partner.

1 (b) Applications, on forms prescribed by the director, shall be
2 submitted by all new officers, members or managers, and partners.
3 The director may suspend or revoke a license issued under this
4 chapter if the director determines that the new officer, member or
5 manager, or partner of a licensee has committed any of the acts
6 constituting grounds to deny an application for a license or to take
7 disciplinary action against a licensee pursuant to Section 7538 or
8 7538.5, respectively.

9 (c) This section shall remain in effect only until January 1, 2025,
10 and as of that date is repealed.

11 ~~SEC. 26.~~

12 *SEC. 27.* Section 7533.5 of the Business and Professions Code,
13 as amended by Section 86 of Chapter 312 of the Statutes of 2020,
14 is amended to read:

15 7533.5. (a) A licensee shall notify the bureau within 30 days
16 of any change in its corporate officers required to be named
17 pursuant to subdivision (h) of Section 7525.1, and of any addition
18 of a new partner.

19 (b) Applications, on forms prescribed by the director, shall be
20 submitted by all new officers and partners. The director may
21 suspend or revoke a license issued under this chapter if the director
22 determines that the new officer or partner of a licensee has
23 committed any of the acts constituting grounds to deny an
24 application for a license or to take disciplinary action against a
25 licensee pursuant to Section 7538 or 7538.5, respectively.

26 (c) This section shall become operative on January 1, 2025.

27 ~~SEC. 27.~~

28 *SEC. 28.* Section 7538 of the Business and Professions Code,
29 as amended by Section 87 of Chapter 312 of the Statutes of 2020,
30 is amended to read:

31 7538. (a) After a hearing the director may deny a license unless
32 the applicant makes a showing satisfactory to the director that the
33 applicant, if an individual, and the applicant's qualified manager
34 have not, or, if the applicant is a person other than an individual,
35 that its qualified manager and each of its officers, partners,
36 members, or managers have not:

37 (1) Committed any act that, if committed by a licensee, would
38 be a ground for the suspension or revocation of a license under
39 this chapter.

40 (2) Committed any act constituting dishonesty or fraud.

1 (3) Committed any act or crime constituting grounds for denial
2 of licensure under Section 480, including illegally using, carrying,
3 or possessing a deadly weapon.

4 (4) Been refused a license under this chapter or had a license
5 revoked.

6 (5) Been an officer, partner, qualified manager, member, or
7 manager of any person who has been refused a license under this
8 chapter or whose license has been revoked.

9 (6) While unlicensed committed, or aided and abetted the
10 commission of, any act for which a license is required by this
11 chapter.

12 (7) Knowingly made any false statement in their application.

13 (b) This section shall remain in effect only until January 1, 2025,
14 and as of that date is repealed.

15 ~~SEC. 28.~~

16 *SEC. 29.* Section 7538 of the Business and Professions Code,
17 as amended by Section 88 of Chapter 312 of the Statutes of 2020,
18 is amended to read:

19 7538. (a) After a hearing the director may deny a license unless
20 the applicant makes a showing satisfactory to the director that the
21 applicant, if an individual, and the applicant's qualified manager
22 have not, or, if the applicant is a person other than an individual,
23 that its qualified manager and each of its officers and partners have
24 not:

25 (1) Committed any act that, if committed by a licensee, would
26 be a ground for the suspension or revocation of a license under
27 this chapter.

28 (2) Committed any act constituting dishonesty or fraud.

29 (3) Committed any act or crime constituting grounds for denial
30 of licensure under Section 480, including illegally using, carrying,
31 or possessing a deadly weapon.

32 (4) Been refused a license under this chapter or had a license
33 revoked.

34 (5) Been an officer, partner, or qualified manager of any person
35 who has been refused a license under this chapter or whose license
36 has been revoked.

37 (6) While unlicensed committed, or aided and abetted the
38 commission of, any act for which a license is required by this
39 chapter.

40 (7) Knowingly made any false statement in their application.

1 (b) This section shall become operative on January 1, 2025.

2 ~~SEC. 29:~~

3 *SEC. 30.* Section 7538.5 of the Business and Professions Code,
4 as amended by Section 89 of Chapter 312 of the Statutes of 2020,
5 is amended to read:

6 7538.5. (a) The director may refuse to issue any license
7 provided for in this chapter to any of the following:

8 (1) An individual who has had any license revoked, has a license
9 currently under suspension, or failed to renew their license while
10 under suspension.

11 (2) An individual who, while acting as a partner of a partnership,
12 an officer or director of a corporation, or a member, manager, or
13 officer of a limited liability company, had their license revoked,
14 has a license currently under suspension, or failed to renew their
15 license while under suspension.

16 (3) An individual who, while acting as a partner of the
17 partnership, an officer, director of the corporation, or a member,
18 manager, or officer of a limited liability company meets both of
19 the following conditions:

20 (A) The individual was a partner of any partnership, an officer
21 or director of any corporation, or a member, manager, or officer
22 of any limited liability company whose license was revoked, is
23 currently under suspension, or was not renewed while under
24 suspension.

25 (B) While acting as a partner, officer, director, member, or
26 manager, they participated in any of the prohibited acts for which
27 the license was revoked or suspended.

28 (4) An individual who is serving or has served as the qualified
29 manager for any licensee that has had its license revoked, is
30 currently under suspension, or failed to renew while under
31 suspension.

32 (b) This section shall remain in effect only until January 1, 2025,
33 and as of that date is repealed.

34 ~~SEC. 30:~~

35 *SEC. 31.* Section 7538.5 of the Business and Professions Code,
36 as amended by Section 90 of Chapter 312 of the Statutes of 2020,
37 is amended to read:

38 7538.5. (a) The director may refuse to issue any license
39 provided for in this chapter to any of the following:

1 (1) An individual who has had any license revoked, has a license
2 currently under suspension, or failed to renew their license while
3 under suspension.

4 (2) An individual who, while acting as a partner of a partnership,
5 or an officer or director of a corporation, had their license revoked,
6 has a license currently under suspension, or failed to renew their
7 license while under suspension.

8 (3) An individual, who, while acting as a partner of the
9 partnership, or an officer or director of the corporation, meets both
10 of the following conditions:

11 (A) The individual was a partner of any partnership, or an officer
12 or director of any corporation, whose license was revoked, is
13 currently under suspension, or was not renewed while under
14 suspension.

15 (B) The individual, while acting as a partner, officer, or director,
16 participated in any of the prohibited acts for which the license was
17 revoked or suspended.

18 (4) An individual who is serving or has served as the qualified
19 manager for any licensee that has had its license revoked, is
20 currently under suspension, or failed to renew while under
21 suspension.

22 (b) This section shall become operative on January 1, 2025.

23 ~~SEC. 31.~~

24 *SEC. 32.* Section 7539 of the Business and Professions Code,
25 as amended by Section 91 of Chapter 312 of the Statutes of 2020,
26 is amended to read:

27 7539. (a) Any licensee or officer, director, partner, member,
28 manager, or qualified manager of a licensee may divulge to any
29 law enforcement officer or district attorney, or their representative,
30 any information they may acquire as to any criminal offense, but
31 they shall not divulge to any other person, except as otherwise
32 required by law, any information acquired by them except at the
33 direction of the employer or client for whom the information was
34 obtained.

35 (b) A licensee or officer, director, partner, member, manager,
36 qualified manager, or employee of a licensee shall not knowingly
37 make any false report to their employer or client for whom
38 information was being obtained.

39 (c) A written report shall not be submitted to a client except by
40 the licensee, qualified manager, or a person authorized by one or

1 either of them, and the person submitting the report shall exercise
2 diligence in ascertaining whether or not the facts and information
3 in the report are true and correct.

4 (d) A licensee, or officer, director, partner, manager, member,
5 qualified manager, or employee of a licensee shall not use a badge
6 in connection with the official activities of the licensee's business.

7 (e) A licensee, or officer, director, partner, manager, member,
8 qualified manager, or employee of a licensee, shall not use a title,
9 or wear a uniform, or use an insignia, or use an identification card,
10 or make any statement with the intent to give an impression that
11 they are connected in any way with the federal government, a state
12 government, or any political subdivision of a state government.

13 (f) A licensee, or officer, partner, manager, member, qualified
14 manager, or employee of a licensee shall not use any identification
15 to indicate that they are licensed as a private investigator other
16 than the official identification card issued by the bureau or the
17 business card regularly used by the business. However, a licensee
18 may issue an employer identification card.

19 (g) A licensee, or officer, director, partner, manager, member,
20 qualified manager, or employee of a licensee, shall not enter any
21 private building or portion thereof, except premises commonly
22 accessible to the public, without the consent of the owner or of the
23 person in legal possession thereof.

24 (h) A licensee shall not permit an employee or agent in their
25 own name to advertise, engage clients, furnish reports or present
26 bills to clients, or in any manner conduct business for which a
27 license is required under this chapter. All business of the licensee
28 shall be conducted in the name of and under the control of the
29 licensee.

30 (i) A licensee, or officer, director, partner, manager, member,
31 qualified manager, or employee of a licensee shall not knowingly
32 and directly solicit employment from any person who has directly
33 sustained bodily injury or from that person's spouse or other family
34 member to obtain authorization on behalf of the injured person as
35 an investigator to investigate the accident or act that resulted in
36 injury or death to that person or damage to the property of that
37 person. Nothing in this subdivision shall prohibit the soliciting of
38 employment from that injured person's attorney, insurance
39 company, self-insured administrator, insurance adjuster, employer,
40 or any other person having an indirect interest in the investigation

1 of the injury. This subdivision shall not apply to any business agent
2 or attorney employed by a labor organization. A licensee, or officer,
3 director, partner, manager, member, or qualified manager of a
4 licensee shall not pay or compensate any of their employees or
5 agents on the basis of a bonus, bounty, or quota system whereby
6 a premium is placed on the number of employer or client rule
7 violations or infractions purportedly discovered as a result of any
8 investigation made by a licensee.

9 (j) A licensee shall not use a fictitious business name in
10 connection with the official activities of the licensee's business,
11 except as provided by the bureau.

12 (k) This section shall remain in effect only until January 1, 2025,
13 and as of that date is repealed.

14 ~~SEC. 32.~~

15 *SEC. 33.* Section 7539 of the Business and Professions Code,
16 as amended by Section 92 of Chapter 312 of the Statutes of 2020,
17 is amended to read:

18 7539. (a) A licensee or officer, director, partner, or qualified
19 manager of a licensee may divulge to any law enforcement officer
20 or district attorney, or their representative, any information they
21 may acquire as to any criminal offense, but they shall not divulge
22 to any other person, except as otherwise required by law, any
23 information acquired by them except at the direction of the
24 employer or client for whom the information was obtained.

25 (b) A licensee or officer, director, partner, qualified manager,
26 or employee of a licensee shall not knowingly make any false
27 report to their employer or client for whom information was being
28 obtained.

29 (c) A written report shall not be submitted to a client except by
30 the licensee, qualified manager, or a person authorized by one or
31 either of them, and the person submitting the report shall exercise
32 diligence in ascertaining whether or not the facts and information
33 in the report are true and correct.

34 (d) A licensee, or officer, director, partner, qualified manager,
35 or employee of a licensee shall not use a badge in connection with
36 the official activities of the licensee's business.

37 (e) A licensee, or officer, director, partner, qualified manager,
38 or employee of a licensee, shall not use a title, or wear a uniform,
39 or use an insignia, or use an identification card, or make any
40 statement with the intent to give an impression that they are

1 connected in any way with the federal government, a state
2 government, or any political subdivision of a state government.

3 (f) A licensee, or officer, partner, qualified manager, or
4 employee of a licensee shall not use any identification to indicate
5 that they are licensed as a private investigator other than the official
6 identification card issued by the bureau or the business card
7 regularly used by the business. However, a licensee may issue an
8 employer identification card.

9 (g) A licensee, or officer, director, partner, qualified manager,
10 or employee of a licensee, shall not enter any private building or
11 portion thereof, except premises commonly accessible to the public,
12 without the consent of the owner or of the person in legal
13 possession thereof.

14 (h) A licensee shall not permit an employee or agent in their
15 own name to advertise, engage clients, furnish reports or present
16 bills to clients, or in any manner conduct business for which a
17 license is required under this chapter. All business of the licensee
18 shall be conducted in the name of and under the control of the
19 licensee.

20 (i) A licensee, or officer, director, partner, qualified manager,
21 or employee of a licensee, shall not knowingly and directly solicit
22 employment from any person who has directly sustained bodily
23 injury or from that person's spouse or other family member to
24 obtain authorization on behalf of the injured person as an
25 investigator to investigate the accident or act that resulted in injury
26 or death to that person or damage to the property of that person.
27 This subdivision does not prohibit the soliciting of employment
28 from that injured person's attorney, insurance company,
29 self-insured administrator, insurance adjuster, employer, or any
30 other person having an indirect interest in the investigation of the
31 injury. This subdivision does not apply to any business agent or
32 attorney employed by a labor organization. A licensee, officer,
33 director, partner, or qualified manager of a licensee shall not pay
34 or compensate any of their employees or agents on the basis of a
35 bonus, bounty, or quota system whereby a premium is placed on
36 the number of employer or client rule violations or infractions
37 purportedly discovered as a result of any investigation made by a
38 licensee.

1 (j) A licensee shall not use a fictitious business name in
2 connection with the official activities of the licensee’s business,
3 except as provided by the bureau.

4 (k) This section shall become operative on January 1, 2025.

5 ~~SEC. 33.~~

6 *SEC. 34.* Section 7573.5 of the Business and Professions Code
7 is amended to read:

8 7573.5. Notwithstanding any other law, the powers and duties
9 of the bureau, as set forth in this chapter, shall be subject to review
10 by the appropriate policy committees of the Legislature. The review
11 shall be performed as if this chapter were scheduled to be repealed
12 as of January 1, 2025.

13 ~~SEC. 34.~~

14 *SEC. 35.* Section 7576 of the Business and Professions Code
15 is amended to read:

16 7576. Notwithstanding any other law, the powers and duties
17 of the bureau, as set forth in this chapter, shall be subject to review
18 by the appropriate policy committees of the Legislature. The review
19 shall be performed as if this chapter were scheduled to be repealed
20 as of January 1, 2025.

21 ~~SEC. 35.~~

22 *SEC. 36.* Section 7588.8 of the Business and Professions Code
23 is amended to read:

24 7588.8. Notwithstanding any other law, the powers and duties
25 of the bureau, as set forth in this chapter, shall be subject to review
26 by the appropriate policy committees of the Legislature. The review
27 shall be performed as if this chapter were scheduled to be repealed
28 as of January 1, 2025.

29 ~~SEC. 36.~~

30 *SEC. 37.* Section 7593.1 of the Business and Professions Code,
31 as amended by Section 23 of Chapter 376 of the Statutes of 2021,
32 is amended to read:

33 7593.1. (a) Each individual applicant, partner of a partnership,
34 designated officer of a corporation, member, officer, or manager
35 of a limited liability company, and a qualified manager shall submit
36 with the application one personal identification form provided by
37 the chief, with two legible sets of fingerprints, one set of which
38 shall be forwarded to the Federal Bureau of Investigation for
39 purposes of a background check, and personal description of each
40 such person, respectively. The identification form shall include

1 residence addresses and employment history for the previous five
2 years.

3 (b) The bureau may impose a fee not to exceed three dollars
4 (\$3) for processing classifiable fingerprint cards submitted by
5 applicants excluding those submitted into an electronic fingerprint
6 system using electronic fingerprint technology.

7 (c) This section shall remain in effect only until January 1, 2025,
8 and as of that date is repealed.

9 ~~SEC. 37.~~

10 *SEC. 38.* Section 7593.1 of the Business and Professions Code,
11 as amended by Section 24 of Chapter 376 of the Statutes of 2021,
12 is amended to read:

13 7593.1. (a) Each individual applicant, partner of a partnership,
14 designated officer of a corporation, and a qualified manager shall
15 submit with the application, one personal identification form
16 provided by the chief, with two legible sets of fingerprints, one
17 set of which shall be forwarded to the Federal Bureau of
18 Investigation for purposes of a background check, and personal
19 description of each such person, respectively. The identification
20 form shall include residence addresses and employment history
21 for the previous five years.

22 (b) The bureau may impose a fee not to exceed three dollars
23 (\$3) for processing classifiable fingerprint cards submitted by
24 applicants excluding those submitted into an electronic fingerprint
25 system using electronic fingerprint technology.

26 (c) This section shall become operative on January 1, 2025.

27 ~~SEC. 38.~~

28 *SEC. 39.* Section 7593.5 of the Business and Professions Code
29 is amended to read:

30 7593.5. (a) If the applicant for a license is a limited liability
31 company, the application shall state the true names and complete
32 residence addresses of each member, manager, and any other
33 officer who will be active in the business to be licensed. A copy
34 of the articles of organization issued by the Secretary of State shall
35 be supplied to the bureau upon request. The application shall also
36 state the name and address of the designated person to be actively
37 in charge of the business for which the license is sought. The
38 application shall be subscribed, verified, and signed by a duly
39 authorized member of the applicant under penalty of perjury.

1 (b) This section shall remain in effect only until January 1, 2025,
2 and as of that date is repealed.

3 ~~SEC. 39.~~

4 *SEC. 40.* Section 7599.80 of the Business and Professions
5 Code is amended to read:

6 7599.80. Notwithstanding any other law, the powers and duties
7 of the bureau, as set forth in this chapter, shall be subject to review
8 by the appropriate policy committees of the Legislature. The review
9 shall be performed as if this chapter were scheduled to be repealed
10 as of January 1, 2025.

11 ~~SEC. 40.~~

12 *SEC. 41.* Section 7599.345 of the Business and Professions
13 Code is amended to read:

14 7599.345. Notwithstanding any other law, commencing January
15 1, 2025, a licensee shall not conduct business under this chapter
16 as a limited liability company.

17 ~~SEC. 41.~~

18 *SEC. 42.* Section 7602 of the Business and Professions Code
19 is amended to read:

20 7602. (a) (1) There is in the department the Cemetery and
21 Funeral Bureau, under the supervision and control of the director.

22 (2) The director may appoint a chief at a salary to be fixed and
23 determined by the director, with the approval of the Director of
24 Finance. The duty of enforcing and administering this chapter is
25 vested in the chief, and the chief is responsible to the director. The
26 chief shall serve at the pleasure of the director.

27 (3) Every power granted or duty imposed upon the director
28 under this chapter may be exercised or performed in the name of
29 the director by a deputy director or by the chief, subject to
30 conditions and limitations the director may prescribe.

31 (b) Notwithstanding any other law, the powers and duties of the
32 bureau, as set forth in this chapter, shall be subject to review by
33 the appropriate policy committees of the Legislature. The review
34 shall be performed as if this chapter is scheduled to be repealed
35 on January 1, 2025.

36 *SEC. 43.* Section 7653 of the Business and Professions Code
37 is amended to read:

38 7653. (a) The bureau shall adopt, and may from time to time
39 amend, rules and regulations prescribing standards of knowledge
40 and experience and financial responsibility for applicants for

1 certificates of authority. In reviewing an application for a certificate
2 of authority, the bureau may consider acts of incorporators, officers,
3 directors, and stockholders of the applicant, which shall constitute
4 grounds for the denial of a certificate of authority under Division
5 1.5 (commencing with Section 475).

6 (b) Upon receipt of an application for a certificate of authority,
7 the bureau may cause an investigation to be made of the physical
8 status, plans, specifications, and financing of the proposed
9 cemetery, and any other qualifications required of the applicant
10 under this act, and for this purpose may subpoena witnesses,
11 administer oaths, and take testimony.

12 (c) At the time of the filing of the application required by this
13 section, the applicant shall pay to the Cemetery and Funeral Fund
14 the sum ~~fixed by the bureau at not in excess of four hundred dollars~~
15 ~~(\$400)~~ of seven hundred fifty dollars (\$750) to defray the expenses
16 of investigation. In the event the sum shall be insufficient to defray
17 all of the expenses, the applicant shall, within five days after
18 request, deposit an additional sum sufficient to defray those
19 expenses, provided that the total sum shall not exceed nine hundred
20 dollars (\$900).

21 ~~(d) This section shall become operative on July 1, 2016.~~

22 *SEC. 44. Section 7712.5 of the Business and Professions Code*
23 *is amended to read:*

24 7712.5. (a) The bureau shall adopt, and may from time to time
25 amend, rules and regulations prescribing standards of knowledge
26 and experience and financial responsibility for applicants for a
27 crematory license. In reviewing an application for a crematory
28 license, the bureau may consider acts of the applicant, including
29 acts of incorporators, officers, directors, and stockholders of the
30 applicant, which shall constitute grounds for the denial of a
31 crematory license under Division 1.5 (commencing with Section
32 475).

33 (b) Upon receipt of an application for a crematory license, the
34 bureau may cause an investigation to be made of the physical
35 status, plans, specifications, and financing of the proposed
36 crematory, the character of the applicant, including, if applicable,
37 its officers, directors, shareholders, or members, and any other
38 qualifications required of the applicant under this article, and for
39 this purpose may subpoena witnesses, administer oaths, and take
40 testimony.

1 (c) At the time of the filing of the application required by this
2 article, the applicant shall pay to the Cemetery and Funeral Fund
3 the sum ~~fixed by the bureau at not in excess of four hundred dollars~~
4 ~~(\$400)~~ of *seven hundred fifty dollars (\$750)* to defray the expenses
5 of investigation. In the event the sum shall be insufficient to defray
6 all of the expenses, the applicant shall, within five days after
7 request therefor, deposit an additional sum sufficient to defray
8 such expenses, provided that the total sum shall not exceed nine
9 hundred dollars (\$900).

10 ~~(d) This section shall become operative on July 1, 2016.~~

11 *SEC. 45. Section 7712.9 of the Business and Professions Code*
12 *is amended to read:*

13 7712.9. ~~(a) Every crematory licensee operating a crematory~~
14 ~~pursuant to a license issued in compliance with this article shall~~
15 ~~pay an annual regulatory charge for each crematory, to be fixed~~
16 ~~by the bureau at not more than four hundred dollars (\$400).~~
17 *crematory of seven hundred fifty dollars (\$750).* In addition to an
18 annual regulatory charge for each crematory, every licensee
19 operating a crematory pursuant to a license issued pursuant to this
20 article shall pay an additional charge ~~to be fixed by the bureau at~~
21 ~~not more than eight dollars and fifty cents (\$8.50)~~ of *eleven dollars*
22 *and fifty cents (\$11.50)* per cremation made during the preceding
23 quarter, which charges shall be deposited in the Cemetery and
24 Funeral Fund.

25 ~~(b) This section shall become operative on July 1, 2016.~~

26 *SEC. 46. Section 7729 of the Business and Professions Code*
27 *is amended to read:*

28 7729. The amount of the fees prescribed by this chapter shall
29 be fixed according to the following ~~schedule with the minimum~~
30 ~~amount specified being the amount fixed on January 1, 1988.~~
31 *schedule:*

32 (a) The application fee for a funeral director's license shall be
33 ~~not less than one hundred dollars (\$100) and not more than two~~
34 ~~hundred dollars (\$200).~~ *three hundred eighty dollars (\$380).*

35 (b) The application fee for change of location of a funeral
36 establishment's license shall be ~~not less than one hundred fifty~~
37 ~~dollars (\$150) and not more than two hundred fifty dollars (\$250).~~
38 *four hundred seventy dollars (\$470).*

39 (c) The application fee for permission to assign a funeral
40 establishment's license shall be ~~not less than two hundred dollars~~

1 ~~(\$200) and not more than three hundred dollars (\$300);~~ *five*
2 *hundred sixty dollars (\$560).*

3 (d) The license renewal fee payable by a licensed funeral director
4 shall be ~~not less than one hundred dollars (\$100) and not more~~
5 ~~than two hundred dollars (\$200);~~ *three hundred eighty dollars*
6 *(\$380).* The fee for a delinquent renewal of a funeral director's
7 license shall be 150 percent of the timely renewal fee.

8 (e) The application fee for an embalmer's license and the
9 examination on the state's laws required under paragraph (2) of
10 subdivision (a) of Section 7646 for the license shall be ~~not less~~
11 ~~than one hundred dollars (\$100) and not more than one hundred~~
12 ~~fifty dollars (\$150);~~ *two hundred eighty dollars (\$280).*

13 (f) The renewal fee payable by a licensed embalmer shall be
14 ~~not less than seventy-five dollars (\$75) and not more than one~~
15 ~~hundred twenty-five dollars (\$125);~~ *one hundred ninety dollars*
16 *(\$190).* The fee for a delinquent renewal of an embalmer's license
17 shall be 150 percent of the timely renewal fee.

18 (g) The application fee for a certificate of registration as an
19 apprentice embalmer shall be ~~not less than thirty dollars (\$30) and~~
20 ~~not more than sixty dollars (\$60);~~ *one hundred twenty dollars*
21 *(\$120).*

22 (h) The fee for an application by a funeral establishment for
23 approval to train apprentice embalmers and for renewal of that
24 approval shall be ~~not less than fifty dollars (\$50) and not more~~
25 ~~than one hundred dollars (\$100);~~ *one hundred ninety dollars*
26 *(\$190).*

27 (i) The application fee for a funeral director's examination shall
28 be ~~not less than seventy-five dollars (\$75) and not more than one~~
29 ~~hundred dollars (\$100);~~ *one hundred ninety dollars (\$190).*

30 (j) The fee for a timely filing of an individual report or a
31 combined report on preneed trust funds shall be ~~not less than one~~
32 ~~hundred dollars (\$100) and not more than two hundred dollars~~
33 ~~(\$200);~~ *five hundred dollars (\$500).* The fee for a late filing of any
34 report on preneed trust funds shall be 150 percent of the applicable
35 timely fee.

36 (k) The application fee for permission to change the name
37 appearing on a funeral establishment's license shall be ~~not less~~
38 ~~than one hundred dollars (\$100) and not more than two hundred~~
39 ~~dollars (\$200);~~ *three hundred dollars (\$300),* and for permission
40 to change the name on any other license or certificate, ~~not less than~~

1 ~~twenty dollars (\$20) and not more than forty dollars (\$40).~~ *shall*
2 *be twenty-five dollars (\$25).*

3 (l) The application fee for a duplicate funeral director's license,
4 a duplicate funeral establishment's license, a duplicate embalmer's
5 license, or a duplicate certificate of registration as an apprentice
6 embalmer, ~~shall be not less than twenty dollars (\$20) and not more~~
7 ~~than forty dollars (\$40).~~ *fifty dollars (\$50).*

8 (m) The fee for filing a report of a change of corporate officers,
9 managers, or preneed trust fund trustees shall be ~~not less than~~
10 ~~twenty-five dollars (\$25) and not more than fifty dollars (\$50).~~

11 (n) The application fee for a funeral establishment license shall
12 be ~~not less than three hundred dollars (\$300) and not more than~~
13 ~~four hundred dollars (\$400).~~ *seven hundred fifty dollars (\$750).*

14 (o) The license renewal fee for a licensed funeral establishment
15 shall be ~~not less than three hundred dollars (\$300) nor more than~~
16 ~~four hundred dollars (\$400).~~ *seven hundred fifty dollars (\$750).*
17 *The fee for a delinquent renewal of a funeral establishment license*
18 *shall be 150 percent of the timely renewal fee.*

19 *SEC. 47. Section 7729.3 of the Business and Professions Code*
20 *is amended to read:*

21 7729.3. The original cemetery broker's license fee shall be
22 ~~fixed by the bureau at not more than four hundred dollars (\$400).~~
23 *seven hundred fifty dollars (\$750).*

24 *SEC. 48. Section 7729.4 of the Business and Professions Code*
25 *is amended to read:*

26 7729.4. (a) The original cemetery broker's license fee is
27 payable at the time of the filing of an application for an original
28 cemetery broker's license.

29 (b) If the applicant fails the required written examination, ~~he or~~
30 ~~she~~ *they* may be permitted to take another examination upon the
31 filing of an application for reexamination and the payment of a
32 reexamination fee. This reexamination fee shall be ~~fixed by the~~
33 ~~bureau at not more than one hundred dollars (\$100).~~ *one hundred*
34 *ninety dollars (\$190).*

35 (c) No part of any original cemetery broker's license fee or
36 reexamination fee is refundable. It is deemed earned upon receipt
37 by the bureau, whether the accompanying application for a license
38 is complete or incomplete.

39 *SEC. 49. Section 7729.5 of the Business and Professions Code*
40 *is amended to read:*

1 7729.5. The annual renewal fee for a cemetery broker's license
2 shall be fixed by the bureau at not more than three hundred dollars
3 (~~\$300~~); five hundred sixty dollars (\$560).

4 *SEC. 50. Section 7729.6 of the Business and Professions Code*
5 *is amended to read:*

6 7729.6. If the licensee is a cemetery brokerage corporation,
7 the license issued to it entitles one officer only, on behalf of the
8 corporation, to engage in the business of a cemetery broker without
9 the payment of a further fee, that officer to be designated in the
10 application of the corporation for a license. For each other officer
11 of a licensed cemetery brokerage corporation, through whom it
12 engages in the business of a cemetery broker, the annual renewal
13 fee, in addition to the fee paid by the corporation, shall be ~~fixed~~
14 ~~by the bureau at not more than one hundred dollars (\$100)~~; one
15 hundred ninety dollars (\$190).

16 *SEC. 51. Section 7729.7 of the Business and Professions Code*
17 *is amended to read:*

18 7729.7. If the licensee is a cemetery brokerage copartnership,
19 the license issued to it entitles one member only of the
20 copartnership to engage on behalf of the copartnership in the
21 business of a cemetery broker, which member shall be designated
22 in the application of the copartnership for a license. For each other
23 member of the copartnership who on behalf of the copartnership
24 engages in the business of a cemetery broker, the annual renewal
25 fee, in addition to the fee paid by the copartnership, shall be ~~fixed~~
26 ~~by the bureau at not more than one hundred dollars (\$100)~~; one
27 hundred ninety dollars (\$190).

28 *SEC. 52. Section 7729.8 of the Business and Professions Code*
29 *is amended to read:*

30 7729.8. The cemetery salesperson's license fee shall be ~~fixed~~
31 ~~by the bureau at not more than thirty dollars (\$30)~~; sixty dollars
32 (\$60).

33 *SEC. 53. Section 7729.10 of the Business and Professions Code*
34 *is amended to read:*

35 7729.10. The annual renewal fee for a cemetery salesperson's
36 license shall be ~~fixed by the bureau at not more than twenty-five~~
37 ~~dollars (\$25)~~; fifty dollars (\$50).

38 *SEC. 54. Section 7729.11 is added to the Business and*
39 *Professions Code, to read:*

1 7729.11. *The fee for a timely filing of an annual report on the*
2 *endowment care fund and special care fund by a certificate of*
3 *authority shall be five hundred dollars (\$500). The fee for a late*
4 *filing of an annual report on the endowment care fund and special*
5 *care fund shall be 150 percent of the applicable timely fee.*

6 SEC. 55. *Section 7730 of the Business and Professions Code*
7 *is amended to read:*

8 7730. For a branch office broker’s license, the fee shall be ~~fixed~~
9 ~~by the bureau at not more than one hundred dollars (\$100). one~~
10 ~~hundred ninety dollars (\$190).~~

11 SEC. 56. *Section 7730.1 of the Business and Professions Code*
12 *is amended to read:*

13 7730.1. The cremated remains disposer registration fee shall
14 be one hundred ~~ninety dollars (\$100).~~ *(\$190).*

15 SEC. 57. *Section 7730.2 of the Business and Professions Code*
16 *is amended to read:*

17 7730.2. The renewal fee for a cremated remains disposer
18 registration shall be ~~fifty dollars (\$50).~~ *one hundred dollars (\$100).*

19 SEC. 58. *Section 7730.3 of the Business and Professions Code*
20 *is amended to read:*

21 7730.3. For change of name or of address of licensee on the
22 records of the bureau, the fee shall be ~~fixed by the bureau at not~~
23 ~~more than twenty-five dollars (\$25).~~

24 SEC. 59. *Section 7730.4 of the Business and Professions Code*
25 *is amended to read:*

26 7730.4. For transfer of a salesperson’s license on change of
27 employer, the fee shall be ~~fixed by the bureau at not more than~~
28 ~~twenty-five dollars (\$25).~~ *fifty dollars (\$50).*

29 SEC. 60. *Section 7730.5 of the Business and Professions Code*
30 *is amended to read:*

31 7730.5. For a duplicate license the fee shall be ~~fixed by the~~
32 ~~bureau at not more than twenty-five dollars (\$25).~~ *fifty dollars*
33 *(\$50).*

34 SEC. 61. *Section 7730.6 of the Business and Professions Code*
35 *is amended to read:*

36 7730.6. (a) For reinstatement of a license within the fiscal
37 year, the fee shall be ~~fixed by the bureau at not more than~~
38 ~~twenty-five dollars (\$25).~~ *fifty dollars (\$50).*

39 (b) As used in this section, “reinstatement of a license” means
40 the reissuance of a canceled cemetery broker’s license, or a

1 cemetery salesperson's license which was canceled during the year
2 for which it was issued upon the salesperson's withdrawal from
3 the employ of a cemetery broker.

4 *SEC. 62. Section 7730.7 of the Business and Professions Code*
5 *is amended to read:*

6 7730.7. (a) The fee for a crematory manager examination and
7 reexamination ~~may not exceed five hundred dollars (\$500).~~ *shall*
8 *be six hundred eighty dollars (\$680).*

9 (b) The license fee to obtain a crematory manager license ~~may~~
10 ~~not exceed one hundred dollars (\$100).~~ *shall be one hundred thirty*
11 *dollars (\$130).*

12 (c) The renewal fee for a crematory manager license ~~may not~~
13 ~~exceed one hundred dollars (\$100).~~ *shall be one hundred fifty*
14 *dollars (\$150).*

15 *SEC. 63. Section 7730.8 of the Business and Professions Code*
16 *is amended to read:*

17 7730.8. (a) The fee for a cemetery manager examination ~~and~~
18 ~~reexamination may not exceed nine hundred dollars (\$900).~~ *shall*
19 *be eight hundred dollars (\$800).*

20 (b) The license fee to obtain a cemetery manager license ~~may~~
21 ~~not exceed one hundred dollars (\$100).~~ *shall be one hundred thirty*
22 *dollars (\$130).*

23 (c) The renewal fee for a cemetery manager license ~~may not~~
24 ~~exceed one hundred dollars (\$100).~~ *shall be one hundred fifty*
25 *dollars (\$150).*

26 *SEC. 64. Section 7730.10 of the Business and Professions Code*
27 *is amended to read:*

28 7730.10. ~~(a)~~ Every cemetery authority operating a cemetery
29 shall pay an annual regulatory charge for each cemetery ~~to be fixed~~
30 ~~by the bureau at not more than four hundred dollars (\$400).~~ *of*
31 *seven hundred fifty dollars (\$750).* In addition to an annual
32 regulatory charge for each cemetery, an additional quarterly charge
33 ~~to be fixed by the bureau at not more than eight dollars and fifty~~
34 ~~cents (\$8.50)~~ *eleven dollars and fifty cents (\$11.50)* for each burial,
35 entombment, or inurnment made during the preceding quarter shall
36 be paid to the bureau and these charges shall be deposited in the
37 Cemetery and Funeral Fund. If the cemetery authority performs a
38 burial, entombment, or inurnment, and the cremation was
39 performed at a crematory located on the grounds of the cemetery
40 and under common ownership with the cemetery authority, the

1 total of all additional charges shall be not more than ~~eight dollars~~
2 ~~and fifty cents (\$8.50)~~; *eleven dollars and fifty cents (\$11.50)*.

3 ~~(b) This section shall become operative on July 1, 2016.~~

4 *SEC. 65. Section 7730.11 of the Business and Professions Code*
5 *is amended to read:*

6 7730.11. (a) The bureau shall establish the fee to obtain or
7 renew a hydrolysis facility license, which shall not exceed the
8 reasonable cost of license administration.

9 (b) Every licensee operating a hydrolysis facility pursuant to a
10 license issued pursuant to this article shall pay an additional charge
11 ~~to be fixed by the bureau of not more than eight dollars and fifty~~
12 ~~cents (\$8.50)~~ *eleven dollars and fifty cents (\$11.50)* per hydrolysis
13 made during the preceding quarter, which charges shall be
14 deposited into the Cemetery and Funeral Fund.

15 ~~(c) This section shall become operative on July 1, 2020.~~

16 ~~SEC. 42.~~

17 *SEC. 66. Section 8000 of the Business and Professions Code*
18 *is amended to read:*

19 8000. (a) There is in the Department of Consumer Affairs a
20 Court Reporters Board of California, which consists of five
21 members, three of whom shall be public members and two of
22 whom shall be holders of certificates issued under this chapter
23 who have been actively engaged as shorthand reporters within this
24 state for at least five years immediately preceding their
25 appointment.

26 (b) This section shall remain in effect only until January 1, 2025,
27 and as of that date is repealed.

28 (c) Notwithstanding any other law, repeal of this section renders
29 the board subject to review by the appropriate policy committees
30 of the Legislature.

31 ~~SEC. 43.~~

32 *SEC. 67. Section 8005 of the Business and Professions Code*
33 *is amended to read:*

34 8005. (a) The Court Reporters Board of California is charged
35 with the executive functions necessary for effectuating the purposes
36 of this chapter. It may appoint committees as it deems necessary
37 or proper. The board may appoint, prescribe the duties, and fix the
38 salary of an executive officer. Except as provided by Section 159.5,
39 the board may also employ other employees as may be necessary,
40 subject to civil service and other law.

1 (b) This section shall remain in effect only until January 1, 2025,
2 and as of that date is repealed.

3 ~~SEC. 44.~~

4 *SEC. 68.* Section 8030.2 of the Business and Professions Code
5 is amended to read:

6 8030.2. (a) (1) To provide shorthand reporting services to
7 low-income litigants in civil cases, who are unable to otherwise
8 afford those services, funds generated by fees received by the board
9 pursuant to subdivision (c) of Section 8031 in excess of funds
10 needed to support the board’s operating budget for the fiscal year
11 in which a transfer described below is made shall be used by the
12 board for the purpose of establishing and maintaining a Transcript
13 Reimbursement Fund. The Transcript Reimbursement Fund shall
14 be funded by a transfer of funds from the Court Reporters’ Fund
15 in the amount of three hundred thousand dollars (\$300,000)
16 annually. The board is authorized to transfer funds in increments
17 of one hundred thousand dollars (\$100,000) for a total of three
18 hundred thousand dollars (\$300,000). Notwithstanding any other
19 provision of this article, a transfer to the Transcript Reimbursement
20 Fund in excess of the fund balance established at the beginning of
21 each fiscal year shall not be made by the board if the transfer will
22 result in the reduction of the balance of the Court Reporters’ Fund
23 to an amount less than six months’ operating budget.

24 (2) If funds are appropriated to the Transcript Reimbursement
25 Fund from a source other than fees received by the board pursuant
26 to subdivision (c) of Section 8031, those funds shall not be subject
27 to the annual transfer limit of three hundred thousand dollars
28 (\$300,000) described in paragraph (1).

29 (b) Refunds and unexpended funds that are anticipated to remain
30 in the Transcript Reimbursement Fund at the end of the fiscal year
31 shall be considered by the board in establishing the fee assessment
32 pursuant to Section 8031 so that the assessment shall maintain the
33 level of funding for the Transcript Reimbursement Fund, as
34 specified in subdivision (a), in the following fiscal year.

35 (c) The Transcript Reimbursement Fund is hereby created in
36 the State Treasury. Notwithstanding Section 13340 of the
37 Government Code, moneys in the Transcript Reimbursement Fund
38 are continuously appropriated for the purposes of this chapter.

39 (d) (1) Applicants who have been reimbursed pursuant to this
40 chapter for services provided to litigants and who are awarded

1 court costs or attorney’s fees by judgment or by settlement
2 agreement shall refund the full amount of that reimbursement to
3 the fund within 90 days of receipt of the award or settlement.

4 (2) An applicant appearing pro se who has been reimbursed for
5 services provided to litigants under this chapter shall refund the
6 full amount reimbursed if a court orders the applicant’s fee waiver
7 withdrawn or denied retroactively pursuant to Section 68636 of
8 the Government Code, within 90 days of the court’s order
9 withdrawing or denying the fee waiver.

10 (e) Subject to the limitations of this chapter, the board shall
11 maintain the fund at a level that is sufficient to pay all qualified
12 claims. To accomplish this objective, the board shall utilize all
13 refunds, unexpended funds, fees, and any other moneys received
14 by the board.

15 (f) Notwithstanding Section 16346 of the Government Code,
16 all unencumbered funds remaining in the Transcript
17 Reimbursement Fund as of January 1, 2025, shall be transferred
18 to the Court Reporters’ Fund.

19 (g) This section shall remain in effect only until January 1, 2025,
20 and as of that date is repealed.

21 ~~SEC. 45.~~

22 *SEC. 69.* Section 8030.4 of the Business and Professions Code
23 is amended to read:

24 8030.4. As used in this chapter:

25 (a) “Applicant” means a qualified legal services project,
26 qualified support center, other qualified project, or pro bono
27 attorney applying to receive funds from the Transcript
28 Reimbursement Fund established by this chapter. The term
29 “applicant” includes an indigent person appearing pro se to
30 represent themselves at any stage of the case and applying to receive
31 funds from the Transcript Reimbursement Fund established in
32 Section 8030.2.

33 (b) “Case” means a single legal proceeding from its inception,
34 through all levels of hearing, trial, and appeal, until its ultimate
35 conclusion and disposition.

36 (c) “Certified shorthand reporter” means a shorthand reporter
37 certified pursuant to Article 3 (commencing with Section 8020)
38 performing shorthand reporting services pursuant to Section 8017.

1 (d) “Developmentally Disabled Assistance Act” means the
2 Developmentally Disabled Assistance and Bill of Rights Act of
3 1975 (Public Law 94-103), as amended.

4 (e) “Fee-generating case” means any case or matter that, if
5 undertaken on behalf of an eligible client by an attorney in private
6 practice, reasonably may be expected to result in payment of a fee
7 for legal services from an award to a client, from public funds, or
8 from an opposing party. A reasonable expectation as to payment
9 of a legal fee exists wherever a client enters into a contingent fee
10 agreement with the client’s lawyer. If there is no contingent fee
11 agreement, a case is not considered fee generating if adequate
12 representation is deemed to be unavailable because of the
13 occurrence of any of the following circumstances:

14 (1) If the applicant has determined that referral is not possible
15 because of any of the following:

16 (A) The case has been rejected by the local lawyer referral
17 service, or if there is no such service, by two private attorneys who
18 have experience in the subject matter of the case.

19 (B) Neither the referral service nor any lawyer will consider the
20 case without payment of a consultation fee.

21 (C) The case is of the type that private attorneys in the area
22 ordinarily do not accept, or do not accept without prepayment of
23 a fee.

24 (D) Emergency circumstances compel immediate action before
25 referral can be made, but the client is advised that, if appropriate
26 and consistent with professional responsibility, referral will be
27 attempted at a later time.

28 (2) If recovery of damages is not the principal object of the case
29 and a request for damages is merely ancillary to an action for
30 equitable or other nonpecuniary relief or inclusion of a
31 counterclaim requesting damages is necessary for effective defense
32 or because of applicable rules governing joinder of counterclaims.

33 (3) If a court appoints an applicant or an employee of an
34 applicant pursuant to a statute or a court rule or practice of equal
35 applicability to all attorneys in the jurisdiction.

36 (4) In any case involving the rights of a claimant under a
37 public-supported benefit program for which entitlement to benefit
38 is based on need.

39 (f) (1) “Indigent person” means any of the following:

1 (A) A person whose income is 125 percent or less of the current
2 poverty threshold established by the United States Office of
3 Management and Budget.

4 (B) A person who is eligible for supplemental security income.

5 (C) A person who is eligible for, or receiving, free services
6 under the federal Older Americans Act or the Developmentally
7 Disabled Assistance Act.

8 (D) A person whose income is 75 percent or less of the
9 maximum level of income for lower income households as defined
10 in Section 50079.5 of the Health and Safety Code, for purposes of
11 a program that provides legal assistance by an attorney in private
12 practice on a pro bono basis.

13 (E) A person who qualifies for a waiver of fees pursuant to
14 Section 68632 of the Government Code.

15 (2) For the purposes of this subdivision, the income of a person
16 who is disabled shall be determined after deducting the costs of
17 medical and other disability-related special expenses.

18 (g) “Lawyer referral service” means a lawyer referral program
19 authorized by the State Bar of California pursuant to the rules of
20 professional conduct.

21 (h) “Legal Services Corporation” means the Legal Services
22 Corporation established under the Legal Services Corporation Act
23 of 1974 (Public Law 93-355), as amended.

24 (i) “Older Americans Act” means the Older Americans Act of
25 1965 (Public Law 89-73), as amended.

26 (j) “Other qualified project” means a nonprofit organization
27 formed for charitable or other public purposes, that does not receive
28 funds from the Legal Services Corporation or pursuant to the
29 federal Older Americans Act, and provides free legal services to
30 indigent persons.

31 (k) “Pro bono attorney” means any attorney, law firm, or legal
32 corporation, licensed to practice law in this state, that undertakes,
33 without charge to the party, the representation of an indigent
34 person, referred by a qualified legal services project, qualified
35 support center, or other qualified project, in a case not considered
36 to be fee generating, as defined in this chapter.

37 (l) “Qualified legal services project” means a nonprofit project,
38 incorporated and operated exclusively in California, that provides
39 as its primary purpose and function legal services without charge
40 to indigent persons, has a board of directors or advisory board

1 composed of both attorneys and consumers of legal services, and
 2 provides for community participation in legal services
 3 programming. A legal services project funded, either in whole or
 4 in part, by the Legal Services Corporation or with the federal Older
 5 Americans Act funds is presumed to be a qualified legal services
 6 project for the purposes of this chapter.

7 (m) “Qualified support center” means an incorporated nonprofit
 8 legal services center that has an office or offices in California that
 9 provide legal services or technical assistance without charge to
 10 qualified legal services projects and their clients on a multicounty
 11 basis in California. A support center funded, either in whole or in
 12 part, by the Legal Services Corporation or with the federal Older
 13 Americans Act funds is presumed to be a qualified legal services
 14 project for the purposes of this chapter.

15 (n) “Rules of professional conduct” means those rules adopted
 16 by the State Bar of California pursuant to Sections 6076 and 6077.

17 (o) “Supplemental security income recipient” means an
 18 individual receiving or eligible to receive payments under Title
 19 XVI of the Social Security Act (Public Law 92-603), as amended,
 20 or payment under Chapter 3 (commencing with Section 12000) of
 21 Part 3 of Division 9 of the Welfare and Institutions Code.

22 (p) “Vexatious litigant” means a person as defined in subdivision
 23 (b) of Section 391 of the Code of Civil Procedure.

24 (q) This section shall remain in effect only until January 1, 2025,
 25 and as of that date is repealed.

26 ~~SEC. 46.~~

27 *SEC. 70.* Section 8030.6 of the Business and Professions Code
 28 is amended to read:

29 8030.6. (a) The board shall disburse funds from the Transcript
 30 Reimbursement Fund for the costs, exclusive of per diem charges
 31 by official reporters, of preparing either an original transcript and
 32 one copy thereof, or where appropriate, a copy of the transcript,
 33 of court or deposition proceedings, or both, incurred as a
 34 contractual obligation between the shorthand reporter and the
 35 applicant, for litigation conducted in California. If there is no
 36 deposition transcript, the board may reimburse the applicant or the
 37 certified shorthand reporter designated in the application for per
 38 diem costs. The rate of per diem for depositions shall not exceed
 39 seventy-five dollars (\$75) for one-half day, or one hundred
 40 twenty-five dollars (\$125) for a full day. If a transcript is ordered

1 within one year of the date of the deposition, but subsequent to
2 the per diem having been reimbursed by the Transcript
3 Reimbursement Fund, the amount of the per diem shall be deducted
4 from the regular customary charges for a transcript. Reimbursement
5 may be obtained pursuant to the following provisions:

6 (1) The applicant or certified shorthand reporter shall promptly
7 submit to the board the certified shorthand reporter's invoice for
8 transcripts together with the appropriate documentation as is
9 required by this chapter.

10 (2) Except as provided in paragraph (3), the board shall promptly
11 determine if the applicant or the certified shorthand reporter is
12 entitled to reimbursement under this chapter and shall make
13 payment as follows:

14 (A) Regular customary charges for preparation of original
15 deposition transcripts and one copy thereof, or a copy of the
16 transcripts.

17 (B) Regular customary charges for expedited deposition
18 transcripts up to a maximum of two thousand five hundred dollars
19 (\$2,500) per case.

20 (C) Regular customary charges for the preparation of original
21 transcripts and one copy thereof, or a copy of transcripts of court
22 proceedings.

23 (D) Regular customary charges for expedited or daily charges
24 for preparation of original transcripts and one copy thereof or a
25 copy of transcripts of court proceedings.

26 (E) The charges shall not include notary or handling fees. The
27 charges may include actual shipping costs and exhibits, except
28 that the cost of exhibits may not exceed thirty-five cents (\$0.35)
29 each or a total of thirty-five dollars (\$35) per transcript.

30 (3) The maximum amount reimbursable by the fund under
31 paragraph (2) shall not exceed thirty thousand dollars (\$30,000)
32 per case per year.

33 (4) A vexatious litigant shall be ineligible to receive funds from
34 the Transcript Reimbursement Fund. However, a vexatious litigant
35 may become eligible to receive funds if the vexatious litigant is
36 no longer subject to the provisions of Title 3A (commencing with
37 Section 391) of Part 2 of the Code of Civil Procedure pursuant to
38 Section 391.8 of Code of Civil Procedure.

1 (5) Disbursements to cover the costs of providing transcripts to
2 all applicants appearing pro se pursuant to this section shall not
3 exceed two thousand five hundred dollars (\$2,500) per case.

4 (6) If entitled, and funds are available, the board shall disburse
5 the appropriate sum to the applicant or the certified shorthand
6 reporter when the documentation described in Section 8030.8
7 accompanies the application. A notice shall be sent to the recipient
8 requiring the recipient to file a notice with the court in which the
9 action is pending stating the sum of reimbursement paid pursuant
10 to this section. The notice filed with the court shall also state that
11 if the sum is subsequently included in any award of costs made in
12 the action, that the sum is to be ordered refunded by the applicant
13 to the Transcript Reimbursement Fund whenever the sum is
14 actually recovered as costs. The court shall not consider whether
15 payment has been made from the Transcript Reimbursement Fund
16 in determining the appropriateness of any award of costs to the
17 parties. The board shall also notify the applicant that the reimbursed
18 sum has been paid to the certified shorthand reporter and shall
19 notify the applicant of the duty to refund any of the sum actually
20 recovered as costs in the action.

21 (7) If not entitled, the board shall return a copy of the invoice
22 to the applicant and the designated certified shorthand reporter
23 together with a notice stating the grounds for denial.

24 (8) The board shall complete its actions under this section within
25 30 days of receipt of the invoice and all required documentation,
26 including a completed application.

27 (9) Applications for reimbursements from the fund shall be filed
28 on a first-come-first-served basis.

29 (10) Applications for reimbursement that cannot be paid from
30 the fund due to insufficiency of the fund for that fiscal year shall
31 be held over until the next fiscal year to be paid out of the renewed
32 fund. Applications held over shall be given a priority standing in
33 the next fiscal year.

34 (b) This section shall remain in effect only until January 1, 2025,
35 and as of that date is repealed.

36 ~~SEC. 47.~~

37 *SEC. 71.* Section 8030.8 of the Business and Professions Code
38 is amended to read:

39 8030.8. (a) For purposes of this chapter, documentation
40 accompanying an invoice is sufficient to establish entitlement for

1 reimbursement from the Transcript Reimbursement Fund if it is
2 filed with the executive officer on an application form prescribed
3 by the board that is complete in all respects, and that establishes
4 all of the following:

5 (1) The case name and number and that the litigant or litigants
6 requesting the reimbursement are indigent persons. If the applicant
7 is an indigent person appearing pro se the application shall be
8 accompanied by a copy of the fee waiver form approved by the
9 court in the matter for which the applicant seeks reimbursement.

10 (2) The applicant is qualified under the provisions of this
11 chapter.

12 (3) The case is not a fee-generating case, as defined in Section
13 8030.4.

14 (4) The invoice or other documentation shall evidence that the
15 certified shorthand reporter to be reimbursed was, at the time the
16 services were rendered, a duly licensed certified shorthand reporter.

17 (5) The invoice shall be accompanied by a statement, signed by
18 the applicant, stating that the charges are for transcripts actually
19 provided as indicated on the invoice.

20 (6) The applicant has acknowledged, in writing, that as a
21 condition of entitlement for reimbursement that the applicant agrees
22 to refund the entire amount disbursed from the Transcript
23 Reimbursement Fund from any costs or attorney's fees awarded
24 to the applicant by the court or provided for in any settlement
25 agreement in the case.

26 (7) The certified shorthand reporter's invoice for transcripts
27 shall include separate itemizations of charges claimed, as follows:

28 (A) Total charges and rates for customary services in preparation
29 of an original transcript and one copy or a copy of the transcript
30 of depositions.

31 (B) Total charges and rates for expedited deposition transcripts.

32 (C) Total charges and rates in connection with transcription of
33 court proceedings.

34 (b) For an applicant claiming to be eligible pursuant to
35 subdivision (j), (l), or (m) of Section 8030.4, a letter from the
36 director of the project or center, certifying that the project or center
37 meets the standards set forth in one of those subdivisions and that
38 the litigant or litigants are indigent persons, is sufficient
39 documentation to establish eligibility.

1 (c) For an applicant claiming to be eligible pursuant to
2 subdivision (k) of Section 8030.4, a letter certifying that the
3 applicant meets the requirements of that subdivision, that the case
4 is not a fee-generating case, as defined in subdivision (e) of Section
5 8030.4, and that the litigant or litigants are indigent persons,
6 together with a letter from the director of a project or center defined
7 in subdivision (j), (l), or (m) of Section 8030.4 certifying that the
8 litigant or litigants had been referred by that project or center to
9 the applicant, is sufficient documentation to establish eligibility.

10 (d) The applicant may receive reimbursement directly from the
11 board if the applicant has previously paid the certified shorthand
12 reporter for transcripts as provided in Section 8030.6. To receive
13 payment directly, the applicant shall submit, in addition to all other
14 required documentation, an itemized statement signed by the
15 certified shorthand reporter performing the services that describes
16 payment for transcripts in accordance with the requirements of
17 Section 8030.6.

18 (e) The board may prescribe appropriate forms to be used by
19 applicants and certified shorthand reporters to facilitate these
20 requirements.

21 (f) This chapter does not restrict the contractual obligation or
22 payment for services, including, but not limited to, billing the
23 applicant directly, during the pendency of the claim.

24 (g) This section shall remain in effect only until January 1, 2025,
25 and as of that date is repealed.

26 ~~SEC. 48:~~

27 *SEC. 72.* Section 8050 of the Business and Professions Code,
28 as amended by Section 2 of Chapter 214 of the Statutes of 2021,
29 is amended to read:

30 8050. (a) It is the intent of the Legislature to enhance the
31 regulation of licensed shorthand reporters and shorthand reporting
32 corporations pursuant to this section, by imposing specific penalties
33 in addition to other remedies permitted by this chapter that seek
34 to discourage practices that are inconsistent with the integrity and
35 impartiality required of officers of the court, to promote
36 competition based upon the quality and price of shorthand reporting
37 services, and to ensure consistent regulation of corporations owned
38 by certificate holders and those not owned by certificate holders.

39 (b) This section shall apply to an individual or entity that does
40 any of the following:

1 (1) Any act that constitutes shorthand reporting that occurs
2 wholly or partly in this state.

3 (2) Employs, independently contracts with, or recruits a licensed
4 shorthand reporter to report or transcribe deposition testimony in
5 a court proceeding or in a deposition.

6 (3) Contracts with a resident of this state by mail or otherwise
7 that requires either party to perform licensed shorthand reporting
8 wholly or partly in this state.

9 (4) Independently contracts with or is employed by an entity
10 that does any of the acts described in paragraphs (1) to (3),
11 inclusive.

12 (c) (1) This section does not apply to an individual, whether
13 acting as an individual or as an officer, director, or shareholder of
14 a shorthand reporting corporation, as defined in Section 8040, who
15 possesses a valid license, issued pursuant to Section 8018 or a
16 valid registration issued pursuant to Section 8051, that may be
17 revoked or suspended by the board, or to a shorthand reporting
18 corporation that is in compliance with Section 8044.

19 (2) This section does not apply to a court, a party to litigation,
20 an attorney of a party, or a full-time employee of a party or the
21 attorney of a party, who provides or contracts for certified
22 shorthand reporting for purposes related to the litigation.

23 (d) An individual or entity described in subdivision (b) shall
24 not do any of the following:

25 (1) Seek compensation for a transcript that is in violation of the
26 minimum transcript format standards set forth in Section 2473 of
27 Article 8 of Division 24 of Title 16 of the California Code of
28 Regulations.

29 (2) Seek compensation for a certified court transcript applying
30 fees higher than those set out in Section 69950 of the Government
31 Code.

32 (3) Make a transcript available to one party in advance of other
33 parties, as described in subdivision (d) of Section 2025.510 of the
34 Code of Civil Procedure, or offer or provide a service to only one
35 party as described in subdivision (b) of Section 2025.320 of the
36 Code of Civil Procedure.

37 (4) Fail to promptly notify a party of a request for preparation
38 of all or any part of a transcript, excerpts, or expedites for one
39 party without the other parties' knowledge, as described in

1 paragraph (5) of subdivision (b) of Section 2475 of Article 8 of
2 Division 24 of Title 16 of the California Code of Regulations.

3 (e) Nothing in this section shall be construed to prohibit a
4 licensed shorthand reporter, shorthand reporting corporation, or
5 an individual or entity described in subdivision (b), from offering
6 or providing long-term or multicase volume discounts or services
7 ancillary to reporting and transcribing a deposition, arbitration, or
8 judicial proceeding in contracts that are subject to laws related to
9 shorthand reporting.

10 (f) An individual or entity that violates this section shall be
11 subject to a civil fine not exceeding ten thousand dollars (\$10,000)
12 per violation.

13 (g) The Attorney General, a district attorney, a city attorney, or
14 the board may bring a civil action for a violation of this section,
15 including an action for injunctive relief and any other appropriate
16 relief, and shall be entitled, if they are the prevailing party, to
17 recover reasonable attorney's fees.

18 (h) This section shall remain in effect only until January 1, 2025,
19 and as of that date is repealed.

20 ~~SEC. 49:~~

21 *SEC. 73.* Section 8050 of the Business and Professions Code,
22 as added by Section 3 of Chapter 214 of the Statutes of 2021, is
23 amended to read:

24 8050. (a) It is the intent of the Legislature to enhance the
25 regulation of licensed shorthand reporters and shorthand reporting
26 corporations pursuant to this section, by imposing specific penalties
27 in addition to other remedies permitted by this chapter that seek
28 to discourage practices that are inconsistent with the integrity and
29 impartiality required of officers of the court and to promote
30 competition based upon the quality and price of shorthand reporting
31 services.

32 (b) This section shall apply to an individual or entity that does
33 any of the following:

34 (1) Any act that constitutes shorthand reporting that occurs
35 wholly or partly in this state.

36 (2) Employs, independently contracts with, or recruits a licensed
37 shorthand reporter to report or transcribe deposition testimony in
38 a court proceeding or in a deposition.

1 (3) Contracts with a resident of this state by mail or otherwise
2 that requires either party to perform licensed shorthand reporting
3 wholly or partly in this state.

4 (4) Independently contracts with or is employed by an entity
5 that does any of the acts described in paragraphs (1) to (3),
6 inclusive.

7 (c) (1) This section does not apply to an individual, whether
8 acting as an individual or as an officer, director, or shareholder of
9 a shorthand reporting corporation, as defined in Section 8040, who
10 possesses a valid license, issued pursuant to Section 8018, that
11 may be revoked or suspended by the board, or to a shorthand
12 reporting corporation that is in compliance with Section 8044.

13 (2) This section does not apply to a court, a party to litigation,
14 an attorney of the party, or a full-time employee of the party or
15 the attorney of the party, who provides or contracts for certified
16 shorthand reporting for purposes related to the litigation.

17 (d) An individual or entity described in subdivision (b) shall
18 not do any of the following:

19 (1) Seek compensation for a transcript that is in violation of the
20 minimum transcript format standards set forth in Section 2473 of
21 Article 8 of Division 24 of Title 16 of the California Code of
22 Regulations.

23 (2) Seek compensation for a certified court transcript applying
24 fees other than those set out in Section 69950 of the Government
25 Code.

26 (3) Make a transcript available to one party in advance of other
27 parties, as described in subdivision (d) of Section 2025.510 of the
28 Code of Civil Procedure, or offer or provide a service to only one
29 party as described in subdivision (b) of Section 2025.320 of the
30 Code of Civil Procedure.

31 (4) Fail to promptly notify a party of a request for preparation
32 of all or any part of a transcript, excerpts, or expedites for one
33 party without the other parties' knowledge, as described in
34 paragraph (5) of subdivision (b) of Section 2475 of Article 8 of
35 Division 24 of Title 16 of the California Code of Regulations.

36 (e) Nothing in this section shall be construed to prohibit a
37 licensed shorthand reporter, shorthand reporting corporation, or
38 an individual or entity described in subdivision (b), from offering
39 or providing long-term or multicase volume discounts or services
40 ancillary to reporting and transcribing a deposition, arbitration, or

1 judicial proceeding in contracts that are subject to laws related to
2 shorthand reporting.

3 (f) An individual or entity that violates this section shall be
4 subject to a civil fine not exceeding ten thousand dollars (\$10,000)
5 per violation.

6 (g) The Attorney General, a district attorney, a city attorney, or
7 the board may bring a civil action for a violation of this section,
8 including an action for injunctive relief and any other appropriate
9 relief, and shall be entitled, if they are the prevailing party, to
10 recover reasonable attorney’s fees.

11 (h) This section shall become operative on January 1, 2025.

12 ~~SEC. 50.~~

13 *SEC. 74.* Section 8051 of the Business and Professions Code
14 is amended to read:

15 8051. (a) On and after July 1, 2022, an entity that is not a
16 shorthand reporting corporation may, wherever incorporated in
17 the United States, engage in the conduct described in subdivision
18 (b) of Section 8050 if it is approved for registration by the board
19 after meeting all of the following requirements:

20 (1) The entity pays an annual registration fee to the board, in
21 an amount determined by the board, not to exceed five hundred
22 dollars (\$500). The fee shall not exceed the board’s cost of
23 administering this section.

24 (2) The entity has designated a board-certified reporter-in-charge
25 who is a full-time employee of the registered entity and a resident
26 of California, and who holds a currently valid California license
27 at all times as a certified shorthand reporter where the certificate
28 holder has no restrictions on their license and is not subject to a
29 pending board accusation or investigation at the time of the entity’s
30 application for registration. The reporter-in-charge shall be
31 responsible to the board for an entity’s compliance with all state
32 laws and regulations pertaining to and within the scope of the
33 practice of certified shorthand reporting and any acts of the entity
34 pertaining to and within the scope of the practice of a certificate
35 holder shall be deemed acts of the reporter-in-charge. Nothing in
36 this paragraph shall be construed as permitting the board to restrict,
37 suspend, or revoke the license of a reporter-in-charge for conduct
38 committed or directed by another person unless the
39 reporter-in-charge had knowledge of or knowingly participated in
40 such conduct.

1 (3) The entity agrees in the registration to abide by the laws,
2 regulations, and standards of practice applicable to businesses that
3 render shorthand reporting services pursuant to Section 13401 of
4 the Corporations Code, except for the requirements of Sections
5 8040 and 8044.

6 (b) An entity shall provide the board with all of the following
7 information for consideration of initial registration pursuant to
8 subdivision (a):

9 (1) The name and certificate number of the entity's certified
10 reporter-in-charge.

11 (2) Whether the entity, a controlling officer or parent corporation
12 of the entity, the entity's reporter-in-charge, or any of its officers,
13 employees, or independent contractors, has been subject to any
14 enforcement action, relating to the provision of court reporting
15 services, by a state or federal agency within five years before
16 submitting the initial registration. If so, the entity shall provide
17 the board a copy of the operative complaint with the initial
18 registration.

19 (3) Whether the entity, within five years before submitting the
20 registration, has settled, or been adjudged to have liability for, a
21 civil complaint alleging the entity or the entity's reporter-in-charge
22 engaged in misconduct relating to the provision of court reporting
23 services for more than fifty thousand dollars (\$50,000).

24 (4) Any additional documentation the board reasonably deems
25 necessary for consideration in the initial registration process.

26 (c) Within 90 days of receiving a completed application for
27 initial registration, including any disclosures made pursuant to
28 subdivision (b), the board shall either approve the entity's
29 registration or deny the application upon a finding that a substantial
30 risk would be posed to the public, which shall be subsequently
31 provided to the applicant in writing with specificity as to the basis
32 of that finding.

33 (d) A registration issued by the board pursuant to this section
34 shall be valid for one year, at which time it may be approved for
35 renewal by the board upon meeting the requirements of subdivision
36 (a).

37 (e) A registered entity shall notify the board in writing within
38 30 days of the date when a reporter-in-charge ceases to act as the
39 reporter-in-charge and propose another certificate holder to take
40 over as the reporter-in-charge. The proposed replacement

1 reporter-in-charge shall be subject to approval by the board. If
2 disapproved, the entity shall propose another replacement within
3 15 days of the date of disapproval and shall continue to name
4 proposed replacements until a reporter-in-charge is approved by
5 the board.

6 (f) The board shall revoke the registration of an entity if the
7 board determines the entity:

8 (1) Engaged, in whole or in part, through officers, employees,
9 or independent contractors that are not certificate holders, in acts
10 that are within the scope of practice of a certificate holder, unless
11 otherwise permitted by law.

12 (2) Directed or authorized the reporter-in-charge to violate state
13 laws or regulations pertaining to shorthand reporting or offering
14 financial incentives to the reporter-in-charge for engaging in acts
15 that violate state law.

16 (g) In addition to revoking an entity's registration as required
17 by subdivision (f), a registration issued under this section may be
18 revoked, suspended, denied, restricted, or subjected to other
19 disciplinary action as the board deems fit for violations of the laws
20 or regulations pertaining to shorthand reporting by the entity's
21 officers, employees, or independent contractors, including the
22 issuance of citations and fines.

23 (h) The board shall consider suspending the registration of an
24 entity for a minimum of one year if the license of its
25 reporter-in-charge is suspended or revoked for violating this section
26 more than twice in a consecutive five-year period.

27 (i) An entity shall have the right to reasonable notice and
28 opportunity to comment to and before the board regarding any
29 determination to deny or revoke registration before that
30 determination becomes final. An entity may seek review of a board
31 decision to deny or revoke registration under this section either in
32 an administrative hearing under Chapter 5 (commencing with
33 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
34 Code or through an action brought pursuant to Section 1085 of the
35 Code of Civil Procedure.

36 (j) A certificate holder shall not engage in the practice of
37 shorthand reporting on behalf of an entity that the reporter knows
38 or should know is not registered with the board and shall verify
39 whether a person or entity is registered with the board before

1 engaging in the practice of shorthand reporting on behalf of that
2 person or entity.

3 (k) The board shall create and make available on its internet
4 website a directory of registered entities. The board shall not take
5 action against a certificate holder solely for a violation of
6 subdivision (j) if the certificate holder reasonably relied on the
7 board's directory stating that the entity was registered at the time.

8 (l) The board may adopt regulations to implement this section.

9 (m) This section shall remain in effect only until January 1,
10 2025, and as of that date is repealed.

11 ~~SEC. 51.~~

12 *SEC. 75.* Section 8710 of the Business and Professions Code
13 is amended to read:

14 8710. (a) The Board for Professional Engineers, Land
15 Surveyors, and Geologists is vested with power to administer the
16 provisions and requirements of this chapter, and may make and
17 enforce rules and regulations that are reasonably necessary to carry
18 out its provisions.

19 (b) The board may adopt rules and regulations of professional
20 conduct that are not inconsistent with state and federal law. The
21 rules and regulations may include definitions of incompetence and
22 negligence. Every person who holds a license or certificate issued
23 by the board pursuant to this chapter, or a license or certificate
24 issued to a civil engineer pursuant to Chapter 7 (commencing with
25 Section 6700), shall be governed by these rules and regulations.

26 (c) This section shall remain in effect only until January 1, 2025,
27 and as of that date is repealed. Notwithstanding any other law, the
28 repeal of this section renders the board subject to review by the
29 appropriate policy committees of the Legislature.

30 ~~SEC. 52.~~

31 *SEC. 76.* Section 9812.5 of the Business and Professions Code
32 is amended to read:

33 9812.5. The director shall gather evidence of violations of this
34 chapter and of any regulation established hereunder by any service
35 contractor, whether registered or not, and by any employee, partner,
36 officer, or member of any service contractor. The director shall,
37 on their own initiative, conduct spot check investigations of service
38 contractors throughout the state on a continuous basis.

39 This section shall remain in effect only until January 1, 2024,
40 and as of that date is repealed.

1 ~~SEC. 53.~~

2 *SEC. 77.* Section 9830.5 of the Business and Professions Code
3 is amended to read:

4 9830.5. (a) Each service contractor shall pay the fee required
5 by this chapter for each place of business operated by them in this
6 state and shall register with the bureau upon forms prescribed by
7 the director. The forms shall contain sufficient information to
8 identify the service contractor, including name, address, retail
9 seller’s permit number, if a permit is required under the Sales and
10 Use Tax Law (Part 1 (commencing with Section 6001) of Division
11 2 of the Revenue and Taxation Code), a copy of the certificate of
12 qualification as filed with the Secretary of State if the service
13 contractor is a foreign corporation, and other identifying data to
14 be prescribed by the bureau. If the business is to be carried on
15 under a fictitious name, that fictitious name shall be stated. If the
16 service contractor is a partnership, identifying data shall be stated
17 for each partner. If the service contractor is a private company that
18 does not file an annual report on Form 10-K with the Securities
19 and Exchange Commission, data shall be included for each of the
20 officers and directors of the company as well as for the individual
21 in charge of each place of the service contractor’s business in the
22 State of California, subject to any regulations the director may
23 adopt. If the service contractor is a publicly held corporation or a
24 private company that files an annual report on Form 10-K with
25 the Securities and Exchange Commission, it shall be sufficient for
26 purposes of providing data for each of the officers and directors
27 of the corporation or company to file with the director the most
28 recent annual report on Form 10-K that is filed with the Securities
29 and Exchange Commission.

30 (b) A service contractor who does not operate a place of business
31 in this state but who sells, issues, or administers service contracts
32 in this state, shall hold a valid registration issued by the bureau
33 and shall pay the registration fee required by this chapter as if they
34 had a place of business in this state.

35 (c) This section shall remain in effect only until January 1, 2024,
36 and as of that date is repealed.

37 ~~SEC. 54.~~

38 *SEC. 78.* Section 9832.5 of the Business and Professions Code
39 is amended to read:

1 9832.5. (a) Registrations issued under this chapter shall expire
2 no more than 12 months after the issue date. The expiration date
3 of registrations shall be set by the director in a manner to best
4 distribute renewal procedures throughout the year.

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

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

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

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

22 (f) This section shall remain in effect only until January 1, 2024,
23 and as of that date is repealed.

24 ~~SEC. 55.~~

25 *SEC. 79.* Section 9847.5 of the Business and Professions Code
26 is amended to read:

27 9847.5. (a) Each service contractor shall maintain those records
28 as are required by the regulations adopted to carry out the
29 provisions of this chapter for a period of at least three years. These
30 records shall be open for reasonable inspection by the director or
31 other law enforcement officials.

32 (b) This section shall remain in effect only until January 1, 2024,
33 and as of that date is repealed.

34 ~~SEC. 56.~~

35 *SEC. 80.* Section 9849 of the Business and Professions Code,
36 as amended by Section 12 of Chapter 578 of the Statutes of 2018,
37 is amended to read:

38 9849. (a) The expiration of a valid registration shall not deprive
39 the director of jurisdiction to proceed with any investigation or
40 hearing on a cease and desist order against a service dealer or

1 service contractor or to render a decision to suspend, revoke, or
2 place on probation a registration.

3 (b) This section shall remain in effect only until January 1, 2024,
4 and as of that date is repealed.

5 ~~SEC. 57.~~

6 *SEC. 81.* Section 9849 of the Business and Professions Code,
7 as amended by Section 13 of Chapter 578 of the Statutes of 2018,
8 is amended to read:

9 9849. (a) The expiration of a valid registration shall not deprive
10 the director of jurisdiction to proceed with any investigation or
11 hearing on a cease and desist order against a service dealer or to
12 render a decision to suspend, revoke, or place on probation a
13 registration.

14 (b) This section shall become operative on January 1, 2024.

15 ~~SEC. 58.~~

16 *SEC. 82.* Section 9851 of the Business and Professions Code,
17 as amended by Section 14 of Chapter 578 of the Statutes of 2018,
18 is amended to read:

19 9851. (a) The superior court in and for the county wherein any
20 person carries on, or attempts to carry on, business as a service
21 dealer or service contractor in violation of the provisions of this
22 chapter, or any regulation thereunder, shall, on application of the
23 director, issue an injunction or other appropriate order restraining
24 that conduct.

25 (b) The proceedings under this section shall be governed by
26 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
27 the Code of Civil Procedure, except that the director shall not be
28 required to allege facts necessary to show or tending to show lack
29 of an adequate remedy at law or irreparable injury.

30 (c) This section shall remain in effect only until January 1, 2024,
31 and as of that date is repealed.

32 ~~SEC. 59.~~

33 *SEC. 83.* Section 9851 of the Business and Professions Code,
34 as amended by Section 15 of Chapter 578 of the Statutes of 2018,
35 is amended to read:

36 9851. (a) The superior court in and for the county wherein any
37 person carries on, or attempts to carry on, business as a service
38 dealer in violation of the provisions of this chapter, or any
39 regulation thereunder, shall, on application of the director, issue
40 an injunction or other appropriate order restraining that conduct.

1 (b) The proceedings under this section shall be governed by
2 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
3 the Code of Civil Procedure, except that the director shall not be
4 required to allege facts necessary to show or tending to show lack
5 of an adequate remedy at law or irreparable injury.

6 (c) This section shall become operative on January 1, 2024.

7 ~~SEC. 60.~~

8 *SEC. 84.* Section 9853 of the Business and Professions Code,
9 as amended by Section 16 of Chapter 578 of the Statutes of 2018,
10 is amended to read:

11 9853. (a) A plea or verdict of guilty or a conviction following
12 a plea of nolo contendere made to a charge substantially related
13 to the qualifications, functions, and duties of a service dealer or
14 service contractor is deemed to be a conviction within the meaning
15 of this article. The director may suspend, revoke, or place on
16 probation a registration, or may deny registration, when the time
17 for appeal has elapsed, or the judgment of conviction has been
18 affirmed on appeal or when an order granting probation is made
19 suspending the imposition of sentence, irrespective of a subsequent
20 order under Section 1203.4 of the Penal Code, allowing that person
21 to withdraw their plea of guilty and to enter a plea of not guilty,
22 or setting aside the verdict of guilty, or dismissing the accusation,
23 information, or indictment.

24 (b) This section shall remain in effect only until January 1, 2024,
25 and as of that date is repealed.

26 ~~SEC. 61.~~

27 *SEC. 85.* Section 9853 of the Business and Professions Code,
28 as amended by Section 17 of Chapter 578 of the Statutes of 2018,
29 is amended to read:

30 9853. (a) A plea or verdict of guilty or a conviction following
31 a plea of nolo contendere made to a charge substantially related
32 to the qualifications, functions, and duties of a service dealer is
33 deemed to be a conviction within the meaning of this article. The
34 director may suspend, revoke, or place on probation a registration,
35 or may deny registration, when the time for appeal has elapsed, or
36 the judgment of conviction has been affirmed on appeal or when
37 an order granting probation is made suspending the imposition of
38 sentence, irrespective of a subsequent order under Section 1203.4
39 of the Penal Code allowing that person to withdraw their plea of

1 guilty and to enter a plea of not guilty, or setting aside the verdict
2 of guilty, or dismissing the accusation, information, or indictment.

3 (b) This section shall become operative January 1, 2024.

4 ~~SEC. 62.~~

5 *SEC. 86.* Section 9855.9 of the Business and Professions Code
6 is amended to read:

7 9855.9. This article shall remain in effect only until January
8 1, 2024, and as of that date is repealed.

9 ~~SEC. 63.~~

10 *SEC. 87.* Section 9860 of the Business and Professions Code,
11 as amended by Section 22 of Chapter 578 of the Statutes of 2018,
12 is amended to read:

13 9860. (a) The director shall establish procedures for accepting
14 complaints from the public against any service dealer or service
15 contractor.

16 (b) This section shall remain in effect only until January 1, 2024,
17 and as of that date is repealed.

18 ~~SEC. 64.~~

19 *SEC. 88.* Section 9860 of the Business and Professions Code,
20 as amended by Section 23 of Chapter 578 of the Statutes of 2018,
21 is amended to read:

22 9860. (a) The director shall establish procedures for accepting
23 complaints from the public against any service dealer.

24 (b) This section shall become operative on January 1, 2024.

25 ~~SEC. 65.~~

26 *SEC. 89.* Section 9862.5 of the Business and Professions Code
27 is amended to read:

28 9862.5. (a) If a complaint indicates a possible violation of this
29 chapter or of the regulations adopted pursuant to this chapter, the
30 director may advise the service contractor of the contents of the
31 complaint and, if the service contractor is so advised, the director
32 shall make a summary investigation of the facts after the service
33 contractor has had reasonable opportunity to reply thereto.

34 (b) This section shall remain in effect only until January 1, 2024,
35 and as of that date is repealed.

36 ~~SEC. 66.~~

37 *SEC. 90.* Section 9863 of the Business and Professions Code,
38 as amended by Section 25 of Chapter 578 of the Statutes of 2018,
39 is amended to read:

1 9863. (a) If, upon summary investigation, it appears probable
2 to the director that a violation of this chapter, or the regulations
3 thereunder, has occurred, the director, in their discretion, may
4 suggest measures that in the director’s judgment would compensate
5 the complainant for the damages they suffered as a result of the
6 alleged violation. If the service dealer or service contractor accepts
7 the director’s suggestions and performs accordingly, the director
8 shall give that fact due consideration in any subsequent disciplinary
9 proceeding. If the service dealer or service contractor declines to
10 abide by the suggestions of the director, the director may
11 investigate further and may institute disciplinary proceedings in
12 accordance with the provisions of this chapter.

13 (b) This section shall remain in effect only until January 1, 2024,
14 and as of that date is repealed.

15 ~~SEC. 67.~~

16 *SEC. 91.* Section 9863 of the Business and Professions Code,
17 as amended by Section 26 of Chapter 578 of the Statutes of 2018,
18 is amended to read:

19 9863. (a) If, upon summary investigation, it appears probable
20 to the director that a violation of this chapter, or the regulations
21 thereunder, has occurred, the director, in their discretion, may
22 suggest measures that in the director’s judgment would compensate
23 the complainant for the damages they suffered as a result of the
24 alleged violation. If the service dealer accepts the director’s
25 suggestions and performs accordingly, the director shall give that
26 fact due consideration in any subsequent disciplinary proceeding.
27 If the service dealer declines to abide by the suggestions of the
28 director, the director may investigate further and may institute
29 disciplinary proceedings in accordance with the provisions of this
30 chapter.

31 (b) This section shall become operative on January 1, 2024.

32 ~~SEC. 68.~~

33 *SEC. 92.* Section 9873 of the Business and Professions Code,
34 as added by Section 3 of Chapter 29 of the Statutes of 2019, is
35 amended to read:

36 9873. The fees prescribed by this chapter shall be set by the
37 director by regulation, according to the following schedule:

38 (a) (1) The initial registration fee for an electronic repair
39 industry service dealer or for an appliance repair industry service
40 dealer is not more than two hundred five dollars (\$205) for each

1 place of business in this state. The initial registration fee for a
2 service contractor is not more than ninety-five dollars (\$95) for
3 each place of business in this state.

4 (2) The initial registration fee for a person who engages in
5 business as both an electronic repair industry service dealer and
6 an appliance repair industry service dealer is not more than four
7 hundred five dollars (\$405) for each place of business in this state.
8 The initial registration fee for a person who is a service contractor
9 and engages in business as either an electronic repair industry
10 service dealer or an appliance repair industry service dealer is not
11 more than three hundred dollars (\$300) for each place of business
12 in this state.

13 (3) The initial registration fee for a person who engages in both
14 the electronic repair industry and the appliance repair industry as
15 a service dealer and is a service contractor is not more than five
16 hundred dollars (\$500) for each place of business in this state.

17 (4) A service dealer or service contractor who does not operate
18 a place of business in this state, but engages in the electronic repair
19 industry or the appliance repair industry, or sells, issues, or
20 administers service contracts in this state, shall pay the registration
21 fee specified herein as if that service dealer or service contractor
22 had a place of business in this state.

23 (b) (1) The annual registration renewal fee for an electronic
24 repair industry service dealer or for an appliance repair industry
25 service dealer is not more than two hundred five dollars (\$205)
26 for each place of business in this state, if renewed prior to its
27 expiration date. The annual registration renewal fee for a service
28 contractor is ninety-five dollars (\$95) for each place of business
29 in this state, if renewed prior to its expiration date.

30 (2) The annual renewal fee for a service dealer who engages in
31 the business as both an electronic repair industry service dealer
32 and an appliance repair industry service dealer is not more than
33 four hundred dollars (\$400) for each place of business in this state.

34 (3) The annual renewal fee for a service dealer who engages in
35 the electronic repair industry and the appliance repair industry and
36 is a service contractor is not more than four hundred seventy-five
37 dollars (\$475) for each place of business in this state.

38 (4) A service dealer or service contractor who does not operate
39 a place of business in this state, but who engages in the electronic
40 repair industry or the appliance repair industry, or sells or issues

1 service contracts in this state, shall pay the renewal fee specified
2 herein as if that service dealer or service contractor had a place of
3 business in this state.

4 (c) The delinquency fee is an amount equal to 50 percent of the
5 renewal fee for a license in effect on the date of renewal of the
6 license, except as otherwise provided in Section 163.5.

7 (d) This section shall remain in effect only until January 1,
8 2024, and as of that date is repealed.

9 ~~SEC. 69.~~

10 *SEC. 93.* Section 9873 of the Business and Professions Code,
11 as added by Section 4 of Chapter 29 of the Statutes of 2019, is
12 amended to read:

13 9873. The fees prescribed by this chapter shall be set by the
14 director by regulation, according to the following schedule:

15 (a) The initial registration fee for an electronic repair industry
16 service dealer or for an appliance repair industry service dealer is
17 not more than two hundred five dollars (\$205) for each place of
18 business in this state. The initial registration fee for a person who
19 engages in business as both an electronic repair industry service
20 dealer and an appliance repair industry service dealer is not more
21 than four hundred five dollars (\$405).

22 (b) The annual registration renewal fee for an electronic repair
23 industry service dealer or for an appliance repair industry service
24 dealer is not more than two hundred five dollars (\$205) for each
25 place of business in this state, if renewed prior to its expiration
26 date. The annual renewal fee for a service dealer who engages in
27 the business as both an electronic repair industry service dealer
28 and an appliance repair industry service dealer is not more than
29 four hundred dollars (\$400).

30 (c) The delinquency fee is an amount equal to 50 percent of the
31 renewal fee for a license in effect on the date of renewal of the
32 license, except as otherwise provided in Section 163.5.

33 (d) This section shall become operative on January 1, 2024.

34 ~~SEC. 70.~~

35 *SEC. 94.* Section 18602 of the Business and Professions Code
36 is amended to read:

37 18602. (a) Except as provided in this section, there is in the
38 Department of Consumer Affairs the State Athletic Commission,
39 which consists of seven members. Five members shall be appointed
40 by the Governor, one member shall be appointed by the Senate

1 Committee on Rules, and one member shall be appointed by the
2 Speaker of the Assembly.

3 The members of the commission appointed by the Governor are
4 subject to confirmation by the Senate pursuant to Section 1322 of
5 the Government Code.

6 No person who is currently licensed, or who was licensed within
7 the last two years, under this chapter may be appointed or
8 reappointed to, or serve on, the commission.

9 (b) In appointing commissioners under this section, the
10 Governor, the Senate Committee on Rules, and the Speaker of the
11 Assembly shall make every effort to ensure that at least four of
12 the members of the commission shall have experience and
13 demonstrate expertise in one of the following areas:

14 (1) A licensed physician or surgeon having expertise or
15 specializing in neurology, neurosurgery, head trauma, or sports
16 medicine. Sports medicine includes, but is not limited to,
17 physiology, kinesiology, or other aspects of sports medicine.

18 (2) Financial management.

19 (3) Public safety.

20 (4) Past experience in the activity regulated by this chapter,
21 either as a contestant, a referee or official, a promoter, or a venue
22 operator.

23 (c) Each member of the commission shall be appointed for a
24 term of four years. All terms shall end on January 1. Vacancies
25 occurring prior to the expiration of the term shall be filled by
26 appointment for the unexpired term. No commission member may
27 serve more than two consecutive terms.

28 (d) Notwithstanding any other provision of this chapter,
29 members first appointed shall be subject to the following terms:

30 (1) The Governor shall appoint two members for two years, two
31 members for three years, and one member for four years.

32 (2) The Senate Committee on Rules shall appoint one member
33 for four years.

34 (3) The Speaker of the Assembly shall appoint one member for
35 four years.

36 (e) (1) This section shall remain in effect only until January 1,
37 2025, and as of that date is repealed.

38 (2) Notwithstanding any other law, the repeal of this section
39 renders the board subject to review by the appropriate policy
40 committees of the Legislature.

1 ~~SEC. 71.~~ Section 18613 of the Business and Professions Code
2 is amended to read:

3 ~~18613. (a) (1) The commission shall appoint a person exempt~~
4 ~~from civil service who shall be designated as an executive officer~~
5 ~~and who shall exercise the powers and perform the duties delegated~~
6 ~~by the commission and vested in the executive officer by this~~
7 ~~chapter. The appointment of the executive officer is subject to the~~
8 ~~approval of the Director of Consumer Affairs.~~

9 ~~(2) The commission may employ a chief athletic inspector. If~~
10 ~~the commission employs a chief athletic inspector, the chief athletic~~
11 ~~inspector shall exercise the powers and perform the duties delegated~~
12 ~~by the commission and authorized by the executive officer related~~
13 ~~to the regulation of events under this chapter.~~

14 ~~(3) The commission may employ an assistant chief athletic~~
15 ~~inspector. If the commission employs an assistant chief athletic~~
16 ~~inspector, the assistant chief athletic inspector shall assist the chief~~
17 ~~athletic inspector in exercising the powers and performing the~~
18 ~~duties delegated by the commission and authorized by the executive~~
19 ~~officer related to the regulation of events under this chapter.~~

20 ~~(4) The commission may employ in accordance with Section~~
21 ~~154 other personnel as may be necessary for the administration of~~
22 ~~this chapter.~~

23 ~~(b) This section shall remain in effect only until January 1, 2025,~~
24 ~~and as of that date is repealed.~~

25 ~~SEC. 72.~~

26 ~~SEC. 95.~~ No reimbursement is required by this act pursuant
27 to Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

O

Introduced by Senator ArchuletaFebruary 18, 2022

An act to amend Section 1636.5 of, and to repeal Section 1636.6 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1471, as introduced, Archuleta. Dentistry: foreign dental schools.

Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California. The act, prior to January 1, 2020, required a foreign dental school seeking approval to submit an application to the board, including, among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act also required an approved institution to submit a renewal application every 7 years and to pay a specified renewal fee.

The act, beginning on January 1, 2020, prohibits the board from accepting new applications for approval of foreign dental schools, and instead requires foreign dental schools seeking approval to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act requires previously approved foreign dental schools to complete the CODA process or comparable accreditation by January 1, 2024, to remain approved, unless the foreign dental school was renewed by the board prior to January 1, 2020, through a date between January 1, 2024, and June 30, 2026, in which case the act provides the foreign dental school's approval is maintained through that date. The also act provides that graduates of a foreign dental school whose

program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, are eligible for licensure.

This bill would require previously approved foreign dental schools to complete the CODA process or comparable accreditation by January 1, 2024, to remain approved, unless the foreign dental school was renewed by the board prior to January 1, 2020, through June 30, 2026, in which case the foreign dental school’s approval would be maintained through that date. The bill would repeal the provision providing that a graduate of a foreign dental school whose program was approved by the board prior to January 1, 2020, through any date before January 1, 2024, and who enrolled in the program prior to January 1, 2020, is eligible for licensure.

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 1636.5 of the Business and Professions
- 2 Code is amended to read:
- 3 1636.5. Notwithstanding Section 1636.4, any foreign dental
- 4 school whose program was renewed by the board prior to January
- 5 1, 2020, through ~~any date between January 1, 2024, and June 30,~~
- 6 ~~2026,~~ shall maintain approval through that date. Upon expiration
- 7 of the approval, the foreign dental school shall be required to
- 8 comply with the provisions of Section 1636.4.
- 9 SEC. 2. Section 1636.6 of the Business and Professions Code
- 10 is repealed.
- 11 ~~1636.6. Notwithstanding Section 1636.4, graduates of a foreign~~
- 12 ~~dental school whose program was approved by the board prior to~~
- 13 ~~January 1, 2020, through any date before January 1, 2024, and~~
- 14 ~~who enrolled in the program prior to January 1, 2020, shall be~~
- 15 ~~eligible for licensure pursuant to Section 1628.~~

O

AMENDED IN ASSEMBLY JUNE 29, 2022

AMENDED IN ASSEMBLY JUNE 21, 2022

SENATE BILL

No. 1495

Introduced by Committee on Business, Professions and Economic Development (Senators Roth (Chair), Archuleta, Bates, Becker, Dodd, Eggman, Hurtado, Jones, Leyva, Melendez, Min, Newman, Ochoa Bogh, and Pan)

March 15, 2022

An act to amend Sections 205, 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2023.5, 2240, 2401, 2435.1, 2516, ~~2725.4~~, 2746.55, ~~2786.3~~, 3502.4, 3520, 3537.10, 3537.15, 3537.25, 3537.30, 3537.35, 3537.40, 3537.50, *4170*, *4175*, 4846.5, 4883, 4980.03, 4980.396, 4996.20, 4999.12, 6534, 6538, 6560, 6561, 7086.10, 7506.1, 7520.3, 7523, 7583.10, 7583.30, 7585.8, 7841.2, 9888.5, 10083.2, 10140.6, 10153.2, 10153.3, 10153.4, 10159.5, 10165, 10166.01, 10166.02, 10166.03, 10166.04, 10166.06, 10166.07, 10166.08, 10166.10, 10166.15, 10166.16, 10166.17, 10235.5, 10236.4, and 12303 of, to amend and repeal Section 10151 of, and to repeal Section 7583.15 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1495, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Chapter 143 of the Statutes of 2021 renamed the Office of Statewide Health Planning and Development as the Department of Health Care Access and Information, and requires any reference to the office to be deemed a reference to the department.

This bill would update the name of the department in provisions relating to healing arts that reference the office.

(2) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California within the Department of Consumer Affairs for the licensure and regulation of dental hygienists. Under existing law, a licensee is required, as a condition of license renewal, to submit, and certify under penalty of perjury, assurances satisfactory to the board that they will, during the succeeding 2-year period, inform themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses, as specified.

Under this bill, the assurances required as a condition of license renewal would be that the licensee had, during the preceding 2-year period, informed themselves of those developments, as specified. By changing what assurances a licensee is required to submit to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(3) Existing law, the Physician Assistant Practice Act, establishes the Physician Assistant Board for the licensure and regulation of physician assistants. Existing law creates the Physician Assistant Fund and makes all money in the fund available, upon appropriation of the Legislature, to carry out the provisions of the act. Existing law requires the Medical Board of California to report to the Controller the amount and source of all collections made under the act and to pay all those sums into the State Treasury, where they are required to be credited to the fund. Chapter 649 of the Statutes of 2021 removed the provision that placed the Physician Assistant Board within the jurisdiction of the Medical Board of California.

This bill would remove those reporting and payment requirements from the Medical Board of California, and would, instead, impose them on the Physician Assistant Board.

Chapter 332 of the Statutes of 2012, among other things, renamed the Physician Assistant Committee as the Physician Assistant Board.

This bill would update the name of the Physician Assistant Board in provisions relating to healing arts that reference the board.

(4) Existing law, the Veterinary Medicine Practice Act, establishes the Veterinary Medical Board in the Department of Consumer Affairs for the licensure and regulation of veterinarians. Existing law requires a licensee to biennially apply for renewal of their license, and requires the board to issue renewal to those applicants that have completed a minimum of 36 hours of continuing education in the preceding 2 years. Existing law generally requires continuing education hours to be earned

by attending courses relevant to veterinary medicine and sponsored or cosponsored by certain entities.

This bill would delete an obsolete provision relating to continuing education hours earned by attending courses sponsored or cosponsored by those entities between January 1, 2000, and January 1, 2001.

The Veterinary Medicine Practice Act authorizes the board to deny, revoke, or suspend a licensee or registrant or assess a fine if a licensee or registrant makes a statement, claim, or advertisement that they are a veterinary specialist or board certified unless they are certified by a specified organization.

This bill would add an additional organization to certify a licensee or registrant for this purpose.

(5) Existing law establishes the Board of Behavioral Sciences within the Department of Consumer Affairs, and requires the board to regulate various registrants and licensees under prescribed acts, including the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, the Licensed Professional Clinical Counselor Act, and the Educational Psychologist Practice Act. Under the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act, applicants for licensure are required to complete a certain amount of supervised experience and direct supervisor contact. Existing law defines “supervisor” for purposes of those acts to mean an individual who meets certain requirements, including, among others, having, for at least 2 years within the 5-year period immediately preceding any supervision, practiced psychotherapy, provided psychological counseling pursuant to a provision of the Educational Psychologist Practice Act, or provided specified direct clinical supervision of psychotherapy.

This bill would correct erroneous cross-references to the provision of the Educational Psychologist Practice Act mentioned above.

(6) Existing law, the Geologist and Geophysicist Act, requires the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to administer its provision relating to the licensure and regulation of geologists and geophysicists. Existing law requires an applicant for certification as a geologist-in-training to meet certain requirements, including either of 2 education requirements fulfilled at a school or university whose curricula whose curricula meet criteria established by the board.

Under the bill, the board would not be required to verify an applicant’s eligibility for certification as a geologist-in-training except that an

applicant for certification as a geologist-in-training would be required to sign or acknowledge a statement of eligibility at the time of submission of the application attesting to the completion of the above-described education requirements and the rules of the board. By requiring an applicant to submit an attestation to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(7) Existing federal law, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (“SAFE Act”), encourages states to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, as specified.

Existing state law, the Real Estate Law, governs the licensing and regulation of real estate licensees, as defined, as administered by the Real Estate Commissioner. Existing law, the California Residential Mortgage Lending Act, regulates the business of making residential mortgage loans and servicing residential mortgage loans, and prohibits a person from engaging in these activities without first obtaining a license from the Commissioner of Financial Protection and Innovation. Existing law, the California Financing Law, provides for the licensure and regulation of finance lenders, brokers, and specified program administrators by the Commissioner of Financial Protection and Innovation.

Existing law requires certain licensees under the Real Estate Law, the California Financing Law, and the California Residential Mortgage Lending Act, including mortgage loan originators, to also be licensed and registered through, and regulated by, the Nationwide Mortgage Licensing System and Registry. Existing law requires the Real Estate Commissioner and the Commissioner of Financial Protection and Innovation to regularly report violations of specified state law provisions implementing the SAFE Act and specified enforcement actions to the Nationwide Mortgage Licensing System and Registry. Existing law authorizes those commissioners to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process certain fees.

This bill would instead refer to the Nationwide Mortgage Licensing System and Registry in the provisions of the Real Estate Law as the “Nationwide Multistate Licensing System and Registry.”

Existing law requires an applicant for an original real estate broker license examination to successfully complete courses of study in specified subjects, including real estate practice and legal aspects of real estate. Existing law also requires an applicant for a real estate salesperson license examination or for both the examination and license to successfully complete courses of study in specified subjects, including real estate principles and real estate practice. Existing law, beginning January 1, 2023, revises the real estate practice course for an applicant for a real estate broker or salesperson license to include a component on implicit bias, as specified, and revises the legal aspects of real estate course for that applicant to include a component on state and federal fair housing laws, as specified.

This bill would include the component on state and federal fair housing laws in the real estate practice course instead of the legal aspects of real estate course, and would further delay the revision to the real estate practice course until January 1, 2024. The bill would make clarifying changes to the educational requirement provisions.

(8) Under existing law, the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law authorizes the department to establish criteria and procedures for certification of laboratories to perform measurement services that are determined by the Secretary of Food and Agriculture to be beyond the existing equipment capabilities of the department, or when warranted by financial or workload considerations.

Existing law requires that the state standards of weights and measures by which all state and county standards of weights and measures are required to be tried, proved, and sealed include, among other specified standards, metrological standards in the possession of laboratories certified to perform measurement services pursuant to the above-described law.

This bill would update the cross-reference to the law governing certification of laboratories to perform measurement services in the above-described provision.

(9) Existing law, the Professional Fiduciaries Act, created the Professional Fiduciaries Bureau in the Department of Consumer Affairs and requires the bureau to license and regulate professional fiduciaries, as specified. Existing law requires the bureau to maintain specific records concerning its licensees on file, including the names of trusts and decedent's estates currently administered by the licensee and the

case names, court locations, and case numbers of all conservatorship, guardianship, or trust or other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, or personal representative. Existing law also requires that the bureau maintain information on whether the licensee has ever resigned as a conservator, guardian, trustee, personal representative, agent under a durable power of attorney for health care, or agent under a durable power of attorney for finances, in a specific case.

This bill would specify that the bureau is required to maintain the above-described information relating to the names of trusts and decedent's estates currently administered by a licensee and the case names, court locations, and case numbers of all conservatorship, guardianship, or trust or other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, or personal representative regardless of whether the case is court supervised or court appointed. The bill would also require that the bureau maintain the case names, court locations, and case numbers of conservatorships, guardianships, or trusts or other estate administration cases that are closed for which the licensee served as agent under durable power of attorney for finance or health care. The bill would also require that the bureau maintain information on whether the licensee has settled a matter in which a complaint has been filed with the court in a specific case.

Existing law provides that a license issued under the Professional Fiduciaries Act expires one year after it was issued on the last day of the month in which it was issued and authorizes a licensee to renew a license, as provided. Existing law requires that a licensee complete 15 hours of approved continuing education courses each year, including at least two hours in ethics or cultural competency, as specified, in order to renew a license or restore a license from retired status to active status.

This bill would, instead, require that the above-described 15 hours of approved continuing education courses, as specified, be completed each annual renewal cycle.

Existing law requires licensees under the Professional Fiduciaries Act to maintain client records and to make those records available for audit by the bureau.

This bill would specify that a licensee is required to make client records available for audit or review by the bureau upon request.

Existing law requires licensees under the Professional Fiduciaries Act to annually submit to the bureau a statement under penalty of perjury containing specified information, including the case names, court

locations, and case numbers for all matters where the licensee has been appointed by the court.

This bill would, instead, require that the above-described statement include the case names, court locations, and case numbers of all conservatorship, guardianship, trust, and other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, agent under a durable power of attorney for finance or health care, and personal representative of a decedent's estate. The bill would additionally require that the annual statement include the names of the licensee's current conservatees, wards, principals under a durable power of attorney for health care, or principals under a durable power of attorney for finances, and the names of trusts and decedent's estates currently administered by the licensee, as provided. By requiring that a licensee provide this information under penalty of perjury, the bill would impose a state-mandated local program.

(10) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators and makes violations of those provisions a crime. Existing law requires limited liability companies licensed as private investigators to maintain an insurance policy against liability imposed against it arising out of the private investigator services it provides and requires the licensee to report any paid or pending claim against its insurance to the bureau. Existing law requires the bureau to post a notice of the claim on the Department of Consumer Affairs BreEZe License Verification internet webpage.

This bill would instead require the licensee to report annually, on and after March 1, 2023, any claim paid during the prior calendar year, and would require the bureau to create a form for that purpose, and would remove the requirement that the bureau post a notice of the claim. Because a violation of these provisions is a misdemeanor, the bill would impose a state-mandated local program by expanding the scope of a crime.

(11) Existing law, the Private Security Services Act, provides for the licensure and regulation of private security services, including private patrol operators. Existing law requires security guards to carry a security guard registration card while on duty and carry a firearms permit while carrying a firearm on duty, except as specified. Existing law requires a security guard, who in the course of business or employment carries a firearm, to take a course in the power to arrest and, on and after January 1, 2023, a course in the appropriate use of force. Existing law requires a security guard registration application to include the expiration

date of the license or certification of the course provider for those courses. Existing law requires an applicant to pay a \$10 certification fee for the replacement of a certified firearms qualification card.

This bill would repeal the requirement that the expiration date of the license or certification of the course provider be included in the security guard registration application. The bill would repeal the requirement that the applicant pay a \$10 certification fee and would instead require the applicant to pay a fee as otherwise prescribed for the replacement of a certified firearms qualification card.

Existing law authorizes the Director of Consumer Affairs to require a licensed private patrol operator to suspend a security guard from employment if the director determines they may present an undue hazard to the public safety.

This bill would repeal that provision.

(12) Existing law, the Automotive Repair Act, provides for the registration and regulation of automotive repair dealers by the Bureau of Automotive Repair in the Department of Consumer Affairs. Existing law requires the Director of Consumer Affairs to issue vehicle safety systems inspection licenses to stations and technicians to conduct inspections of, and repairs to, safety systems of vehicles. Existing law requires the director to develop inspection criteria and standards for specific safety systems and to adopt regulations as specified, including to develop a certification process for vehicles and a form for a certificate of compliance that contains, among other things, the name of the owner of the vehicle.

This bill would remove the requirement that the form contain the name of the owner of the vehicle.

(13) Existing law, the Contractors State License Law, establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Existing law establishes the Solar Energy System Restitution Program for the purpose of providing restitution to certain consumers with a solar energy system installed by a contractor on a single-family residence, as specified. Existing law requires the board to display a notice, as specified, that a licensee was the subject of a payment from the program if the licensee caused a payment of an award to a consumer pursuant to the program.

This bill would specify that the board is required to display this notice for a licensee whose license is revoked or pending revocation and who caused a payment of an award to a consumer pursuant to the program.

(14) Existing law, the Collateral Recovery Act, provides for the licensure and regulation of repossession agencies by the Bureau of Security and Investigative Services under the supervision and control of the Director of Consumer Affairs.

This bill would remove an obsolete reference in the act.

This bill would additionally make various nonsubstantive changes in the above-mentioned provisions.

(15) 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 205 of the Business and Professions
2 Code, as amended by Section 8.5 of Chapter 312 of the Statutes
3 of 2020, is amended to read:

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

- 7 (1) Accountancy Fund.
- 8 (2) California Architects Board Fund.
- 9 (3) Athletic Commission Fund.
- 10 (4) Barbering and Cosmetology Contingent Fund.
- 11 (5) Cemetery and Funeral Fund.
- 12 (6) Contractors License Fund.
- 13 (7) State Dentistry Fund.
- 14 (8) Home Furnishings and Thermal Insulation Fund.
- 15 (9) California Architects Board-Landscape Architects Fund.
- 16 (10) Contingent Fund of the Medical Board of California.
- 17 (11) Optometry Fund.
- 18 (12) Pharmacy Board Contingent Fund.
- 19 (13) Physical Therapy Fund.
- 20 (14) Private Security Services Fund.
- 21 (15) Professional Engineer's, Land Surveyor's, and Geologist's
22 Fund.
- 23 (16) Consumer Affairs Fund.

- 1 (17) Behavioral Sciences Fund.
- 2 (18) Licensed Midwifery Fund.
- 3 (19) Court Reporters' Fund.
- 4 (20) Veterinary Medical Board Contingent Fund.
- 5 (21) Vocational Nursing and Psychiatric Technicians Fund.
- 6 (22) Electronic and Appliance Repair Fund.
- 7 (23) Acupuncture Fund.
- 8 (24) Physician Assistant Fund.
- 9 (25) Board of Podiatric Medicine Fund.
- 10 (26) Psychology Fund.
- 11 (27) Respiratory Care Fund.
- 12 (28) Speech-Language Pathology and Audiology and Hearing
- 13 Aid Dispensers Fund.
- 14 (29) Board of Registered Nursing Fund.
- 15 (30) Animal Health Technician Examining Committee Fund.
- 16 (31) State Dental Hygiene Fund.
- 17 (32) Structural Pest Control Fund.
- 18 (33) Structural Pest Control Education and Enforcement Fund.
- 19 (34) Structural Pest Control Research Fund.
- 20 (35) Household Movers Fund.

21 (b) For accounting and recordkeeping purposes, the Professions
22 and Vocations Fund shall be deemed to be a single special fund,
23 and each of the several special funds therein shall constitute and
24 be deemed to be a separate account in the Professions and
25 Vocations Fund. Each account or fund shall be available for
26 expenditure only for the purposes as are now or may hereafter be
27 provided by law.

28 SEC. 2. Section 1753.55 of the Business and Professions Code
29 is amended to read:

30 1753.55. (a) A registered dental assistant in extended functions
31 is authorized to perform the additional duties as set forth in
32 subdivision (b) pursuant to the order, control, and full professional
33 responsibility of a supervising dentist, if the licensee meets one of
34 the following requirements:

- 35 (1) Is licensed on or after January 1, 2010.
- 36 (2) Is licensed before January 1, 2010, and has successfully
37 completed a board-approved course in the additional procedures
38 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
39 subdivision (b) of Section 1753.5.

1 (b) (1) Determine which radiographs to perform on a patient
2 who has not received an initial examination by the supervising
3 dentist for the specific purpose of the dentist making a diagnosis
4 and treatment plan for the patient. In these circumstances, the
5 dental assistant in extended functions shall follow protocols
6 established by the supervising dentist. This paragraph only applies
7 in the following settings:

8 (A) In a dental office setting.

9 (B) In public health settings, using telehealth, as defined by
10 Section 2290.5, for the purpose of communication with the
11 supervising dentist, including, but not limited to, schools, head
12 start and preschool programs, and community clinics, under the
13 general supervision of a dentist.

14 (2) Place protective restorations, which for this purpose are
15 identified as interim therapeutic restorations, and defined as a
16 direct provisional restoration placed to stabilize the tooth until a
17 licensed dentist diagnoses the need for further definitive treatment.
18 An interim therapeutic restoration consists of the removal of soft
19 material from the tooth using only hand instrumentation, without
20 the use of rotary instrumentation, and subsequent placement of an
21 adhesive restorative material. Local anesthesia shall not be
22 necessary for interim therapeutic restoration placement. Interim
23 therapeutic restorations shall be placed only in accordance with
24 both of the following:

25 (A) In either of the following settings:

26 (i) In a dental office setting, under the direct or general
27 supervision of a dentist as determined by the dentist.

28 (ii) In public health settings, using telehealth, as defined by
29 Section 2290.5, for the purpose of communication with the
30 supervising dentist, including, but not limited to, schools, head
31 start and preschool programs, and community clinics, under the
32 general supervision of a dentist.

33 (B) After the diagnosis, treatment plan, and instruction to
34 perform the procedure provided by a dentist.

35 (c) The functions described in subdivision (b) may be performed
36 by a registered dental assistant in extended functions only after
37 completion of a program that includes training in performing those
38 functions, or after providing evidence, satisfactory to the board,
39 of having completed a board-approved course in those functions.

1 (d) No later than January 1, 2018, the board shall adopt
 2 regulations to establish requirements for courses of instruction for
 3 the procedures authorized to be performed by a registered dental
 4 assistant in extended functions pursuant to this section using the
 5 competency-based training protocols established by the Health
 6 Workforce Pilot Project (HWPP) No. 172 through the Department
 7 of Health Care Access and Information. The board shall submit
 8 to the committee proposed regulatory language for the curriculum
 9 for the Interim Therapeutic Restoration to the committee for the
 10 purpose of promulgating regulations for registered dental hygienists
 11 and registered dental hygienists in alternative practice as described
 12 in Section 1910.5. The language submitted by the board shall
 13 mirror the instructional curriculum for the registered dental
 14 assistant in extended functions. Any subsequent amendments to
 15 the regulations that are promulgated by the board for the Interim
 16 Therapeutic Restoration curriculum shall be submitted to the
 17 committee.

18 (e) The board may issue a permit to a registered dental assistant
 19 in extended functions who files a completed application, including
 20 the fee, to provide the duties specified in this section after the board
 21 has determined the registered dental assistant in extended functions
 22 has completed the coursework required in subdivision (c).

23 (f) This section shall become operative on January 1, 2018.

24 SEC. 3. Section 1910.5 of the Business and Professions Code
 25 is amended to read:

26 1910.5. (a) In addition to the duties specified in Section 1910,
 27 a registered dental hygienist is authorized to perform the following
 28 additional duties, as specified:

29 (1) Determine which radiographs to perform on a patient who
 30 has not received an initial examination by the supervising dentist
 31 for the specific purpose of the dentist making a diagnosis and
 32 treatment plan for the patient. In these circumstances, the dental
 33 hygienist shall follow protocols established by the supervising
 34 dentist. This paragraph only applies in the following settings:

35 (A) In a dental office setting.

36 (B) In a public health setting, using telehealth, as defined by
 37 Section 2290.5, for the purpose of communication with the
 38 supervising dentist, including, but not limited to, schools, head
 39 start and preschool programs, and community clinics.

1 (2) Place protective restorations, which for this purpose are
2 identified as interim therapeutic restorations, and defined as a
3 direct provisional restoration placed to stabilize the tooth until a
4 licensed dentist diagnoses the need for further definitive treatment.
5 An interim therapeutic restoration consists of the removal of soft
6 material from the tooth using only hand instrumentation, without
7 the use of rotary instrumentation, and subsequent placement of an
8 adhesive restorative material. Local anesthesia shall not be
9 necessary for interim therapeutic restoration placement. Interim
10 therapeutic restorations shall be placed only in accordance with
11 both of the following:

12 (A) In either of the following settings:

13 (i) In a dental office setting.

14 (ii) In a public health setting, using telehealth, as defined by
15 Section 2290.5, for the purpose of communication with the
16 supervising dentist, including, but not limited to, schools, head
17 start and preschool programs, and community clinics.

18 (B) After the diagnosis, treatment plan, and instruction to
19 perform the procedure provided by a dentist.

20 (b) The functions described in subdivision (a) may be performed
21 by a registered dental hygienist only after completion of a program
22 that includes training in performing those functions, or after
23 providing evidence, satisfactory to the dental hygiene board, of
24 having completed a dental hygiene board-approved course in those
25 functions.

26 (c) No later than January 1, 2018, the dental hygiene board shall
27 adopt regulations to establish requirements for courses of
28 instruction for the procedures authorized to be performed by a
29 registered dental hygienist and registered dental hygienist in
30 alternative practice pursuant to Sections 1910.5 and 1926.05, using
31 the competency-based training protocols established by the Health
32 Workforce Pilot Project (HWPP) No. 172 through the Department
33 of Health Care Access and Information. The dental hygiene board
34 shall use the curriculum submitted by the board pursuant to Section
35 1753.55 to adopt regulatory language for approval of courses of
36 instruction for the interim therapeutic restoration. Any subsequent
37 amendments to the regulations for the interim therapeutic
38 restoration curriculum that are promulgated by the dental hygiene
39 board shall be agreed upon by the board and the dental hygiene
40 board.

1 (d) This section shall become operative on January 1, 2018.

2 SEC. 4. Section 1922 of the Business and Professions Code is
3 amended to read:

4 1922. The dental hygiene board shall license as a registered
5 dental hygienist in alternative practice a person who demonstrates
6 satisfactory performance on an examination in California law and
7 ethics required by the dental hygiene board and who completes an
8 application form and pays all application fees required by the dental
9 hygiene board and meets either of the following requirements:

10 (a) Holds a current California license as a registered dental
11 hygienist and meets the following requirements:

12 (1) Has been engaged in the practice of dental hygiene, as
13 defined in Section 1908, as a registered dental hygienist in any
14 setting, including, but not limited to, educational settings and public
15 health settings, for a minimum of 2,000 hours during the
16 immediately preceding 36 months.

17 (2) Has successfully completed a bachelor's degree or its
18 equivalent, recognized as a minimum of 120 semester credit hours
19 or 180 quarter credit hours in postsecondary education, from a
20 college or institution of higher education that is accredited by a
21 national or regional accrediting agency recognized by the United
22 States Department of Education, and a minimum of 150 hours of
23 additional educational requirements, as prescribed by the dental
24 hygiene board by regulation, that are consistent with good dental
25 and dental hygiene practice, including, but not necessarily limited
26 to, dental hygiene technique and theory including gerontology and
27 medical emergencies, and business administration and practice
28 management.

29 (b) Has received a letter of acceptance into the employment
30 utilization phase of the Health Workforce Pilot Project No. 155
31 established by the Department of Health Care Access and
32 Information pursuant to Article 1 (commencing with Section
33 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
34 Safety Code.

35 SEC. 5. Section 1926 of the Business and Professions Code is
36 amended to read:

37 1926. In addition to practices authorized in Section 1925, a
38 registered dental hygienist in alternative practice may perform the
39 duties authorized pursuant to subdivision (a) of Section 1907,

1 subdivision (a) of Section 1908, and subdivisions (a) and (b) of
2 Section 1910 in the following settings:

- 3 (a) Residences of the homebound.
- 4 (b) Schools.
- 5 (c) Residential facilities and other institutions and medical
6 settings that a residential facility patient has been transferred to
7 for outpatient services.
- 8 (d) Dental health professional shortage areas, as certified by the
9 Department of Health Care Access and Information in accordance
10 with existing office guidelines.
- 11 (e) Dental offices.

12 SEC. 6. Section 1926.01 of the Business and Professions Code
13 is amended to read:

14 1926.01. (a) In addition to practices authorized in Section
15 1925, a registered dental hygienist in alternative practice may
16 perform the duties authorized pursuant to subdivisions (a) and (b)
17 of Section 1909 with documented consultation with a collaborating
18 dentist in the following settings:

- 19 (1) Residences of the homebound.
- 20 (2) Residential facilities and other institutions and medical
21 settings that a residential facility patient has been transferred to
22 for outpatient services.
- 23 (3) Dental health professional shortage areas, as certified by the
24 Department of Health Care Access and Information in accordance
25 with existing office guidelines.
- 26 (4) Dental offices.

27 (b) The registered dental hygienist in alternative practice shall
28 have all of the following immediately available when services
29 authorized in this section are being performed:

- 30 (1) One additional individual trained in basic life support
31 qualified to administer cardiopulmonary resuscitation during an
32 emergency.
- 33 (2) Equipment and supplies for emergency response, including
34 oxygen.

35 SEC. 7. Section 1926.05 of the Business and Professions Code
36 is amended to read:

37 1926.05. (a) In addition to the duties specified in Section 1926,
38 a registered dental hygienist in alternative practice is authorized
39 to perform the duties pursuant to Section 1910.5, in the following
40 settings:

- 1 (1) Residences of the homebound.
- 2 (2) Schools.
- 3 (3) Residential facilities and other institutions.
- 4 (4) Dental or medical settings.
- 5 (5) Dental health professional shortage areas, as certified by the
- 6 Department of Health Care Access and Information in accordance
- 7 with existing office guidelines.

8 (b) A registered dental hygienist in alternative practice is
9 authorized to perform the duties pursuant to paragraph (2) of
10 subdivision (a) of Section 1910.5 in the settings specified in this
11 section after there has been a diagnosis, treatment plan, and
12 instruction to perform the procedure provided by a dentist.

13 SEC. 8. Section 1936.1 of the Business and Professions Code
14 is amended to read:

15 1936.1. (a) The dental hygiene board shall require, as a
16 condition of license renewal, that licensees submit assurances
17 satisfactory to the dental hygiene board that they had, during the
18 preceding two-year period, informed themselves of the
19 developments in the practice of dental hygiene occurring since the
20 original issuance of their licenses by pursuing one or more courses
21 of study satisfactory to the dental hygiene board, or by other means
22 deemed equivalent by the dental hygiene board. The dental hygiene
23 board shall adopt, amend, and revoke regulations providing for
24 the suspension of the licenses at the end of the two-year period
25 until compliance with the assurances provided for in this section
26 is accomplished. The dental hygiene board shall conduct random
27 audits of at least 5 percent of the licensee population each year to
28 ensure compliance of the continuing education requirement.

29 (b) The dental hygiene board shall also, as a condition of license
30 renewal, require licensees to successfully complete a portion of
31 the required continuing education hours in specific areas adopted
32 in regulations by the dental hygiene board. The dental hygiene
33 board may prescribe this mandatory coursework within the general
34 areas of patient care, health and safety, and law and ethics. The
35 mandatory coursework prescribed by the dental hygiene board
36 shall not exceed seven and one-half hours per renewal period. Any
37 mandatory coursework required by the dental hygiene board shall
38 be credited toward the continuing education requirements
39 established by the dental hygiene board pursuant to subdivision
40 (a).

1 (c) The providers of courses referred to in this section shall be
2 approved by the dental hygiene board. Providers approved by the
3 dental board shall be deemed approved by the dental hygiene board.

4 *SEC. 9. Section 2023.5 of the Business and Professions Code*
5 *is amended to read:*

6 2023.5. (a) The board, in conjunction with the Board of
7 Registered Nursing, and in consultation with the Physician
8 Assistant-Committee Board and professionals in the field, shall
9 review issues and problems surrounding the use of laser or intense
10 light pulse devices for elective cosmetic procedures by physicians
11 and surgeons, nurses, and physician assistants. The review shall
12 include, but need not be limited to, all of the following:

- 13 (1) The appropriate level of physician supervision needed.
- 14 (2) The appropriate level of training to ensure competency.
- 15 (3) Guidelines for standardized procedures and protocols that
16 address, at a minimum, all of the following:
 - 17 (A) Patient selection.
 - 18 (B) Patient education, instruction, and informed consent.
 - 19 (C) Use of topical agents.
 - 20 (D) Procedures to be followed in the event of complications or
21 side effects from the treatment.
 - 22 (E) Procedures governing emergency and urgent care situations.
- 23 (b) Nothing in this section shall be construed to modify the
24 prohibition against the unlicensed practice of medicine.

25 ~~SEC. 9.~~

26 *SEC. 10. Section 2240 of the Business and Professions Code*
27 *is amended to read:*

28 2240. (a) A physician and surgeon who performs a medical
29 procedure outside of a general acute care hospital, as defined in
30 subdivision (a) of Section 1250 of the Health and Safety Code,
31 that results in the death of any patient on whom that medical
32 treatment was performed by the physician and surgeon, or by a
33 person acting under the physician and surgeon's orders or
34 supervision, shall report, in writing on a form prescribed by the
35 board, that occurrence to the board within 15 days after the
36 occurrence.

37 (b) A physician and surgeon who performs a scheduled medical
38 procedure outside of a general acute care hospital, as defined in
39 subdivision (a) of Section 1250 of the Health and Safety Code,
40 that results in the transfer to a hospital or emergency center for

1 medical treatment for a period exceeding 24 hours, of any patient
2 on whom that medical treatment was performed by the physician
3 and surgeon, or by a person acting under the physician and
4 surgeon's orders or supervision, shall report, in writing, on a form
5 prescribed by the board that occurrence, within 15 days after the
6 occurrence. The form shall contain all of the following information:

- 7 (1) Name of the patient's physician in the outpatient setting.
- 8 (2) Name of the physician with hospital privileges.
- 9 (3) Name of the patient and patient identifying information.
- 10 (4) Name of the hospital or emergency center where the patient
11 was transferred.
- 12 (5) Type of outpatient procedures being performed.
- 13 (6) Events triggering the transfer.
- 14 (7) Duration of the hospital stay.
- 15 (8) Final disposition or status, if not released from the hospital,
16 of the patient.
- 17 (9) Physician's practice specialty and ABMS certification, if
18 applicable.

19 (c) The form described in subdivision (b) shall be constructed
20 in a format to enable the physician and surgeon to transmit the
21 information in paragraphs (5) to (9), inclusive, to the board in a
22 manner that the physician and surgeon and the patient are
23 anonymous and their identifying information is not transmitted to
24 the board. The entire form containing information described in
25 paragraphs (1) to (9), inclusive, shall be placed in the patient's
26 medical record.

27 (d) The board shall aggregate the data and publish an annual
28 report on the information collected pursuant to subdivisions (a)
29 and (b).

30 (e) On and after January 1, 2002, the data required in subdivision
31 (b) shall be sent to the Department of Health Care Access and
32 Information instead of the board. The Department of Health Care
33 Access and Information may revise the reporting requirements to
34 fit state and national standards, as applicable. The board shall work
35 with the Department of Health Care Access and Information in
36 developing the reporting mechanism to satisfy the data collection
37 requirements of this section.

38 (f) The failure to comply with this section constitutes
39 unprofessional conduct.

1 ~~SEC. 10.~~

2 *SEC. 11.* Section 2401 of the Business and Professions Code
3 is amended to read:

4 2401. (a) Notwithstanding Section 2400, a clinic operated
5 primarily for the purpose of medical education by a public or
6 private nonprofit university medical school, which is approved by
7 the board or the Osteopathic Medical Board of California, may
8 charge for professional services rendered to teaching patients by
9 licensees who hold academic appointments on the faculty of the
10 university, if the charges are approved by the physician and surgeon
11 in whose name the charges are made.

12 (b) Notwithstanding Section 2400, a clinic operated under
13 subdivision (p) of Section 1206 of the Health and Safety Code
14 may employ licensees and charge for professional services rendered
15 by those licensees. However, the clinic shall not interfere with,
16 control, or otherwise direct the professional judgment of a
17 physician and surgeon in a manner prohibited by Section 2400 or
18 any other law.

19 (c) Notwithstanding Section 2400, a narcotic treatment program
20 operated under Section 11876 of the Health and Safety Code and
21 regulated by the State Department of Health Care Services, may
22 employ licensees and charge for professional services rendered by
23 those licensees. However, the narcotic treatment program shall
24 not interfere with, control, or otherwise direct the professional
25 judgment of a physician and surgeon in a manner prohibited by
26 Section 2400 or any other law.

27 (d) Notwithstanding Section 2400, a hospital that is owned and
28 operated by a licensed charitable organization, that offers only
29 pediatric subspecialty care, that, before January 1, 2013, employed
30 licensees on a salary basis, and that has not charged for professional
31 services rendered to patients may, commencing January 1, 2013,
32 charge for professional services rendered to patients, provided the
33 following conditions are met:

34 (1) The hospital does not increase the number of salaried
35 licensees by more than five licensees each year.

36 (2) The hospital does not expand its scope of services beyond
37 pediatric subspecialty care.

38 (3) The hospital accepts each patient needing its scope of
39 services regardless of the patient's ability to pay, including whether
40 the patient has any form of health care coverage.

1 (4) The medical staff concur by an affirmative vote that the
2 licensee's employment is in the best interest of the communities
3 served by the hospital.

4 (5) The hospital does not interfere with, control, or otherwise
5 direct a physician and surgeon's professional judgment in a manner
6 prohibited by Section 2400 or any other law.

7 (e) (1) Notwithstanding Section 2400, until January 1, 2024, a
8 federally certified critical access hospital may employ licensees
9 and charge for professional services rendered by those licensees
10 to patients, provided both of the following conditions are met:

11 (A) The medical staff concur by an affirmative vote that the
12 licensee's employment is in the best interest of the communities
13 served by the hospital.

14 (B) The hospital does not interfere with, control, or otherwise
15 direct a physician and surgeon's professional judgment in a manner
16 prohibited by Section 2400 or any other law.

17 (2) (A) On or before July 1, 2023, the Department of Health
18 Care Access and Information shall provide a report to the
19 Legislature containing data about the impact of paragraph (1) on
20 federally certified critical access hospitals and their ability to recruit
21 and retain physicians and surgeons between January 1, 2017, and
22 January 1, 2023, inclusive. This report shall be submitted in
23 compliance with Section 9795 of the Government Code. The
24 requirement for submitting a report imposed under this
25 subparagraph is inoperative on July 1, 2027.

26 (B) The Department of Health Care Access and Information
27 shall determine the format of the report, as well as the methods
28 and data elements to be utilized in the development of the report.

29 (C) On and after July 1, 2017, a federally certified critical access
30 hospital that is employing licensees and charging for professional
31 services rendered by those licensees to patients under this section
32 shall submit to the office, on or before July 1 of each year, a report
33 for any year in which that hospital has employed or is employing
34 licensees and charging for professional services rendered by those
35 licensees to patients. The report shall include data elements as
36 required by the office and shall be submitted in a format as required
37 by the Department of Health Care Access and Information. The
38 requirement for submitting reports imposed under this
39 subparagraph shall be inoperative on July 1, 2023.

1 ~~SEC. 11.~~

2 *SEC. 12.* Section 2435.1 of the Business and Professions Code
3 is amended to read:

4 2435.1. (a) In addition to the fees charged for the initial
5 issuance or biennial renewal of a physician and surgeon's certificate
6 pursuant to Section 2435, and at the time those fees are charged,
7 the board shall charge each applicant or renewing licensee an
8 additional twenty-five dollar (\$25) fee for the purposes of this
9 section.

10 (b) Payment of this twenty-five dollar (\$25) fee shall be
11 voluntary, paid at the time of application for initial licensure or
12 biennial renewal, and due and payable along with the fee for the
13 initial certificate or biennial renewal.

14 (c) The board shall transfer all funds collected pursuant to this
15 section, on a monthly basis, to the Department of Health Care
16 Access and Information to augment the local assistance line item
17 of the annual Budget Act in support of the Song-Brown Family
18 Physician Training Act (Article 1 (commencing with Section
19 128200) of Chapter 4 of Part 3 of Division 107 of the Health and
20 Safety Code).

21 ~~SEC. 12.~~

22 *SEC. 13.* Section 2516 of the Business and Professions Code
23 is amended to read:

24 2516. (a) Each licensed midwife who assists, or supervises a
25 student midwife in assisting, in childbirth that occurs in an
26 out-of-hospital setting shall annually report to the Department of
27 Health Care Access and Information. The report shall be submitted
28 no later than March 30, for the prior calendar year, in a form
29 specified by the board and shall contain all of the following:

30 (1) The midwife's name and license number.

31 (2) The calendar year being reported.

32 (3) The following information with regard to cases in California
33 in which the midwife, or the student midwife supervised by the
34 midwife, assisted during the previous year when the intended place
35 of birth at the onset of care was an out-of-hospital setting:

36 (A) The total number of clients served as primary caregiver at
37 the onset of care.

38 (B) The number by county of live births attended as primary
39 caregiver.

1 (C) The number, by county, of cases of fetal demise, infant
2 deaths, and maternal deaths attended as primary caregiver at the
3 discovery of the demise or death.

4 (D) The number of women whose primary care was transferred
5 to another health care practitioner during the antepartum period,
6 and the reason for each transfer.

7 (E) The number, reason, and outcome for each elective hospital
8 transfer during the intrapartum or postpartum period.

9 (F) The number, reason, and outcome for each urgent or
10 emergency transport of an expectant mother in the antepartum
11 period.

12 (G) The number, reason, and outcome for each urgent or
13 emergency transport of an infant or mother during the intrapartum
14 or immediate postpartum period.

15 (H) The number of planned out-of-hospital births at the onset
16 of labor and the number of births completed in an out-of-hospital
17 setting.

18 (I) The number of planned out-of-hospital births completed in
19 an out-of-hospital setting that were any of the following:

20 (i) Twin births.

21 (ii) Multiple births other than twin births.

22 (iii) Breech births.

23 (iv) Vaginal births after the performance of a cesarean section.

24 (J) A brief description of any complications resulting in the
25 morbidity or mortality of a mother or a neonate.

26 (K) Any other information prescribed by the board in
27 regulations.

28 (b) The Department of Health Care Access and Information
29 shall maintain the confidentiality of the information submitted
30 pursuant to this section, and shall not permit any law enforcement
31 or regulatory agency to inspect or have copies made of the contents
32 of any reports submitted pursuant to subdivision (a) for any
33 purpose, including, but not limited to, investigations for licensing,
34 certification, or regulatory purposes.

35 (c) The Department of Health Care Access and Information
36 shall report to the board, by April 30, those licensees who have
37 met the requirements of subdivision (a) for that year.

38 (d) The board shall send a written notice of noncompliance to
39 each licensee who fails to meet the reporting requirement of
40 subdivision (a). Failure to comply with subdivision (a) will result

1 in the midwife being unable to renew their license without first
2 submitting the requisite data to the Department of Health Care
3 Access and Information for the year for which that data was
4 missing or incomplete. The board shall not take any other action
5 against the licensee for failure to comply with subdivision (a).

6 (e) The board, in consultation with the Department of Health
7 Care Access and Information and the Midwifery Advisory Council,
8 shall devise a coding system related to data elements that require
9 coding in order to assist in both effective reporting and the
10 aggregation of data pursuant to subdivision (f). The Department
11 of Health Care Access and Information shall utilize this coding
12 system in its processing of information collected for purposes of
13 subdivision (f).

14 (f) The Department of Health Care Access and Information shall
15 report the aggregate information collected pursuant to this section
16 to the board by July 30 of each year. The board shall include this
17 information in its annual report to the Legislature.

18 (g) The board, with input from the Midwifery Advisory Council,
19 may adjust the data elements required to be reported to better
20 coordinate with other reporting systems, including the reporting
21 system of the Midwives Alliance of North America (MANA),
22 while maintaining the data elements unique to California. To better
23 capture data needed for the report required by this section, the
24 concurrent use of systems, including MANA's, by licensed
25 midwives is encouraged.

26 (h) Notwithstanding any other law, a violation of this section
27 shall not be a crime.

28 ~~SEC. 13. Section 2725.4 of the Business and Professions Code~~
29 ~~is amended to read:~~

30 ~~2725.4. Notwithstanding this chapter, the following shall apply:~~

31 ~~(a) In order to perform an abortion by aspiration techniques~~
32 ~~pursuant to Section 2253, a person with a license or certificate to~~
33 ~~practice as a nurse practitioner or a certified nurse-midwife shall~~
34 ~~complete training recognized by the Board of Registered Nursing.~~
35 ~~Beginning January 1, 2014, and until January 1, 2016, the~~
36 ~~competency-based training protocols established by Health~~
37 ~~Workforce Pilot Project (HWPP) No. 171 through the Department~~
38 ~~of Health Care Access and Information shall be used.~~

39 ~~(b) In order to perform an abortion by aspiration techniques~~
40 ~~pursuant to Section 2253, a person with a license or certificate to~~

1 practice as a nurse practitioner or a certified nurse-midwife shall
2 adhere to standardized procedures developed in compliance with
3 subdivision (e) of Section 2725 that specify all of the following:

4 (1) ~~The extent of supervision by a physician and surgeon with~~
5 ~~relevant training and expertise.~~

6 (2) ~~Procedures for transferring patients to the care of the~~
7 ~~physician and surgeon or a hospital.~~

8 (3) ~~Procedures for obtaining assistance and consultation from~~
9 ~~a physician and surgeon.~~

10 (4) ~~Procedures for providing emergency care until physician~~
11 ~~assistance and consultation are available.~~

12 (5) ~~The method of periodic review of the provisions of the~~
13 ~~standardized procedures.~~

14 (e) ~~A nurse practitioner or certified nurse-midwife who has~~
15 ~~completed training and achieved clinical competency through~~
16 ~~HWPP No. 171 shall be authorized to perform abortions by~~
17 ~~aspiration techniques pursuant to Section 2253, in adherence to~~
18 ~~standardized procedures described in subdivision (b).~~

19 (d) ~~It is unprofessional conduct for any nurse practitioner or~~
20 ~~certified nurse-midwife to perform an abortion by aspiration~~
21 ~~techniques pursuant to Section 2253 without prior completion of~~
22 ~~training and validation of clinical competency.~~

23 SEC. 14. Section 2746.55 of the Business and Professions
24 Code is amended to read:

25 2746.55. (a) For all maternal or neonatal transfers to the
26 hospital setting during labor or the immediate postpartum period,
27 for which the intended place of birth was an out-of-hospital setting
28 at the onset of labor, or for any maternal, fetal, or neonatal death
29 that occurred in the out-of-hospital setting during labor or the
30 immediate postpartum period, and for which the intended birth
31 care provider is a certified nurse-midwife in the out-of-hospital
32 setting, the department shall collect, and the certified nurse-midwife
33 shall be required to submit, within 90 days of the transfer or death,
34 the following data in the form determined by the department. The
35 data shall include all of the following:

36 (1) Attendant's name, for the certified nurse-midwife who
37 attended the patient at the time of transfer, or who attended the
38 patient at the time of maternal, fetal, or neonatal death.

- 1 (2) Attendant’s license number, for the certified nurse-midwife
- 2 who attended the patient at the time of transfer, or who attended
- 3 the patient at the time of maternal, fetal, or neonatal death.
- 4 (3) The child’s date of delivery for births attended by the
- 5 nurse-midwife.
- 6 (4) The sex of the child, for births attended by the
- 7 nurse-midwife.
- 8 (5) The date of birth of the parent giving birth.
- 9 (6) The date of birth of the parent not giving birth.
- 10 (7) The residence ZIP Code of the parent giving birth.
- 11 (8) The residence county of the parent giving birth.
- 12 (9) The weight of the parent giving birth (prepregnancy weight
- 13 and delivery weight of parent giving birth).
- 14 (10) The height of the parent giving birth.
- 15 (11) The race and ethnicity of the genetic parents, unless the
- 16 parent declines to disclose.
- 17 (12) The obstetric estimate of gestation (completed weeks), at
- 18 time of transfer.
- 19 (13) The total number of prior live births.
- 20 (14) The principal source of payment code for delivery.
- 21 (15) Any complications and procedures of pregnancy and
- 22 concurrent illnesses up until time of transfer or death.
- 23 (16) Any complications and procedures of labor and delivery
- 24 up until time of transfer or death.
- 25 (17) Any abnormal conditions and clinical procedures related
- 26 to the newborn up until time of transfer or death.
- 27 (18) Fetal presentation at birth, or up until time of transfer.
- 28 (19) Whether this pregnancy is a multiple pregnancy (more than
- 29 one fetus this pregnancy).
- 30 (20) Whether the patient has had a previous cesarean section.
- 31 (21) If the patient had a previous cesarean, indicate how many.
- 32 (22) The intended place of birth at the onset of labor, including,
- 33 but not limited to, home, freestanding birth center, hospital, clinic,
- 34 doctor’s office, or other location.
- 35 (23) Whether there was a maternal death.
- 36 (24) Whether there was a fetal death.
- 37 (25) Whether there was a neonatal death.
- 38 (26) Hospital transfer during the intrapartum or postpartum
- 39 period, including, who was transferred (mother, infant, or both)

1 and the complications, abnormal conditions, or other indications
2 that resulted in the transfer.

3 (27) The name of the transfer hospital, or other hospital
4 identification method as required, such as the hospital identification
5 number.

6 (28) The county of the transfer hospital.

7 (29) The ZIP Code of the transfer hospital.

8 (30) The date of the transfer.

9 (31) Other information as prescribed by the State Department
10 of Public Health.

11 (b) In the event of a maternal, fetal, or neonatal death that
12 occurred in an out-of-hospital setting during labor or the immediate
13 postpartum period, a certified nurse-midwife shall submit to the
14 department, within 90 days of the death, all of the following data
15 in addition to the data required in subdivision (a):

16 (1) The date of the maternal, neonatal, or fetal death.

17 (2) The place of delivery, for births attended by the
18 nurse-midwife.

19 (3) The county of the place of delivery, for births attended by
20 the nurse-midwife.

21 (4) The ZIP Code of the place of delivery, for births attended
22 by the nurse-midwife.

23 (5) The APGAR scores, for births attended by the
24 nurse-midwife.

25 (6) The birthweight, for births attended by the nurse-midwife.

26 (7) The method of delivery, for births attended by the
27 nurse-midwife.

28 (c) The data submitted pursuant to subdivisions (a) and (b) shall
29 be in addition to the certificate of live birth information required
30 pursuant to Sections 102425 and 102426 of the Health and Safety
31 Code.

32 (d) For those cases that involve a hospital transfer, the
33 department shall link the data submitted by the certified
34 nurse-midwife, pursuant to subdivision (a), to the live birth data
35 reported by hospitals to the department, pursuant to Sections
36 102425 and 102426 of the Health and Safety Code, and to the
37 patient discharge data that reflects the birth hospitalization and
38 reported by hospitals to the Department of Health Care Access
39 and Information, so that additional data reflecting the outcome can

1 be incorporated into the aggregated reports submitted pursuant to
2 subdivision (i).

3 (e) The department may adjust, improve, or expand the data
4 elements required to be reported pursuant to subdivisions (a) and
5 (b) to better coordinate with other data collection and reporting
6 systems, or in order to collect more accurate data, as long as the
7 minimum data elements in subdivisions (a) and (b) are preserved.

8 (f) The department shall treat the information and data gathered
9 pursuant to this section, for the creation of the reports described
10 in subdivision (i), as confidential records, and shall not permit the
11 disclosure of any patient or certified nurse-midwife information
12 to any law enforcement or regulatory agency for any purpose,
13 including, but not limited to, investigations for licensing,
14 certification, or regulatory purposes. This subdivision shall not
15 prevent the department from responding to inquiries from the
16 Board of Registered Nursing as to whether a licensee has reported
17 pursuant to this section.

18 (g) The information collected by the department pursuant to
19 this section, and not otherwise subject to current confidentiality
20 requirements, shall be treated as confidential records and shall
21 only be made available for use consistent with paragraph (1) of,
22 paragraph (4) of, and subparagraph (A) of paragraph (8) of,
23 subdivision (a) of Section 102430 of the Health and Safety Code
24 and pursuant to the application, review, and approval process
25 established by the department pursuant to Section 102465 of the
26 Health Safety Code.

27 (h) At the time of each certified nurse-midwife's license renewal,
28 the Board of Registered Nursing shall send a written notification
29 to the certified nurse-midwife notifying them of the mandated vital
30 records reporting requirements for out-of-hospital births pursuant
31 to subdivisions (a) and (b) and Section 102415 of the Health and
32 Safety Code and that a violation of this section shall subject the
33 certified nurse-midwife to disciplinary or administrative action by
34 the board.

35 (i) (1) The department shall report to the Legislature on the
36 data collected pursuant to this section. The report shall include the
37 aggregate information, including, but not limited to, birth outcomes
38 of patients under the care of a certified nurse-midwife in an
39 out-of-hospital setting at the onset of labor, collected pursuant to

1 this section and Sections 102425 and 102426 of the Health and
2 Safety Code.

3 (2) The first report, to reflect a 12-month period of time, shall
4 be submitted no later than four and one-half years after the State
5 Department of Public Health receives an appropriation as specified
6 in subdivision (m) and each subsequent report reflecting a
7 12-month reporting period shall be submitted annually to the
8 Legislature every year thereafter.

9 (3) A report required under this subdivision shall be submitted
10 in compliance with Section 9795 of the Government Code.

11 (j) All reports, including those submitted to the Legislature or
12 made publicly available, shall utilize standard public health
13 reporting practices for accurate dissemination of these data
14 elements, specifically in regards to the reporting of small numbers
15 in a way that does not risk a confidentiality or other disclosure
16 breach. No identifying information in regards to the patient or the
17 nurse-midwife shall be disclosed in the reports submitted pursuant
18 to subdivision (i).

19 (k) A violation of this section shall subject the certified
20 nurse-midwife to disciplinary or administrative action by the Board
21 of Registered Nursing.

22 (l) For purposes of this section, “department” means the State
23 Department of Public Health.

24 (m) This section shall become operative only upon the
25 Legislature making an appropriation to implement the provisions
26 of this section.

27 ~~SEC. 15. Section 2786.3 of the Business and Professions Code~~
28 ~~is amended to read:~~

29 ~~2786.3. (a) Until the end of the 2021–22 academic year, and~~
30 ~~whenever the Governor declares a state of emergency for a county~~
31 ~~in which an agency or facility used by an approved nursing~~
32 ~~program for direct patient care clinical practice is located and is~~
33 ~~no longer available due to the conditions giving rise to the state~~
34 ~~of emergency, the director of the approved nursing program may~~
35 ~~submit to a board nursing education consultant requests to do any~~
36 ~~of the following:~~

37 ~~(1) Utilize a clinical setting during the state of emergency or~~
38 ~~until the end of the academic term without the following:~~

39 ~~(A) Approval by the board.~~

40 ~~(B) Written agreements with the clinical facility.~~

- 1 ~~(C) Submitting evidence of compliance with board regulations~~
2 ~~relating to the utilization of clinical settings, except as necessary~~
3 ~~for a board nursing education consultant to ensure course objectives~~
4 ~~and faculty responsibilities will be met.~~
- 5 ~~(2) Utilize preceptorships during the state of emergency or until~~
6 ~~the end of the academic term without having to maintain written~~
7 ~~policies relating to the following:~~
 - 8 ~~(A) Identification of criteria used for preceptor selection.~~
 - 9 ~~(B) Provision for a preceptor orientation program that covers~~
10 ~~the policies of the preceptorship and preceptor, student, and faculty~~
11 ~~responsibilities.~~
 - 12 ~~(C) Identification of preceptor qualifications for both the primary~~
13 ~~and the relief preceptor.~~
 - 14 ~~(D) Description of responsibilities of the faculty, preceptor, and~~
15 ~~student for the learning experiences and evaluation during~~
16 ~~preceptorship.~~
 - 17 ~~(E) Maintenance of preceptor records that includes names of~~
18 ~~all current preceptors, registered nurse licenses, and dates of~~
19 ~~preceptorships.~~
 - 20 ~~(F) Plan for an ongoing evaluation regarding the continued use~~
21 ~~of preceptors.~~
- 22 ~~(3) Request that the approved nursing program be allowed to~~
23 ~~reduce the required number of direct patient care hours to 50~~
24 ~~percent in geriatrics and medical-surgical and 25 percent in mental~~
25 ~~health-psychiatric nursing, obstetrics, and pediatrics if all of the~~
26 ~~following conditions are met:~~
 - 27 ~~(A) No alternative agency or facility has a sufficient number of~~
28 ~~open placements that are available and accessible within 25 miles~~
29 ~~of the approved nursing program for direct patient care clinical~~
30 ~~practice hours in the same subject matter area. An approved nursing~~
31 ~~program shall submit, and not be required to provide more than,~~
32 ~~the following:~~
 - 33 ~~(i) The list of alternative agencies or facilities listed within 25~~
34 ~~miles of the impacted approved nursing program, campus, or~~
35 ~~location, as applicable, using the facility finder on the Department~~
36 ~~of Health Care Access and Information's internet website.~~
 - 37 ~~(ii) The list of courses impacted by the loss of clinical~~
38 ~~placements due to the state of emergency and the academic term~~
39 ~~the courses are offered.~~

- 1 ~~(iii) Whether each of the listed alternative agencies or facilities~~
2 ~~would meet the course objectives for the courses requiring~~
3 ~~placements.~~
- 4 ~~(iv) Whether the approved nursing program has contacted each~~
5 ~~of the listed alternative agencies or facilities about the availability~~
6 ~~of clinical placements. The approved nursing program shall not~~
7 ~~be required to contact a clinical facility that would not meet course~~
8 ~~objectives.~~
- 9 ~~(v) The date of contact or attempted contact.~~
- 10 ~~(vi) The number of open placements at each of the listed~~
11 ~~alternative agencies or facilities that are available for the academic~~
12 ~~term for each course. If an alternative agency or facility does not~~
13 ~~respond within 48 hours, the approved nursing program may list~~
14 ~~the alternative agency or facility as unavailable. If the alternative~~
15 ~~agency or facility subsequently responds before the submission of~~
16 ~~the request to a board nursing education consultant, the approved~~
17 ~~nursing program shall update the list to reflect the response.~~
- 18 ~~(vii) Whether the open and available placements are accessible~~
19 ~~to the students and faculty. An open and available placement is~~
20 ~~accessible if there are no barriers that otherwise prohibit a student~~
21 ~~from entering the facility, including, but not limited to, the lack~~
22 ~~of personal protective equipment or cost-prohibitive infectious~~
23 ~~disease testing. An individual's personal unwillingness to enter an~~
24 ~~alternative agency or facility does not make a placement~~
25 ~~inaccessible.~~
- 26 ~~(viii) The total number of open and available placements that~~
27 ~~are accessible to the students and faculty compared to the total~~
28 ~~number of placements needed.~~
- 29 ~~(B) The substitute clinical practice hours not in direct patient~~
30 ~~care provide a learning experience, as defined by the board~~
31 ~~consistent with Section 2708.1, that is at least equivalent to the~~
32 ~~learning experience provided by the direct patient care clinical~~
33 ~~practice hours.~~
- 34 ~~(C) Once the applicable state of emergency has terminated~~
35 ~~pursuant to Section 8629 of the Government Code, the temporary~~
36 ~~reduction provided in paragraph (3) shall cease as soon as~~
37 ~~practicable or by the end of the academic term, whichever is sooner.~~
- 38 ~~(D) The substitute clinical practice hours not in direct patient~~
39 ~~care that are simulation experiences are based on the best practices~~
40 ~~published by the International Nursing Association for Clinical~~

1 Simulation and Learning, the National Council of State Boards of
2 Nursing, the Society for Simulation in Healthcare, or equivalent
3 standards approved by the board.

4 (E) A maximum of 25 percent of the direct patient care hours
5 specified in paragraph (3) in geriatrics and medical-surgical may
6 be completed via telehealth.

7 (4) Request that the approved nursing program allow theory to
8 precede clinical practice if all of the following conditions are met:

9 (A) No alternative agency or facility located within 25 miles of
10 the impacted approved nursing program, campus, or location, as
11 applicable, has a sufficient number of open placements that are
12 available and accessible to the approved nursing program for direct
13 patient care clinical practice hours in the same subject matter area.
14 An approved program shall not be required to submit more than
15 required under subparagraph (A) of paragraph (3).

16 (B) Clinical practice takes place in the academic term
17 immediately following theory.

18 (C) Theory is taught concurrently with clinical practice not in
19 direct patient care if no direct patient care experiences are available.

20 (b) If the conditions in paragraphs (1), (2), (3), or (4) of
21 subdivision (a), as applicable to the request, are met, a board
22 nursing education consultant shall approve the request. If an
23 approved nursing program fails to submit information satisfactory
24 to the board nursing education consultant, or fails to meet the
25 conditions specified, the board nursing education consultant shall
26 deny the request. If the request is not approved or denied on or
27 before 5:00 p.m. on the date seven business days after receipt of
28 the request, the request shall be deemed approved.

29 (e) (1) Within 30 days of the effective date of this section, the
30 board's executive officer shall develop a uniform method for
31 evaluating requests and granting approvals pursuant to this section.

32 (2) The executive officer may revise the uniform method
33 developed pursuant to this subdivision from time to time, as
34 necessary. The development or revision of the uniform method
35 shall be exempt from the requirements of the Administrative
36 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
37 Part 1 of Title 2 of the Government Code).

38 (3) The board's nursing education consultants shall use the
39 uniform method to evaluate requests and grant approvals pursuant
40 to this section.

1 ~~SEC. 16.~~

2 *SEC. 15.* Section 3502.4 of the Business and Professions Code
3 is amended to read:

4 3502.4. (a) In order to receive authority from the physician
5 assistant’s supervising physician and surgeon to perform an
6 abortion by aspiration techniques pursuant to Section 2253, a
7 physician assistant shall complete training either through training
8 programs approved by the board pursuant to Section 3513 or by
9 training to perform medical services that augment the physician
10 assistant’s current areas of competency pursuant to Section
11 1399.543 of Title 16 of the California Code of Regulations.
12 Beginning January 1, 2014, and until January 1, 2016, the training
13 and clinical competency protocols established by Health Workforce
14 Pilot Project (HWPP) No. 171 through the Department of Health
15 Care Access and Information shall be used as training and clinical
16 competency guidelines to meet this requirement.

17 (b) In order to receive authority from the physician assistant’s
18 supervising physician and surgeon to perform an abortion by
19 aspiration techniques pursuant to Section 2253, a physician
20 assistant shall comply with protocols developed in compliance
21 with Section 3502 that specify:

22 (1) The extent of supervision by a physician and surgeon with
23 relevant training and expertise.

24 (2) Procedures for transferring patients to the care of the
25 physician and surgeon or a hospital.

26 (3) Procedures for obtaining assistance and consultation from
27 a physician and surgeon.

28 (4) Procedures for providing emergency care until physician
29 assistance and consultation are available.

30 (5) The method of periodic review of the provisions of the
31 protocols.

32 (c) The training protocols established by HWPP No. 171 shall
33 be deemed to meet the standards of the board. A physician assistant
34 who has completed training and achieved clinical competency
35 through HWPP No. 171 shall be authorized to perform abortions
36 by aspiration techniques pursuant to Section 2253, in adherence
37 to protocols described in subdivision (b).

38 (d) It is unprofessional conduct for any physician assistant to
39 perform an abortion by aspiration techniques pursuant to Section

1 2253 without prior completion of training and validation of clinical
2 competency.

3 ~~SEC. 17.~~

4 *SEC. 16.* Section 3520 of the Business and Professions Code
5 is amended to read:

6 3520. Within 10 days after the beginning of each calendar
7 month, the board shall report to the Controller the amount and
8 source of all collections made under this chapter and at the same
9 time pay all those sums into the State Treasury, where they shall
10 be credited to the Physician Assistant Fund, which fund is hereby
11 created. All money in the fund shall be available, upon
12 appropriation of the Legislature, to carry out the purpose of this
13 chapter.

14 ~~SEC. 18.~~

15 *SEC. 17.* Section 3537.10 of the Business and Professions Code
16 is amended to read:

17 3537.10. (a) Subject to the other provisions of this article, the
18 Department of Health Care Access and Information, hereafter in
19 this article referred to as the department, shall coordinate the
20 establishment of an international medical graduate physician
21 assistant training program, to be conducted at an appropriate
22 educational institution or institutions. The goal of the program
23 shall be to place as many international medical graduate physician
24 assistants in medically underserved areas as possible in order to
25 provide greater access to care for the growing population of
26 medically indigent and underserved. The method for accomplishing
27 this goal shall be to train foreign medical graduates to become
28 licensed as physician assistants at no cost to the participants in
29 return for a commitment from the participants to serve full time
30 in underserved areas for a four-year period.

31 (b) By February 1, 1994, or one month after federal funds to
32 implement this article become available, whichever occurs later,
33 the department shall establish a training program advisory task
34 force. The task force shall be comprised of representatives from
35 all of the following groups:

- 36 (1) Physician assistant program directors.
- 37 (2) Foreign medical graduates.
- 38 (3) The California Academy of Physician Assistants.
- 39 (4) Nonprofit community health center directors.
- 40 (5) Physicians.

1 (6) The board, at the board's option.

2 The department may, instead, serve solely as a consultant to the
3 task force.

4 (c) The task force shall do all of the following:

5 (1) Develop a recommended curriculum for the training program
6 that shall be from 12 to 15 months in duration and shall, at a
7 minimum, meet curriculum standards consistent with the board's
8 regulations. The program shall be subject to the board's approval.
9 By April 1, 1994, or three months after federal funds to implement
10 this article become available, whichever occurs later, the
11 curriculum shall be presented by the department to the Committee
12 on Allied Health Education and Accreditation of the American
13 Medical Association, or its successor organization, for approval.

14 (2) Develop recommended admission criteria for participation
15 in the pilot and ongoing program.

16 (3) Assist in development of linkages with academic institutions
17 for the purpose of monitoring and evaluating the pilot program.

18 ~~SEC. 19.~~

19 *SEC. 18.* Section 3537.15 of the Business and Professions Code
20 is amended to read:

21 3537.15. (a) Before establishing an ongoing international
22 medical graduate physician assistant training program, the
23 Department of Health Care Access and Information shall coordinate
24 the establishment of a pilot program commencing September 1,
25 1994, or eight months after federal funds to implement this article
26 become available, whichever occurs later, to test the validity and
27 effectiveness of the recommended training curriculum developed
28 by the task force. The task force shall, with the advice and
29 assistance of the academic institutions offering the pilot program
30 curriculum, and subject to their approval, select 10 international
31 medical graduates to participate in the pilot program.

32 (b) After two classes have graduated from the pilot program,
33 the task force, with the advice and assistance of the academic
34 institutions, shall evaluate the results of the pilot program, to
35 determine whether a permanent program should be established.
36 The department may modify curriculum as needed and make
37 appropriate revisions in order to ensure program integrity and
38 compliance with established standards. Any permanent
39 international medical graduate physician assistant training program

1 shall commence at the beginning of the year following the
2 completion of the evaluation.

3 ~~SEC. 20.~~

4 *SEC. 19.* Section 3537.25 of the Business and Professions Code
5 is amended to read:

6 3537.25. Both the pilot and the ongoing training program shall
7 provide training at no cost to the participants in return for a written,
8 enforceable agreement by the participants to, upon obtaining
9 licensure under this article, serve a minimum of four years as a
10 full-time physician assistant in an area of California designated
11 by the Department of Health Care Access and Information as a
12 medically underserved area pursuant to Section 3537.35.

13 ~~SEC. 21.~~

14 *SEC. 20.* Section 3537.30 of the Business and Professions Code
15 is amended to read:

16 3537.30. (a) The Legislature recognizes that the goal of this
17 program would be compromised if participants do not observe
18 their commitments under this program to provide the required
19 service in a medically underserved area. The goal of this program
20 would not be met if all that it accomplished was merely to license
21 physician assistants that served populations that are not medically
22 underserved.

23 (b) Since damages would be difficult or impossible to ascertain
24 in the event of default by the participant, this section shall set forth
25 the extent of liquidated damages that shall be recoverable by the
26 program in the case of default.

27 (c) In the case of default by a participant who has successfully
28 completed the program and has obtained licensure under this
29 article, the program shall collect the following damages from the
30 participant:

31 (1) The total cost expended by the program for the training of
32 the applicant, and interest thereon from the date of default.

33 (2) The total amount needed for the program to seek cover as
34 set forth in subdivision (b) of Section 3537.35.

35 (3) The costs of enforcement, including, but not limited to, the
36 costs of collecting the liquidated damages, the costs of litigation,
37 and attorney's fees.

38 (d) The Attorney General may represent the department, or the
39 board, or both in any litigation necessitated by this article, or, if

1 the Attorney General declines, the department, or the board, or
2 both may hire other counsel for this purpose.

3 (e) Funds collected pursuant to subdivision (c) shall be allocated
4 as follows:

5 (1) Costs of training recovered pursuant to paragraph (1) of
6 subdivision (c) shall be allocated to the department to be used upon
7 appropriation for the continuing training program pursuant to this
8 article.

9 (2) Costs of seeking cover recovered pursuant to paragraph (2)
10 of subdivision (c) shall be deposited in the Physician Assistant
11 Training Fund established pursuant to Section 3537.40 for the
12 purposes of providing grants pursuant to subdivision (c) of Section
13 3537.35.

14 (3) Costs of enforcement recovered pursuant to paragraph (3)
15 of subdivision (c) shall be allocated between the department, and
16 the Attorney General, or other counsel, according to actual costs.

17 ~~SEC. 22.~~

18 *SEC. 21.* Section 3537.35 of the Business and Professions Code
19 is amended to read:

20 3537.35. The Department of Health Care Access and
21 Information shall, in addition to other duties described in this
22 article, do all of the following:

23 (a) Determine those areas of the state that are medically
24 underserved in that they have a higher percentage of medically
25 underserved and indigent persons and would benefit from the
26 services of additional persons licensed as physician assistants.

27 (b) Determine the total cost of seeking cover as specified in
28 paragraph (2) of subdivision (c) of Section 3537.30. To determine
29 the cost, the department shall study the market forces that are at
30 work creating the scarcity of these physician assistants in these
31 medically underserved areas, and determine the annual level of
32 additional funding that would be required by a health facility,
33 clinic, or other health care provider in those areas to motivate a
34 physician assistant to serve full-time in those underserved areas.
35 This amount shall be calculated so that when added to the
36 prevailing rate for these services in the underserved area, would
37 make these positions so attractive that physician assistants would
38 be motivated to serve in those areas. This amount, which shall
39 equal the cost to the department to place a qualified physician

1 assistant in the underserved area, times four years shall be the total
2 cost of seeking cover.

3 (c) Provide grants, as funds become available in the Physician
4 Assistant Training Fund, to applicant health care providers that
5 provide services in medically underserved areas for the purpose
6 of funding additional full-time physician assistant positions in
7 those areas to provide services in lieu of defaulting physician
8 assistants. Participating providers shall use these grants to attract
9 physician assistants that are from outside the area and shall
10 demonstrate that the grant actually increases the number of
11 physician assistants serving the underserved population. The
12 grantee shall demonstrate that the grant did not merely shift a
13 physician assistant from one medically underserved area to another,
14 but rather, resulted in a net increase in the number of physician
15 assistants serving the underserved population as a whole. Licensees
16 under this article shall not directly or indirectly receive grants
17 under this section.

18 ~~SEC. 23.~~

19 *SEC. 22.* Section 3537.40 of the Business and Professions Code
20 is amended to read:

21 3537.40. The Physician Assistant Training Fund is hereby
22 created in the State Treasury for the purpose of receipt of funds
23 collected pursuant to paragraph (2) of subdivision (c) of Section
24 3537.30. The Physician Assistant Training Fund shall be available
25 to the Department of Health Care Access and Information for the
26 purpose of providing grants pursuant to subdivision (c) of Section
27 3537.35, upon appropriation by the Legislature.

28 ~~SEC. 24.~~

29 *SEC. 23.* Section 3537.50 of the Business and Professions Code
30 is amended to read:

31 3537.50. No General Fund revenues shall be expended to carry
32 out this article. The implementation of the pilot program and, if
33 applicable, the permanent program established by this article shall
34 be contingent upon the availability of federal funds, which do not
35 divert or detract from funds currently utilized to underwrite existing
36 physician assistant training programs or to fund existing functions
37 of the board. The new funding shall be sufficient to cover the full
38 additional cost to the educational institution or institutions that
39 establish the program or programs, the cost of tuition and
40 attendance for the students in the program or programs, and any

1 additional costs, including enforcement costs, that the department
2 or the board incurs as a result of implementing this article. This
3 article does not impose any obligations upon the department, the
4 board, or any physician assistant training program in the absence
5 of adequate funding as described in this section. This article does
6 not preclude applicants for the program established by this article
7 from seeking state or federal scholarship funds, or state and federal
8 loan repayment funds available to physician assistant students, or
9 require any applicants be granted preference in the award of those
10 funds. This article does not impair the autonomy of any institution
11 that offers a physician assistant training program.

12 *SEC. 24. Section 4170 of the Business and Professions Code*
13 *is amended to read:*

14 4170. (a) No prescriber shall dispense drugs or dangerous
15 devices to patients in ~~his or her~~ *the prescriber's* office or place of
16 practice unless all of the following conditions are met:

17 (1) The dangerous drugs or dangerous devices are dispensed to
18 the prescriber's own patient, and the drugs or dangerous devices
19 are not furnished by a nurse or physician attendant.

20 (2) The dangerous drugs or dangerous devices are necessary in
21 the treatment of the condition for which the prescriber is attending
22 the patient.

23 (3) The prescriber does not keep a pharmacy, open shop, or
24 drugstore, advertised or otherwise, for the retailing of dangerous
25 drugs, dangerous devices, or poisons.

26 (4) The prescriber fulfills all of the labeling requirements
27 imposed upon pharmacists by Section 4076, all of the
28 recordkeeping requirements of this chapter, and all of the packaging
29 requirements of good pharmaceutical practice, including the use
30 of childproof containers.

31 (5) The prescriber does not use a dispensing device unless ~~he~~
32 ~~or she~~ *the prescriber* personally owns the device and the contents
33 of the device, and personally dispenses the dangerous drugs or
34 dangerous devices to the patient packaged, labeled, and recorded
35 in accordance with paragraph (4).

36 (6) The prescriber, prior to dispensing, offers to give a written
37 prescription to the patient that the patient may elect to have filled
38 by the prescriber or by any pharmacy.

39 (7) The prescriber provides the patient with written disclosure
40 that the patient has a choice between obtaining the prescription

1 from the dispensing prescriber or obtaining the prescription at a
2 pharmacy of the patient’s choice.

3 (8) A certified nurse-midwife who functions pursuant to a
4 standardized procedure or protocol described in Section 2746.51,
5 a nurse practitioner who functions pursuant to a standardized
6 procedure described in Section 2836.1, or protocol, a physician
7 assistant who functions pursuant to Section 3502.1, or a
8 naturopathic doctor who functions pursuant to Section 3640.5,
9 may hand to a patient of the supervising physician and surgeon a
10 properly labeled prescription drug prepackaged by a physician and
11 surgeon, a manufacturer as defined in this chapter, or a pharmacist.

12 (b) The Medical Board of California, the California State Board
13 of Optometry, the Bureau of Naturopathic Medicine, the Dental
14 Board of California, the California Board of Podiatric Medicine,
15 the Osteopathic Medical Board of California, the Board of
16 Registered Nursing, the Veterinary Medical Board, and the
17 Physician Assistant ~~Committee~~ *Board* shall have authority with
18 the California State Board of Pharmacy to ensure compliance with
19 this section, and those boards are specifically charged with the
20 enforcement of this chapter with respect to their respective
21 licensees.

22 (c) “Prescriber,” as used in this section, means a person, who
23 holds a physician’s and surgeon’s certificate, a license to practice
24 optometry, a license to practice naturopathic medicine, a license
25 to practice dentistry, a license to practice veterinary medicine, or
26 a certificate to practice podiatry, and who is duly registered by the
27 Medical Board of California, the Osteopathic Medical Board of
28 California, the California State Board of Optometry, the Bureau
29 of Naturopathic Medicine, the Dental Board of California, the
30 Veterinary Medical Board, or the California Board of Podiatric
31 Medicine.

32 *SEC. 25. Section 4175 of the Business and Professions Code*
33 *is amended to read:*

34 4175. (a) The California State Board of Pharmacy shall
35 promptly forward to the appropriate licensing entity, including the
36 Medical Board of California, the Veterinary Medical Board, the
37 Dental Board of California, the California State Board of
38 Optometry, the California Board of Podiatric Medicine, the
39 Osteopathic Medical Board of California, the Board of Registered
40 Nursing, the Bureau of Naturopathic Medicine, or the Physician

1 Assistant ~~Committee~~, *Board*, all complaints received related to
2 dangerous drugs or dangerous devices dispensed by a prescriber,
3 certified nurse-midwife, nurse practitioner, naturopathic doctor,
4 or physician assistant pursuant to Section 4170.

5 (b) All complaints involving serious bodily injury due to
6 dangerous drugs or dangerous devices dispensed by prescribers,
7 certified nurse-midwives, nurse practitioners, naturopathic doctors,
8 or physician assistants pursuant to Section 4170 shall be handled
9 by the Medical Board of California, the Dental Board of California,
10 the California State Board of Optometry, the California Board of
11 Podiatric Medicine, the Osteopathic Medical Board of California,
12 the Bureau of Naturopathic Medicine, the Board of Registered
13 Nursing, the Veterinary Medical Board, or the Physician Assistant
14 Committee as a case of greatest potential harm to a patient.

15 ~~SEC. 25.~~

16 *SEC. 26.* Section 4846.5 of the Business and Professions Code
17 is amended to read:

18 4846.5. (a) Except as provided in this section, the board shall
19 issue renewal licenses only to those applicants that have completed
20 a minimum of 36 hours of continuing education in the preceding
21 two years.

22 (b) (1) Notwithstanding any other law, continuing education
23 hours shall be earned by attending courses relevant to veterinary
24 medicine and sponsored or cosponsored by any of the following:

25 (A) American Veterinary Medical Association (AVMA)
26 accredited veterinary medical colleges.

27 (B) Accredited colleges or universities offering programs
28 relevant to veterinary medicine.

29 (C) The American Veterinary Medical Association.

30 (D) American Veterinary Medical Association recognized
31 specialty or affiliated allied groups.

32 (E) American Veterinary Medical Association's affiliated state
33 veterinary medical associations.

34 (F) Nonprofit annual conferences established in conjunction
35 with state veterinary medical associations.

36 (G) Educational organizations affiliated with the American
37 Veterinary Medical Association or its state affiliated veterinary
38 medical associations.

39 (H) Local veterinary medical associations affiliated with the
40 California Veterinary Medical Association.

1 (I) Federal, state, or local government agencies.

2 (J) Providers accredited by the Accreditation Council for
3 Continuing Medical Education (ACCME) or approved by the
4 American Medical Association (AMA), providers recognized by
5 the American Dental Association Continuing Education
6 Recognition Program (ADA CERP), and AMA or ADA affiliated
7 state, local, and specialty organizations.

8 (2) Notwithstanding paragraph (1), a total of six hours or less
9 of the required 36 hours of continuing education may be earned
10 by doing either of the following, or a combination thereof:

11 (A) Up to six hours may be earned by taking self-study courses,
12 which may include, but are not limited to, reading journals, viewing
13 video recordings, or listening to audio recordings.

14 (B) Up to four hours may be earned by providing pro bono
15 spaying or neutering services under the supervision of a public
16 animal control agency or shelter, society for the prevention of
17 cruelty to animals shelter, humane society shelter, or rescue group.
18 The services shall be administered at a facility that is appropriately
19 equipped and staffed to provide those services. The service shall
20 be provided to a household with a demonstrated financial need for
21 reduced-cost services.

22 (3) The board may approve other continuing veterinary medical
23 education providers not specified in paragraph (1).

24 (A) The board has the authority to recognize national continuing
25 education approval bodies for the purpose of approving continuing
26 education providers not specified in paragraph (1).

27 (B) Applicants seeking continuing education provider approval
28 shall have the option of applying to the board or to a
29 board-recognized national approval body.

30 (4) For good cause, the board may adopt an order specifying,
31 on a prospective basis, that a provider of continuing veterinary
32 medical education authorized pursuant to paragraph (1) or (3) is
33 no longer an acceptable provider.

34 (c) A person renewing their license issued pursuant to Section
35 4846.4, or a person applying for relicensure or for reinstatement
36 of their license to active status, shall submit proof of compliance
37 with this section to the board certifying that the person is in
38 compliance with this section. Any false statement submitted
39 pursuant to this section shall be a violation subject to Section 4831.

1 (d) This section shall not apply to a veterinarian's first license
2 renewal. This section shall apply only to second and subsequent
3 license renewals granted on or after January 1, 2002.

4 (e) The board shall have the right to audit the records of all
5 applicants to verify the completion of the continuing education
6 requirement. Applicants shall maintain records of completion of
7 required continuing education coursework for a period of four
8 years and shall make these records available to the board for
9 auditing purposes upon request. If the board, during this audit,
10 questions whether any course reported by the veterinarian satisfies
11 the continuing education requirement, the veterinarian shall provide
12 information to the board concerning the content of the course; the
13 name of its sponsor and cosponsor, if any; and specify the specific
14 curricula that was of benefit to the veterinarian.

15 (f) A veterinarian desiring an inactive license or to restore an
16 inactive license under Section 701 shall submit an application on
17 a form provided by the board. In order to restore an inactive license
18 to active status, the veterinarian shall have completed a minimum
19 of 36 hours of continuing education within the last two years
20 preceding application. The inactive license status of a veterinarian
21 shall not deprive the board of its authority to institute or continue
22 a disciplinary action against a licensee.

23 (g) Knowing misrepresentation of compliance with this article
24 by a veterinarian constitutes unprofessional conduct and grounds
25 for disciplinary action or for the issuance of a citation and the
26 imposition of a civil penalty pursuant to Section 4883.

27 (h) The board, in its discretion, may exempt from the continuing
28 education requirement any veterinarian who for reasons of health,
29 military service, or undue hardship cannot meet those requirements.
30 Applications for waivers shall be submitted on a form provided
31 by the board.

32 (i) The administration of this section may be funded through
33 professional license and continuing education provider fees. The
34 fees related to the administration of this section shall not exceed
35 the costs of administering the corresponding provisions of this
36 section.

37 (j) For those continuing education providers not listed in
38 paragraph (1) of subdivision (b), the board or its recognized
39 national approval agent shall establish criteria by which a provider
40 of continuing education shall be approved. The board shall initially

1 review and approve these criteria and may review the criteria as
2 needed. The board or its recognized agent shall monitor, maintain,
3 and manage related records and data. The board may impose an
4 application fee, not to exceed two hundred dollars (\$200)
5 biennially, for continuing education providers not listed in
6 paragraph (1) of subdivision (b).

7 (k) (1) Beginning January 1, 2018, a licensed veterinarian who
8 renews their license shall complete a minimum of one credit hour
9 of continuing education on the judicious use of medically important
10 antimicrobial drugs every four years as part of their continuing
11 education requirements.

12 (2) For purposes of this subdivision, “medically important
13 antimicrobial drug” means an antimicrobial drug listed in Appendix
14 A of the federal Food and Drug Administration’s Guidance for
15 Industry #152, including critically important, highly important,
16 and important antimicrobial drugs, as that appendix may be
17 amended.

18 ~~SEC. 26.~~

19 *SEC. 27.* Section 4883 of the Business and Professions Code
20 is amended to read:

21 4883. The board may deny, revoke, or suspend a license or
22 registration or assess a fine as provided in Section 4875 for any
23 of the following:

24 (a) Conviction of a crime substantially related to the
25 qualifications, functions, or duties of veterinary medicine, surgery,
26 or dentistry, in which case the record of the conviction shall be
27 conclusive evidence.

28 (b) For having professional connection with, or lending the
29 licensee’s or registrant’s name to, any illegal practitioner of
30 veterinary medicine and the various branches thereof.

31 (c) Violation or attempting to violate, directly or indirectly, any
32 of the provisions of this chapter.

33 (d) Fraud or dishonesty in applying, treating, or reporting on
34 tuberculin or other biological tests.

35 (e) Employment of anyone but a veterinarian licensed in the
36 state to demonstrate the use of biologics in the treatment of animals.

37 (f) False or misleading advertising.

38 (g) Unprofessional conduct, that includes, but is not limited to,
39 the following:

1 (1) Conviction of a charge of violating any federal statutes or
2 rules or any statute or rule of this state regulating dangerous drugs
3 or controlled substances. The record of the conviction is conclusive
4 evidence thereof. A plea or verdict of guilty or a conviction
5 following a plea of nolo contendere is deemed to be a conviction
6 within the meaning of this section. The board may order the license
7 or registration to be suspended or revoked, or assess a fine, or
8 decline to issue a license or registration, when the time for appeal
9 has elapsed, or the judgment of conviction has been affirmed on
10 appeal or when an order granting probation is made suspending
11 the imposition of sentence, irrespective of a subsequent order under
12 Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the
13 person to withdraw a plea of guilty and to enter a plea of not guilty,
14 or setting aside the verdict of guilty, or dismissing the accusation,
15 information, or indictment.

16 (2) (A) The use of, or prescribing for or administering to
17 oneself, any controlled substance.

18 (B) The use of any of the dangerous drugs specified in Section
19 4022, or of alcoholic beverages to the extent, or in any manner as
20 to be dangerous or injurious to a person licensed or registered
21 under this chapter, or to any other person or to the public, or to the
22 extent that the use impairs the ability of the person so licensed or
23 registered to conduct with safety the practice authorized by the
24 license or registration.

25 (C) The conviction of more than one misdemeanor or any felony
26 involving the use, consumption, or self-administration of any of
27 the substances referred to in this section or any combination
28 thereof, and the record of the conviction is conclusive evidence.

29 A plea or verdict of guilty or a conviction following a plea of
30 nolo contendere is deemed to be a conviction within the meaning
31 of this section. The board may order the license or registration to
32 be suspended or revoked or assess a fine, or may decline to issue
33 a license or registration, when the time for appeal has elapsed or
34 the judgment of conviction has been affirmed on appeal or when
35 an order granting probation is made suspending imposition of
36 sentence, irrespective of a subsequent order under Section 1203.4,
37 1210.1, or 3063.1 of the Penal Code allowing the person to
38 withdraw a plea of guilty and to enter a plea of not guilty, or setting
39 aside the verdict of guilty, or dismissing the accusation,
40 information, or indictment.

- 1 (3) A violation of any federal statute, rule, or regulation or any
2 of the statutes, rules, or regulations of this state regulating
3 dangerous drugs or controlled substances.
- 4 (h) Failure to keep the licensee’s or registrant’s premises and
5 all equipment therein in a clean and sanitary condition.
- 6 (i) Fraud, deception, negligence, or incompetence in the practice
7 of veterinary medicine.
- 8 (j) Aiding or abetting in any acts that are in violation of any of
9 the provisions of this chapter.
- 10 (k) The employment of fraud, misrepresentation, or deception
11 in obtaining the license or registration.
- 12 (l) The revocation, suspension, or other discipline by another
13 state or territory of a license, certificate, or registration to practice
14 veterinary medicine or as a veterinary technician in that state or
15 territory.
- 16 (m) Cruelty to animals, conviction on a charge of cruelty to
17 animals, or both.
- 18 (n) Disciplinary action taken by any public agency in any state
19 or territory for any act substantially related to the practice of
20 veterinary medicine or the practice of a veterinary technician.
- 21 (o) Violation, or the assisting or abetting violation, of any
22 regulations adopted by the board pursuant to this chapter.
- 23 (p) Accepting, soliciting, or offering any form of remuneration
24 from or to a cannabis licensee if the veterinarian or the
25 veterinarian’s immediate family have a financial interest with the
26 cannabis licensee. For purposes of this subdivision, the following
27 definitions shall apply:
- 28 (1) “Cannabis licensee” shall have the same meaning as
29 “licensee” in Section 26001.
- 30 (2) “Financial interest” shall have the same meaning as in
31 Section 650.01.
- 32 (q) Discussing medicinal cannabis with a client while the
33 veterinarian is employed by, or has an agreement with, a cannabis
34 licensee. For purposes of this subdivision, “cannabis licensee”
35 shall have the same meaning as “licensee” in Section 26001.
- 36 (r) Distributing any form of advertising for cannabis in
37 California.
- 38 (s) Making any statement, claim, or advertisement that the
39 licensee or registrant is a veterinary specialist or board certified
40 unless they are certified by an American Veterinary Medical

1 Association-Recognized Veterinary Specialty Organization or a
2 National Association of Veterinary Technicians in
3 America-Recognized Veterinary Specialty Organization.

4 (t) Exercising control over, interfering with, or attempting to
5 influence the professional judgment of another California-licensed
6 veterinarian or registered veterinary technician through coercion,
7 extortion, inducement, collusion, or intimidation through any
8 means, including, but not limited to, compensation, in order to
9 require the other California-licensed veterinarian or registered
10 veterinary technician to perform veterinary services in a manner
11 inconsistent with current veterinary medical practice in this state.

12 ~~SEC. 27.~~

13 *SEC. 28.* Section 4980.03 of the Business and Professions Code
14 is amended to read:

15 4980.03. (a) “Board,” as used in this chapter, means the Board
16 of Behavioral Sciences.

17 (b) “Associate,” as used in this chapter, means an unlicensed
18 person who has earned a master’s or doctoral degree qualifying
19 the person for licensure and is registered with the board as an
20 associate.

21 (c) “Trainee,” as used in this chapter, means an unlicensed
22 person who is currently enrolled in a master’s or doctoral degree
23 program, as specified in Sections 4980.36 and 4980.37, that is
24 designed to qualify the person for licensure under this chapter, and
25 who has completed no less than 12 semester units or 18 quarter
26 units of coursework in any qualifying degree program.

27 (d) “Applicant for licensure,” as used in this chapter, means an
28 unlicensed person who has completed the required education and
29 required hours of supervised experience for licensure.

30 (e) “Advertise,” as used in this chapter, includes, but is not
31 limited to, any public communication, as defined in subdivision
32 (a) of Section 651, the issuance of any card, sign, or device to any
33 person, or the causing, permitting, or allowing of any sign or
34 marking on, or in, any building or structure, or in any newspaper
35 or magazine or in any directory, or any printed matter whatsoever,
36 with or without any limiting qualification. Signs within religious
37 buildings or notices in church bulletins mailed to a congregation
38 are not advertising within the meaning of this chapter.

39 (f) “Experience,” as used in this chapter, means experience in
40 interpersonal relationships, psychotherapy, marriage and family

1 therapy, direct clinical counseling, and nonclinical practice that
2 satisfies the requirements for licensure as a marriage and family
3 therapist.

4 (g) “Supervisor,” as used in this chapter, means an individual
5 who meets all of the following requirements:

6 (1) Has held an active license for at least two years within the
7 five-year period immediately preceding any supervision as any of
8 the following:

9 (A) A licensed professional clinical counselor, licensed marriage
10 and family therapist, psychologist licensed pursuant to Chapter
11 6.6 (commencing with Section 2900), licensed clinical social
12 worker, licensed educational psychologist, or equivalent
13 out-of-state license. A licensed educational psychologist may only
14 supervise the provision of educationally related mental health
15 services that are consistent with the scope of practice of an
16 educational psychologist, as specified in Section 4989.14.

17 (B) A physician and surgeon who is certified in psychiatry by
18 the American Board of Psychiatry and Neurology or an out-of-state
19 licensed physician and surgeon who is certified in psychiatry by
20 the American Board of Psychiatry and Neurology.

21 (2) For at least two years within the five-year period immediately
22 preceding any supervision, has practiced psychotherapy, provided
23 psychological counseling pursuant to paragraph (5) of subdivision
24 (a) of Section 4989.14, or provided direct clinical supervision of
25 psychotherapy performed by marriage and family therapist trainees,
26 associate marriage and family therapists, associate professional
27 clinical counselors, or associate clinical social workers. Supervision
28 of psychotherapy performed by a social work intern or a
29 professional clinical counselor trainee shall be accepted if the
30 supervision provided is substantially equivalent to the supervision
31 required for registrants.

32 (3) Has received training in supervision as specified in this
33 chapter and by regulation.

34 (4) Has not provided therapeutic services to the supervisee.

35 (5) Has and maintains a current and active license that is not
36 under suspension or probation as one of the following:

37 (A) A marriage and family therapist, professional clinical
38 counselor, clinical social worker, or licensed educational
39 psychologist, issued by the board.

1 (B) A psychologist licensed pursuant to Chapter 6.6
2 (commencing with Section 2900).

3 (C) A physician and surgeon who is certified in psychiatry by
4 the American Board of Psychiatry and Neurology.

5 (6) Is not a spouse, domestic partner, or relative of the
6 supervisee.

7 (7) Does not currently have or previously had a personal,
8 professional, or business relationship with the supervisee that
9 undermines the authority or effectiveness of the supervision.

10 (h) “Client centered advocacy,” as used in this chapter, includes,
11 but is not limited to, researching, identifying, and accessing
12 resources, or other activities, related to obtaining or providing
13 services and supports for clients or groups of clients receiving
14 psychotherapy or counseling services.

15 (i) “Accredited,” as used in this chapter, means a school, college,
16 or university accredited by either the Commission on Accreditation
17 for Marriage and Family Therapy Education or a regional or
18 national institutional accrediting agency that is recognized by the
19 United States Department of Education.

20 (j) “Approved,” as used in this chapter, means a school, college,
21 or university that possessed unconditional approval by the Bureau
22 for Private Postsecondary Education at the time of the applicant’s
23 graduation from the school, college, or university.

24 ~~SEC. 28.~~

25 *SEC. 29.* Section 4980.396 of the Business and Professions
26 Code is amended to read:

27 4980.396. (a) On or after January 1, 2021, an applicant for
28 licensure as a marriage and family therapist shall show, as part of
29 the application, that they have completed a minimum of six hours
30 of coursework or applied experience under supervision in suicide
31 risk assessment and intervention. This requirement shall be met
32 in one of the following ways:

33 (1) Obtained as part of their qualifying graduate degree program.
34 To satisfy this requirement, the applicant shall submit to the board
35 a written certification from the registrar or training director of the
36 educational institution or program from which the applicant
37 graduated stating that the coursework required by this section is
38 included within the institution’s curriculum required for graduation
39 at the time the applicant graduated, or within the coursework that
40 was completed by the applicant.

1 (2) Obtained as part of their applied experience. Applied
2 experience can be met in any of the following settings: practicum
3 or associateship that meets the requirement of this chapter, formal
4 postdoctoral placement that meets the requirements of Section
5 2911, or other qualifying supervised experience. To satisfy this
6 requirement, the applicant shall submit to the board a written
7 certification from the director of training for the program or
8 primary supervisor where the qualifying experience has occurred
9 stating that the training required by this section is included within
10 the applied experience.

11 (3) By taking a continuing education course that meets the
12 requirements of Section 4980.54. To satisfy this requirement, the
13 applicant shall submit to the board a certification of completion.

14 (b) As a one-time requirement, a licensee prior to the time of
15 their first renewal after January 1, 2021, or an applicant for
16 reactivation or reinstatement to an active license status on or after
17 January 1, 2021, shall have completed a minimum of six hours of
18 coursework or applied experience under supervision in suicide
19 risk assessment and intervention, using one of the methods
20 specified in subdivision (a). Proof of compliance with this section
21 shall be certified under penalty of perjury that they are in
22 compliance with this section and shall be retained for submission
23 to the board upon request.

24 ~~SEC. 29.~~

25 *SEC. 30.* Section 4996.20 of the Business and Professions Code
26 is amended to read:

27 4996.20. (a) “Supervisor,” as used in this chapter, means an
28 individual who meets all of the following requirements:

29 (1) Has held an active license for at least two years within the
30 five-year period immediately preceding any supervision as either:

31 (A) A licensed professional clinical counselor, licensed marriage
32 and family therapist, psychologist licensed pursuant to Chapter
33 6.6 (commencing with Section 2900), licensed clinical social
34 worker, licensed educational psychologist, or equivalent
35 out-of-state license. A licensed educational psychologist may only
36 supervise the provision of educationally related mental health
37 services that are consistent with the scope of practice of an
38 educational psychologist, as specified in Section 4989.14.

39 (B) A physician and surgeon who is certified in psychiatry by
40 the American Board of Psychiatry and Neurology or an out-of-state

1 licensed physician and surgeon who is certified in psychiatry by
2 the American Board of Psychiatry and Neurology.

3 (2) For at least two years within the five-year period immediately
4 preceding any supervision, has practiced psychotherapy, provided
5 psychological counseling pursuant to paragraph (5) of subdivision
6 (a) of Section 4989.14, or provided direct clinical supervision of
7 psychotherapy performed by associate clinical social workers,
8 associate marriage and family therapists or trainees, or associate
9 professional clinical counselors. Supervision of psychotherapy
10 performed by a social work intern or a professional clinical
11 counselor trainee shall be accepted if the supervision provided is
12 substantially equivalent to the supervision required for registrants.

13 (3) Has received training in supervision as specified in this
14 chapter and by regulation.

15 (4) Has not provided therapeutic services to the supervisee.

16 (5) Has and maintains a current and active license that is not
17 under suspension or probation as one of the following:

18 (A) A marriage and family therapist, professional clinical
19 counselor, clinical social worker, or licensed educational
20 psychologist issued by the board.

21 (B) A psychologist licensed pursuant to Chapter 6.6
22 (commencing with Section 2900).

23 (C) A physician and surgeon who is certified in psychiatry by
24 the American Board of Psychiatry and Neurology.

25 (6) Is not a spouse, domestic partner, or relative of the
26 supervisee.

27 (7) Does not currently have or previously had a personal,
28 professional, or business relationship with the supervisee that
29 undermines the authority or effectiveness of the supervision.

30 (b) As used in this chapter, the term “supervision” means
31 responsibility for, and control of, the quality of mental health and
32 related services provided by the supervisee. Consultation or peer
33 discussion shall not be considered supervision and shall not qualify
34 as supervised experience.

35 “Supervision” includes, but is not limited to, all of the following:

36 (1) Ensuring the extent, kind, and quality of counseling
37 performed is consistent with the education, training, and experience
38 of the supervisee.

39 (2) Monitoring and evaluating the supervisee’s assessment,
40 diagnosis, and treatment decisions and providing regular feedback.

1 (3) Monitoring and evaluating the supervisee’s ability to provide
2 services at the site or sites where the supervisee is practicing and
3 to the particular clientele being served.

4 (4) Monitoring and addressing clinical dynamics, including, but
5 not limited to, countertransference-, intrapsychic-, interpersonal-,
6 or trauma-related issues that may affect the supervisory or the
7 practitioner-patient relationship.

8 (5) Ensuring the supervisee’s compliance with laws and
9 regulations governing the practice of clinical social work.

10 (6) Reviewing the supervisee’s progress notes, process notes,
11 and other patient treatment records, as deemed appropriate by the
12 supervisor.

13 (7) With the client’s written consent, providing direct
14 observation or review of audio or video recordings of the
15 supervisee’s counseling or therapy, as deemed appropriate by the
16 supervisor.

17 ~~SEC. 30.~~

18 *SEC. 31.* Section 4999.12 of the Business and Professions Code
19 is amended to read:

20 4999.12. For purposes of this chapter, the following terms have
21 the following meanings:

22 (a) “Board” means the Board of Behavioral Sciences.

23 (b) “Accredited” means a school, college, or university
24 accredited by a regional or national institutional accrediting agency
25 that is recognized by the United States Department of Education.

26 (c) “Approved” means a school, college, or university that
27 possessed unconditional approval by the Bureau for Private
28 Postsecondary Education at the time of the applicant’s graduation
29 from the school, college, or university.

30 (d) “Applicant for licensure” means an unlicensed person who
31 has completed the required education and required hours of
32 supervised experience for licensure.

33 (e) “Licensed professional clinical counselor” or “LPCC” means
34 a person licensed under this chapter to practice professional clinical
35 counseling, as defined in Section 4999.20.

36 (f) “Associate” means an unlicensed person who meets the
37 requirements of Section 4999.42 and is registered with the board.

38 (g) “Clinical counselor trainee” means an unlicensed person
39 who is currently enrolled in a master’s or doctoral degree program,
40 as specified in Section 4999.32 or 4999.33, that is designed to

1 qualify the person for licensure and who has completed no less
2 than 12 semester units or 18 quarter units of coursework in any
3 qualifying degree program.

4 (h) “Supervisor” means an individual who meets all of the
5 following requirements:

6 (1) Has held an active license for at least two years within the
7 five-year period immediately preceding any supervision as either:

8 (A) A licensed professional clinical counselor, licensed marriage
9 and family therapist, psychologist licensed pursuant to Chapter
10 6.6 (commencing with Section 2900), licensed clinical social
11 worker, licensed educational psychologist, or equivalent
12 out-of-state license. A licensed educational psychologist may only
13 supervise the provision of educationally related mental health
14 services that are consistent with the scope of practice of an
15 educational psychologist, as specified in Section 4989.14.

16 (B) A physician and surgeon who is certified in psychiatry by
17 the American Board of Psychiatry and Neurology, or an out-of-state
18 licensed physician and surgeon who is certified in psychiatry by
19 the American Board of Psychiatry and Neurology.

20 (2) For at least two years within the five-year period immediately
21 preceding any supervision, has practiced psychotherapy, provided
22 psychological counseling pursuant to paragraph (5) of subdivision
23 (a) of Section 4989.14, or provided direct clinical supervision of
24 psychotherapy performed by marriage and family therapist trainees,
25 associate marriage and family therapists, associate professional
26 clinical counselors, or associate clinical social workers. Supervision
27 of psychotherapy performed by a social work intern or a
28 professional clinical counselor trainee shall be accepted if the
29 supervision provided is substantially equivalent to the supervision
30 required for registrants.

31 (3) Has received training in supervision as specified in this
32 chapter and by regulation.

33 (4) Has not provided therapeutic services to the supervisee.

34 (5) Has and maintains a current and active license that is not
35 under suspension or probation as one of the following:

36 (A) A marriage and family therapist, professional clinical
37 counselor, clinical social worker, or licensed educational
38 psychologist issued by the board.

39 (B) A psychologist licensed pursuant to Chapter 6.6
40 (commencing with Section 2900).

1 (C) A physician and surgeon who is certified in psychiatry by
2 the American Board of Psychiatry and Neurology.

3 (6) Is not a spouse, domestic partner, or relative of the
4 supervisee.

5 (7) Does not currently have or previously had a personal,
6 professional, or business relationship with the supervisee that
7 undermines the authority or effectiveness of the supervision.

8 (i) “Client centered advocacy” includes, but is not limited to,
9 researching, identifying, and accessing resources, or other activities,
10 related to obtaining or providing services and supports for clients
11 or groups of clients receiving psychotherapy or counseling services.

12 (j) “Advertising” or “advertise” includes, but is not limited to,
13 the issuance of any card, sign, or device to any person, or the
14 causing, permitting, or allowing of any sign or marking on, or in,
15 any building or structure, or in any newspaper or magazine or in
16 any directory, or any printed matter whatsoever, with or without
17 any limiting qualification. It also includes business solicitations
18 communicated by radio or television broadcasting. Signs within
19 church buildings or notices in church bulletins mailed to a
20 congregation are not advertising within the meaning of this chapter.

21 (k) “Referral” means evaluating and identifying the needs of a
22 client to determine whether it is advisable to refer the client to
23 other specialists, informing the client of that judgment, and
24 communicating that determination as requested or deemed
25 appropriate to referral sources.

26 (l) “Research” means a systematic effort to collect, analyze, and
27 interpret quantitative and qualitative data that describes how social
28 characteristics, behavior, emotion, cognitions, disabilities, mental
29 disorders, and interpersonal transactions among individuals and
30 organizations interact.

31 (m) “Supervision” means responsibility for, and control of, the
32 quality of mental health and related services provided by the
33 supervisee. Consultation or peer discussion shall not be considered
34 supervision and shall not qualify as supervised experience.
35 Supervision includes, but is not limited to, all of the following:

36 (1) Ensuring the extent, kind, and quality of counseling
37 performed is consistent with the education, training, and experience
38 of the supervisee.

39 (2) Monitoring and evaluating the supervisee’s assessment,
40 diagnosis, and treatment decisions and providing regular feedback.

1 (3) Monitoring and evaluating the supervisee's ability to provide
2 services at the site or sites where the supervisee is practicing and
3 to the particular clientele being served.

4 (4) Monitoring and addressing clinical dynamics, including, but
5 not limited to, countertransference-, intrapsychic-, interpersonal-,
6 or trauma-related issues that may affect the supervisory or the
7 practitioner-patient relationship.

8 (5) Ensuring the supervisee's compliance with laws and
9 regulations governing the practice of licensed professional clinical
10 counseling.

11 (6) Reviewing the supervisee's progress notes, process notes,
12 and other patient treatment records, as deemed appropriate by the
13 supervisor.

14 (7) With the client's written consent, providing direct
15 observation or review of audio or video recordings of the
16 supervisee's counseling or therapy, as deemed appropriate by the
17 supervisor.

18 (n) "Clinical setting" means any setting that meets both of the
19 following requirements:

20 (1) Lawfully and regularly provides mental health counseling
21 or psychotherapy.

22 (2) Provides oversight to ensure that the associate's work meets
23 the experience and supervision requirements set forth in this
24 chapter and in regulation and is within the scope of practice of the
25 profession.

26 ~~SEC. 31.~~

27 *SEC. 32.* Section 6534 of the Business and Professions Code
28 is amended to read:

29 6534. (a) The bureau shall maintain the following information
30 in each licensee's file, shall make this information available to a
31 court for any purpose, including the determination of the
32 appropriateness of appointing or continuing the appointment of,
33 or removing, the licensee as a conservator, guardian, trustee,
34 personal representative of a decedent's estate, agent under a durable
35 power of attorney for health care, or agent under a durable power
36 of attorney for finances, and shall otherwise keep this information
37 confidential, except as provided in subdivisions (b) and (c) of this
38 section:

39 (1) The names of the licensee's current conservatees, wards,
40 principals under a durable power of attorney for health care, or

1 principals under a durable power of attorney for finances, and the
2 names of the trusts or estates currently administered by the licensee,
3 whether the case is court supervised or non-court supervised.

4 (2) The aggregate dollar value of all assets currently under the
5 licensee's supervision as a professional fiduciary.

6 (3) The licensee's current addresses and telephone numbers for
7 their place of business and place of residence.

8 (4) Whether the licensee has ever been removed for cause as a
9 conservator, guardian, trustee, personal representative of a
10 decedent's estate, agent under a durable power of attorney for
11 health care, or agent under a durable power of attorney for finances,
12 or has ever resigned or settled a matter in which a complaint against
13 the licensee has been filed with the court as a conservator, guardian,
14 trustee, personal representative of a decedent's estate, agent under
15 a durable power of attorney for health care, or agent under a durable
16 power of attorney for finances, in a specific case, the circumstances
17 causing that removal or resignation, and the case names, court
18 locations, and case numbers associated with the removal or
19 resignation.

20 (5) The case names, court locations, and case numbers of all
21 conservatorship, guardianship, or trust or other estate
22 administration cases that are closed for which the licensee served
23 as the conservator, guardian, trustee, agent under a durable power
24 of attorney for finance or health care, or personal representative
25 of a decedent's estate, whether the case is court supervised or
26 non-court supervised.

27 (6) Information regarding any discipline imposed upon the
28 licensee by the bureau.

29 (7) Whether the licensee has filed for bankruptcy or held a
30 controlling financial interest in a business that filed for bankruptcy
31 in the last 10 years.

32 (b) The bureau shall make the information in paragraphs (2),
33 (4), (6), and (7) of subdivision (a) available to the public.

34 (c) The bureau shall also publish information regarding licensees
35 on the Internet as specified in Section 27. The information shall
36 include, but shall not be limited to, information regarding license
37 status and the information specified under subdivision (b).

38 ~~SEC. 32.~~

39 *SEC. 33.* Section 6538 of the Business and Professions Code
40 is amended to read:

1 6538. (a) (1) To qualify for licensure, an applicant shall have
2 completed 30 hours of prelicensing education courses provided
3 by an educational program approved by the bureau.

4 (2) Beginning January 1, 2023, the prelicensing education
5 courses shall include at least one hour of instruction in cultural
6 competency.

7 (b) (1) To renew a license, or to restore a license from retired
8 status to active status, a licensee shall complete 15 hours of
9 approved continuing education courses each annual renewal cycle.

10 (2) Beginning January 1, 2023, as part of the approved
11 continuing education courses required by paragraph (1), a licensee
12 shall complete at least two hours of instruction in ethics, two hours
13 of instruction in cultural competency, or two hours of instruction
14 in both ethics and cultural competency every annual renewal cycle.

15 (c) The cost of any educational course required by this chapter
16 shall not be borne by any client served by a licensee.

17 (d) For purposes of this section, “cultural competency” means
18 understanding and applying cultural and ethnic data to the process
19 of providing services that includes, but is not limited to,
20 information on the appropriate services for the lesbian, gay,
21 bisexual, transgender, and intersex communities, ethnic
22 communities, and religious communities.

23 ~~SEC. 33.~~

24 *SEC. 34.* Section 6560 of the Business and Professions Code
25 is amended to read:

26 6560. A licensee shall keep complete and accurate client
27 records, and shall make those records available for audit or review
28 by the bureau upon request.

29 ~~SEC. 34.~~

30 *SEC. 35.* Section 6561 of the Business and Professions Code
31 is amended to read:

32 6561. (a) A licensee shall initially, and annually thereafter,
33 file with the bureau a statement under penalty of perjury containing
34 the following:

35 (1) The licensee’s business address, telephone number, and
36 facsimile number.

37 (2) Whether or not the licensee has been removed for cause as
38 a conservator, guardian, trustee, personal representative of a
39 decedent’s estate, agent under a durable power of attorney for
40 health care, or agent under a durable power of attorney for finances.

1 The licensee may file an additional statement of the issues and
2 facts pertaining to the case.

3 (3) The names of the licensee’s current conservatees, wards,
4 principals under a durable power of attorney for health care, or
5 principals under a durable power of attorney for finances, and the
6 names of trusts and decedent’s estates currently administered by
7 the licensee, whether the cases are court supervised or non-court
8 supervised, and including court names, court locations, and case
9 numbers where applicable.

10 (4) The case names, court locations, and case numbers of all
11 conservatorship, guardianship, trust and other estate administration
12 cases that are closed for which the licensee served as the
13 conservator, guardian, trustee, agent under a durable power of
14 attorney for finance or health care, and personal representative of
15 a decedent’s estate, whether the case is court supervised or
16 non-court supervised.

17 (5) Whether the licensee has been found by a court to have
18 breached a fiduciary duty.

19 (6) Whether the licensee has resigned or settled a matter in
20 which a complaint against the licensee has been filed with the
21 court, along with the case number and a statement of the issues
22 and facts pertaining to the allegations.

23 (7) Any licenses or professional certificates held by the licensee.

24 (8) Any ownership or beneficial interests in any businesses or
25 other enterprises held by the licensee or by a family member that
26 receives or has received payments from a client of the licensee.

27 (9) Whether the licensee has filed for bankruptcy or held a
28 controlling financial interest in a business that filed for bankruptcy
29 in the last ten years.

30 (10) The name of any persons or entities that have an interest
31 in the licensee’s professional fiduciary business.

32 (11) Whether the licensee has been convicted of a crime.

33 (b) The statement by the licensee required by this section may
34 be filed electronically with the bureau, in a form approved by the
35 bureau. However, any additional statement filed under paragraph
36 (2) of subdivision (a) shall be filed in writing.

37 ~~SEC. 35.~~

38 *SEC. 36.* Section 7086.10 of the Business and Professions Code
39 is amended to read:

1 7086.10. (a) For any licensee whose license is revoked or
 2 pending revocation whose actions have caused the payment of an
 3 award to a consumer pursuant to the program, the board shall
 4 display a notice on the public license detail on the board’s internet
 5 website stating that the licensee was the subject of a payment
 6 pursuant to the program.

7 (b) The notice specified in subdivision (a) shall remain on the
 8 board’s internet website until seven years after the date of the
 9 payment.

10 (c) This section shall operate independently of, and is not subject
 11 to, Section 7124.6.

12 ~~SEC. 36.~~

13 *SEC. 37.* Section 7506.10 of the Business and Professions Code
 14 is amended to read:

15 7506.10. (a) Every initial registration shall expire one year
 16 following the date of issuance, unless renewed as provided in this
 17 section. A renewal registration shall expire two years following
 18 the date of renewal, unless renewed as provided in this section.

19 (b) At least 60 days prior to the expiration, the bureau shall mail
 20 a renewal form to the registrant at the licensee’s place of business.
 21 A registrant who desires to renew their registration shall forward
 22 to the bureau for each registration the properly completed renewal
 23 form obtained from the bureau, with the renewal fee prescribed
 24 by this chapter, for renewal of their registration. Until the
 25 registration renewal certificate is issued, a registrant may continue
 26 to work with a temporary registration renewal certificate on a
 27 secure form prescribed by the chief and issued by the qualified
 28 certificate holder that has been embossed by the bureau with the
 29 state seal for a period not to exceed 120 days from the date of
 30 expiration of the registration.

31 (c) A licensee shall provide to their registrants information
 32 regarding procedures for renewal of registration.

33 (d) A registration that is not renewed within 60 days after its
 34 expiration may not be renewed. If the registration is renewed within
 35 60 days after its expiration, the registrant, as a condition precedent
 36 to renewal, shall pay the renewal fee and also pay the delinquency
 37 fee prescribed in this chapter. Registrants working with expired
 38 registrations shall pay all accrued fees and penalties prior to
 39 renewal or reregistration.

1 (e) Upon renewal, evidence of renewal, as the director may
2 prescribe, shall be issued to the registrant. If evidence of renewal
3 has not been delivered to the registrant prior to the date of
4 expiration, the registrant may present evidence of renewal to
5 substantiate continued registration for a period not to exceed 60
6 days after the date of expiration or a temporary registration renewal
7 certificate, as described in subdivision (b).

8 (f) A registration shall not be renewed until any and all fines
9 assessed pursuant to this chapter and not resolved in accordance
10 with this chapter have been paid.

11 ~~SEC. 37.~~

12 *SEC. 38.* Section 7520.3 of the Business and Professions Code
13 is amended to read:

14 7520.3. (a) As a condition of the issuance, reinstatement,
15 reactivation, or continued valid use of a license under this chapter,
16 a limited liability company shall, in accordance with this section,
17 maintain a policy or policies of insurance against liability imposed
18 on or against it by law for damages arising out of claims based
19 upon acts, errors, or omissions arising out of the private investigator
20 services it provides.

21 (b) The total aggregate limit of liability under the policy or
22 policies of insurance required under this section shall be as follows:

23 (1) For a limited liability company licensee with five or fewer
24 persons named as members pursuant to subdivision (i) of Section
25 7525.1, the aggregate limit shall not be less than one million dollars
26 (\$1,000,000).

27 (2) For a limited liability company licensee with more than five
28 persons named as members pursuant to subdivision (i) of Section
29 7525.1, an additional one hundred thousand dollars (\$100,000) of
30 insurance shall be obtained for each person named as members of
31 the licensee except that the maximum amount of insurance is not
32 required to exceed five million dollars (\$5,000,000) in any one
33 designated period, less amounts paid in defending, settling, or
34 discharging claims as set forth under this section.

35 (c) Prior to the issuance, reinstatement, or reactivation of a
36 limited liability company license as provided under this chapter,
37 the applicant or licensee shall, in the manner prescribed by the
38 bureau, submit the information and documentation required by
39 this section and requested by the bureau, demonstrating compliance
40 with the financial security requirements specified by this section.

1 (d) For any insurance policy secured by a licensee in satisfaction
2 of this section, a Certificate of Liability Insurance, signed by an
3 authorized agent or employee of the insurer, shall be submitted
4 electronically or otherwise to the bureau. The insurer issuing the
5 certificate shall report to the bureau the following information for
6 any policy required under this section: name, license number,
7 policy number, dates that coverage is scheduled to commence and
8 lapse, and cancellation date if applicable. The insurer shall list the
9 bureau as the certificate holder for the purposes of receiving
10 notifications related to the policy's status.

11 (e) (1) If a licensee fails to maintain sufficient insurance as
12 required by this section, or fails to provide proof of the required
13 insurance upon request by the bureau, the license is subject to
14 suspension and shall be automatically suspended pursuant to this
15 subdivision until the date that the licensee provides proof to the
16 bureau of compliance with the insurance coverage requirement.

17 (2) Prior to an automatic suspension, the bureau shall notify the
18 licensee, in writing, that it has 30 days to provide proof to the
19 bureau of having the required insurance or the license shall be
20 automatically suspended.

21 (3) If the licensee fails to provide proof of insurance coverage
22 within this period, the bureau may automatically suspend the
23 license.

24 (f) If the license of a limited liability company is suspended
25 pursuant to subdivision (e), each member of the limited liability
26 company shall be personally liable up to one million dollars
27 (\$1,000,000) each for damages resulting to third parties in
28 connection with the company's performance, during the period of
29 suspension, of any act or contract when a license is required by
30 this chapter.

31 (g) On and after March 1, 2023, a licensee organized as a limited
32 liability company shall report annually to the bureau the date and
33 amount of any claims paid during the prior calendar year from any
34 general liability insurance policy held pursuant to this section,
35 using a form provided by the bureau. The creation of the form
36 shall not be subject to the requirements of Chapter 3.5
37 (commencing with Section 11340) of Part 1 of Division 3 of Title
38 2 of the Government Code.

39 (h) This section shall remain in effect only until January 1, 2024,
40 and as of that date is repealed.

1 ~~SEC. 38.~~

2 *SEC. 39.* Section 7523 of the Business and Professions Code
3 is amended to read:

4 7523. (a) Unless specifically exempted by Section 7522, no
5 person shall engage in the business of private investigator, as
6 defined in Section 7521, unless that person has applied for and
7 received a license to engage in that business pursuant to this
8 chapter.

9 (b) Any person who violates any provision of this chapter or
10 who conspires with another person to violate any provision of this
11 chapter, relating to private investigator licensure, or who knowingly
12 engages a nonexempt unlicensed person is guilty of a misdemeanor
13 punishable by a fine of five thousand dollars (\$5,000) or by
14 imprisonment in the county jail not to exceed one year, or by both
15 that fine and imprisonment.

16 (c) A proceeding to impose the fine specified in subdivision (b)
17 may be brought in any court of competent jurisdiction in the name
18 of the people of the State of California by the Attorney General
19 or by any district attorney or city attorney, or with the consent of
20 the district attorney, the city prosecutor in any city or city and
21 county having a full-time city prosecutor for the jurisdiction in
22 which the violation occurred. If the action is brought by the district
23 attorney, the penalty collected shall be paid to the treasurer of the
24 county in which the judgment is entered. If the action is brought
25 by a city attorney or city prosecutor, one-half of the penalty
26 collected shall be paid to the treasurer of the city in which the
27 judgment was entered and one-half to the treasurer of the county
28 in which the judgment was entered. If the action is brought by the
29 Attorney General, all of the penalties collected shall be deposited
30 in the Private Security Services Fund.

31 (d) Any person who: (1) acts as or represents themselves to be
32 a private investigator licensee under this chapter when they are
33 not a licensee under this chapter; (2) falsely represents that they
34 are employed by a licensee under this chapter when they are not
35 employed by a licensee under this chapter; (3) carries a badge,
36 identification card, or business card, indicating that they are a
37 licensee under this chapter when they are not a licensee under this
38 chapter; (4) uses a letterhead or other written or electronically
39 generated materials indicating that they are a licensee under this
40 chapter when they are not a licensee under this chapter; or (5)

1 advertises that they are a licensee under this chapter when they
2 are not a licensee, is guilty of a misdemeanor that is punishable
3 by a fine of ten thousand dollars (\$10,000) or by imprisonment in
4 a county jail for not more than one year, or by both that fine and
5 imprisonment.

6 (e) A proceeding to impose the fine specified in subdivision (d)
7 may be brought in any court of competent jurisdiction in the name
8 of the people of the State of California by the Attorney General
9 or by any district attorney or city attorney, or with the consent of
10 the district attorney, the city prosecutor in any city or city and
11 county having a full-time city prosecutor for the jurisdiction in
12 which the violation occurred. If the action is brought by the district
13 attorney, the penalty collected shall be paid to the treasurer of the
14 county in which the judgment is entered. If the action is brought
15 by a city attorney or city prosecutor, one-half of the penalty
16 collected shall be paid to the treasurer of the city in which the
17 judgment was entered and one-half to the treasurer of the county
18 in which the judgment was entered. If the action is brought by the
19 Attorney General, all of the penalty collected shall be deposited
20 in the Private Security Services Fund.

21 (f) Any person who is convicted of a violation of the provisions
22 of this section shall not be issued a license under this chapter,
23 within one year following that conviction.

24 (g) Any person who is convicted of a violation of subdivision
25 (a), (b), or (d) shall not be issued a license for a period of one year
26 following a first conviction and shall not be issued a license for a
27 period of five years following a second or subsequent conviction
28 of subdivision (a), (b), or (d), or any combination of subdivision
29 (a), (b), or (d).

30 (h) The chief shall gather evidence of violations of this chapter
31 and of any rule or regulation established pursuant to this chapter
32 by persons engaged in the business of private investigator who fail
33 to obtain a license and shall gather evidence of violations and
34 furnish that evidence to prosecuting officers of any county or city
35 for the purpose of prosecuting all violations occurring within their
36 jurisdiction.

37 (i) The prosecuting officer of any county or city shall prosecute
38 all violations of this chapter occurring within their jurisdiction.

1 ~~SEC. 39.~~

2 *SEC. 40.* Section 7583.10 of the Business and Professions
3 Code, as added by Section 14 of Chapter 697 of the Statutes of
4 2021, is amended to read:

5 7583.10. The application shall be verified and shall include all
6 of the following:

7 (a) The full name, residence address, telephone number, and
8 date of birth of the applicant.

9 (b) The name of the entity that administered the course in the
10 exercise of the power to arrest and the appropriate use of force to
11 the applicant.

12 (1) If the course provider is a licensee, the bureau-issued license
13 number.

14 (2) If the course provider is a certified firearms training facility
15 or baton training facility, the bureau-issued facility certificate
16 number.

17 (3) If the course provider is an approved trainer in the exercise
18 of the power to arrest and the appropriate use of force, the approved
19 trainer number issued by the bureau.

20 (c) The name of the person who taught the course in the exercise
21 of the power to arrest and the appropriate use of force completed
22 by the applicant.

23 (d) The serial number on the certificate of completion the course
24 provider issued to the applicant upon completion of the course in
25 the exercise of the power to arrest and the appropriate use of force.

26 (e) A statement that the applicant has completed the training
27 course in the exercise of the power to arrest and the appropriate
28 use of force, as specified in Section 7583.7.

29 (f) A statement as to whether the applicant has been convicted
30 of a misdemeanor, excluding minor traffic violations.

31 (g) A statement as to whether the applicant has been convicted
32 of a felony.

33 (h) The application fee provided for in this chapter or the
34 regulations adopted pursuant thereto, except as provided in Section
35 7583.9.

36 (i) This section shall become operative on January 1, 2023.

37 ~~SEC. 40.~~

38 *SEC. 41.* Section 7583.15 of the Business and Professions Code
39 is repealed.

1 ~~SEC. 41.~~

2 *SEC. 42.* Section 7583.30 of the Business and Professions Code
3 is amended to read:

4 7583.30. The firearms qualification card, if issued, shall be
5 mailed to the applicant at the address which appears on the
6 application. In the event of the loss or destruction of the card, the
7 cardholder may apply to the bureau for a certified replacement of
8 the card, stating the circumstances surrounding the loss, and pay
9 the fee prescribed in this chapter, whereupon the bureau shall issue
10 a certified replacement of the card.

11 ~~SEC. 42.~~

12 *SEC. 43.* Section 7585.8 of the Business and Professions Code
13 is amended to read:

14 7585.8. (a) Each firearm training facility shall, before allowing
15 any person to participate in the course of training in the carrying
16 and usage of firearms, verify and certify on the firearms
17 qualification application that they have seen documentation
18 verifying that the person to whom they are providing firearms
19 training is a citizen of the United States or possesses permanent
20 legal immigration status in the United States in accordance with
21 Sections 7583.23 and 7596.3.

22 (b) Each firearm training facility shall, before allowing any
23 person to participate in the requalification course in the carrying
24 and usage of firearms, verify and certify on the firearm
25 requalification application that the firearm training facility has
26 seen documentation verifying that the person to whom they are
27 providing firearms training is a citizen of the United States or
28 possesses permanent legal immigration status in the United States
29 in accordance with Sections 7583.32 and 7596.7.

30 ~~SEC. 43.~~

31 *SEC. 44.* Section 7841.2 of the Business and Professions Code
32 is amended to read:

33 7841.2. (a) An applicant for certification as a
34 geologist-in-training shall comply with all of the following:

- 35 (1) Not have committed acts or crimes constituting grounds for
36 denial of certification under Section 480.
- 37 (2) Successfully pass the Fundamentals of Geology examination.
- 38 (3) Meet either of the following education requirements fulfilled
39 at a school or university whose curricula meet criteria established
40 by the rules of the board:

1 (A) Graduation from a college or university with a major in
2 geological sciences or any other discipline that, in the opinion of
3 the board, is relevant to geology.

4 (B) Completion of a combination of at least 30 semester hours,
5 or the equivalent, in courses that, in the opinion of the board, are
6 relevant to geology. At least 24 semester hours, or the equivalent,
7 shall be in upper division or graduate courses.

8 (b) (1) The board shall require an applicant for certification as
9 a geologist-in-training to sign or acknowledge a statement of
10 eligibility at the time of submission of the application attesting to
11 the completion of the education requirements established by this
12 section and the rules of the board.

13 (2) Except as required by paragraph (1), the board is not required
14 to verify an applicant's eligibility for certification as a
15 geologist-in-training.

16 ~~SEC. 44.~~

17 *SEC. 45.* Section 9888.5 of the Business and Professions Code
18 is amended to read:

19 9888.5. (a) The director shall develop inspection criteria and
20 standards for specific safety systems and components of the vehicle
21 in order to promote the safe and uniform installation, maintenance,
22 and servicing of vehicle safety systems and components.

23 (b) The director shall issue vehicle safety systems inspection
24 licenses to stations and technicians to conduct inspections of, and
25 repairs to, safety systems of vehicles. The director may
26 electronically issue these licenses.

27 (c) By January 1, 2024, the director shall adopt the regulations,
28 in accordance with the rulemaking provisions of the Administrative
29 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
30 Part 1 of Division 3 of Title 2 of the Government Code), including,
31 but not limited to, all of the following:

32 (1) Inspection criteria and standards for specific safety systems
33 and components of the vehicle in order to promote the safe and
34 uniform installation, maintenance, and servicing of vehicle safety
35 systems and components.

36 (2) The application fee and process for applicants, including
37 any specialized application process for those licensees licensed
38 pursuant to Article 5 (commencing with Section 9887.1) and
39 Article 6 (commencing with Section 9888.1).

1 (3) The certificate of compliance fee and certification process
2 for vehicles, including any specialized certification process for
3 those vehicles certified pursuant to Article 8 (commencing with
4 Section 9889.15). The director shall prescribe a form for the
5 certificate of compliance that contains, at a minimum, the date of
6 issuance, the make and registration number of the vehicle, and the
7 official license of the station.

8 (d) The vehicle safety systems inspection license shall replace
9 licenses issued pursuant to Article 5 (commencing with Section
10 9887.1) and Article 6 (commencing with Section 9888.1). Licenses
11 issued in accordance with those articles shall remain valid until
12 six months after the director adopts regulations pursuant to
13 subdivision (c). A licensee with a license issued pursuant to Article
14 5 (commencing with Section 9887.1) or Article 6 (commencing
15 with Section 9888.1) shall thereafter be regulated under this article
16 and shall apply for and be issued a vehicle safety systems
17 inspection license under this article.

18 (e) The vehicle safety systems inspection certificate shall replace
19 certificates issued pursuant to Article 8 (commencing with Section
20 9889.15). Certificates issued in accordance with that article shall
21 remain valid until six months after the director adopts regulations
22 pursuant to subdivision (c).

23 ~~SEC. 45.~~

24 *SEC. 46.* Section 10083.2 of the Business and Professions Code
25 is amended to read:

26 10083.2. (a) (1) The commissioner shall provide information
27 on the internet regarding the status of every license issued by the
28 department in accordance with the California Public Records Act
29 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
30 Title 1 of the Government Code) and the Information Practices
31 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
32 1.8 of Part 4 of Division 3 of the Civil Code).

33 (2) The public information to be provided on the internet shall
34 include information on suspensions and revocations of licenses
35 issued by the department and accusations filed pursuant to the
36 Administrative Procedure Act (Chapter 3.5 (commencing with
37 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
38 Code) relative to persons or businesses subject to licensure or
39 regulation by the department.

1 (3) The public information shall not include personal
2 information, including home telephone number, date of birth, or
3 social security number. The commissioner shall disclose a
4 licensee’s address of record. However, the commissioner shall
5 allow a licensee to provide a post office box number or other
6 alternate address, instead of the licensee’s home address, as the
7 address of record. This section shall not preclude the commissioner
8 from also requiring a licensee who has provided a post office box
9 number or other alternative mailing address as the licensee’s
10 address of record to provide a physical business address or
11 residence address only for the department’s internal administrative
12 use and not for disclosure as the licensee’s address of record or
13 disclosure on the internet.

14 (4) The public information shall also include whether a licensee
15 is an associate licensee within the meaning of subdivision (a) of
16 Section 2079.13 of the Civil Code and, if the associate licensee is
17 a broker, identify each responsible broker with whom the licensee
18 is contractually associated as described in Section 10032 of this
19 code or Section 2079.13 of the Civil Code.

20 (b) For purposes of this section, “internet” has the meaning set
21 forth in paragraph (6) of subdivision (f) of Section 17538.

22 (c) Upon petition by a licensee accompanied by a fee sufficient
23 to defray costs associated with consideration of a petition, the
24 commissioner may remove from the posting of discipline described
25 in subdivision (a) an item that has been posted on the department’s
26 internet website for no less than 10 years and for which the licensee
27 provides evidence of rehabilitation indicating that the notice is no
28 longer required in order to prevent a credible risk to members of
29 the public utilizing licensed activity of the licensee. In evaluating
30 a petition, the commissioner shall take into consideration other
31 violations that present a credible risk to the members of the public
32 since the posting of discipline requested for removal.

33 (d) The department may develop, through regulations, the
34 amount of the fee and the minimum information to be included in
35 a licensee’s petition, including, but not limited to, a written
36 justification and evidence of rehabilitation pursuant to Section
37 482.

38 (e) “Posted” for purposes of this section is defined as the date
39 of disciplinary action taken by the department.

1 (f) The department shall maintain a list of all licensees whose
2 disciplinary records are altered as a result of a petition approved
3 under subdivision (c). The department shall make the list accessible
4 to other licensing bodies. The department shall update and provide
5 the list to other licensing bodies as often as it modifies the records
6 displayed on its internet website in response to petitions approved
7 under subdivision (c).

8 ~~SEC. 46.~~

9 *SEC. 47.* Section 10140.6 of the Business and Professions Code
10 is amended to read:

11 10140.6. (a) A real estate licensee shall not publish, circulate,
12 distribute, or cause to be published, circulated, or distributed in
13 any newspaper or periodical, or by mail, any matter pertaining to
14 any activity for which a real estate license is required that does
15 not contain a designation disclosing that the licensee is performing
16 acts for which a real estate license is required.

17 (b) (1) A real estate licensee shall disclose their name, license
18 identification number and unique identifier assigned to that licensee
19 by the Nationwide Multistate Licensing System and Registry, if
20 that licensee is a mortgage loan originator, and responsible broker's
21 identity, as defined in Section 10015.4, on all solicitation materials
22 intended to be the first point of contact with consumers and on
23 real property purchase agreements when acting in a manner that
24 requires a real estate license or mortgage loan originator license
25 endorsement in those transactions. The commissioner may adopt
26 regulations identifying the materials in which a licensee must
27 disclose a license identification number and unique identifier
28 assigned to that licensee by the Nationwide Multistate Licensing
29 System and Registry, and responsible broker's identity.

30 (2) A real estate licensee who is a natural person and who legally
31 changes the surname in which their license was originally issued
32 may continue to utilize their former surname for the purpose of
33 conducting business associated with their license so long as both
34 names are filed with the department. Use of a former surname shall
35 not constitute a fictitious name for the purposes of Section 10159.5.

36 (3) For purposes of this section, "solicitation materials" include
37 business cards, stationery, advertising flyers, advertisements on
38 television, in print, or electronic media, "for sale," rent, lease,
39 "open house," and directional signs, and other materials designed

1 to solicit the creation of a professional relationship between the
2 licensee and a consumer.

3 (4) This section does not limit or change the requirement
4 described in Section 10236.4 as applicable to real estate brokers.

5 (c) This section shall not apply to “for sale,” rent, lease, “open
6 house,” and directional signs that do either of the following:

7 (1) Display the responsible broker’s identity, as defined in
8 Section 10015.4, without reference to an associate broker or
9 licensee.

10 (2) Display no licensee identification information.

11 (d) “Mortgage loan originator,” “unique identifier,” and
12 “Nationwide Multistate Licensing System and Registry” have the
13 meanings set forth in Section 10166.01.

14 ~~SEC. 47.~~

15 *SEC. 48.* Section 10151 of the Business and Professions Code,
16 as amended by Section 6.1 of Chapter 431 of the Statutes of 2021,
17 is amended to read:

18 10151. (a) Application for the real estate salesperson license
19 examination shall be made in writing to the commissioner. The
20 commissioner may prescribe the format and content of the
21 salesperson examination application. The application for the
22 salesperson examination shall include valid contact information
23 at which the department may contact the applicant and shall be
24 accompanied by the real estate salesperson license examination
25 fee.

26 (b) Persons who have been notified by the commissioner that
27 they passed the real estate salesperson license examination may
28 apply for a real estate salesperson license. A person applying for
29 the salesperson examination may also apply for a real estate
30 salesperson license. However, a license shall not be issued until
31 the applicant passes the real estate salesperson license examination.
32 If there is any change to the information contained in a real estate
33 salesperson license application after the application has been
34 submitted and before the license has been issued, the commissioner
35 may require the applicant to submit a supplement to the application
36 listing the changed information.

37 (c) (1) The commissioner may prescribe the format and content
38 of the real estate salesperson license application. The application
39 for the real estate salesperson license shall include valid contact
40 information at which the department may contact the applicant.

1 (2) An application for the real estate salesperson license
 2 examination or for both the examination and license that is received
 3 by the commissioner on or after October 1, 2007, shall include
 4 evidence or certification, satisfactory to the commissioner, of
 5 successful completion at an accredited institution of a
 6 three-semester unit course, or the quarter equivalent thereof, or
 7 successful completion of an equivalent course of study as defined
 8 in Section 10153.5 in real estate principles as well as the successful
 9 completion at an accredited institution of a course in real estate
 10 practice as set forth in Section 10153.2, and one additional course
 11 as set forth in Section 10153.2, other than real estate principles,
 12 real estate practice, advanced legal aspects of real estate, advanced
 13 real estate finance, or advanced real estate appraisal. The applicant
 14 shall provide this evidence or certification to the commissioner
 15 prior to taking the real estate salesperson license examination.

16 (d) The commissioner shall waive the requirements of this
 17 section for the following applicants:

18 (1) An applicant who is a member of the State Bar of California.

19 (2) An applicant who has qualified to take the examination for
 20 an original real estate broker license by satisfying the requirements
 21 of Section 10153.2.

22 (e) Application for endorsement to act as a mortgage loan
 23 originator, as defined in Section 10166.01, shall be made either
 24 electronically or in writing as directed by the commissioner. The
 25 commissioner may prescribe the format and the content of the
 26 mortgage loan originator endorsement application, which shall
 27 meet the minimum requirements for licensing of a mortgage loan
 28 originator, pursuant to the Secure and Fair Enforcement for
 29 Mortgage Licensing Act of 2008 (Public Law 110-289).

30 ~~SEC. 48.~~

31 *SEC. 49.* Section 10151 of the Business and Professions Code,
 32 as added by Section 6.2 of Chapter 431 of the Statutes of 2021, is
 33 repealed.

34 ~~SEC. 49.~~

35 *SEC. 50.* Section 10153.2 of the Business and Professions
 36 Code, as amended by Section 3 of Chapter 361 of the Statutes of
 37 2021, is amended to read:

38 10153.2. (a) An applicant to take the examination for an
 39 original real estate broker license shall also submit evidence,

1 satisfactory to the commissioner, of successful completion, at an
2 accredited institution, of:

3 (1) A three-unit semester course, or the quarter equivalent
4 thereof, in each of the following:

- 5 (A) Real estate practice.
- 6 (B) Legal aspects of real estate.
- 7 (C) Real estate appraisal.
- 8 (D) Real estate financing.
- 9 (E) Real estate economics or accounting.

10 (2) A three-unit semester course, or the quarter equivalent
11 thereof, in three of the following:

- 12 (A) Advanced legal aspects of real estate.
- 13 (B) Advanced real estate finance.
- 14 (C) Advanced real estate appraisal.
- 15 (D) Business law.
- 16 (E) Escrows.
- 17 (F) Real estate principles.
- 18 (G) Property management.
- 19 (H) Real estate office administration.
- 20 (I) Mortgage loan brokering and lending.
- 21 (J) Computer applications in real estate.

22 (K) On and after July 1, 2004, California law that relates to
23 common interest developments, including, but not limited to, topics
24 addressed in the Davis-Stirling Common Interest Development
25 Act (Part 5 (commencing with Section 4000) of Division 4 of the
26 Civil Code) and in the Commercial and Industrial Common Interest
27 Development Act (Part 5.3 (commencing with Section 6500) of
28 Division 4 of the Civil Code).

29 (b) The commissioner shall waive the requirements of this
30 section for an applicant who is a member of the State Bar of
31 California and shall waive the requirements for which an applicant
32 has successfully completed an equivalent course of study as
33 determined under Section 10153.5.

34 (c) The commissioner shall extend credit under this section for
35 any course completed to satisfy requirements of Section 10153.3
36 or 10153.4.

37 (d) This section shall remain in effect only until January 1, 2024,
38 and as of that date is repealed.

1 ~~SEC. 50.~~

2 *SEC. 51.* Section 10153.2 of the Business and Professions
3 Code, as added by Section 4 of Chapter 361 of the Statutes of
4 2021, is amended to read:

5 10153.2. (a) An applicant to take the examination for an
6 original real estate broker license shall also submit evidence,
7 satisfactory to the commissioner, of successful completion, at an
8 accredited institution, of:

9 (1) A three-unit semester course, or the quarter equivalent
10 thereof, in each of the following:

11 (A) Real estate practice, which shall include both of the
12 following:

13 (i) A component on implicit bias, including education regarding
14 the impact of implicit bias, explicit bias, and systemic bias on
15 consumers, the historical and social impacts of those biases, and
16 actionable steps students can take to recognize and address their
17 own implicit biases.

18 (ii) A component on federal and state fair housing laws as those
19 laws apply to the practice of real estate. The fair housing
20 component shall include an interactive participatory component,
21 during which the applicant shall roleplay as both a consumer and
22 real estate professional.

23 (B) Legal aspects of real estate.

24 (C) Real estate appraisal.

25 (D) Real estate financing.

26 (E) Real estate economics or accounting.

27 (2) A three-unit semester course, or the quarter equivalent
28 thereof, in three of the following:

29 (A) Advanced legal aspects of real estate.

30 (B) Advanced real estate finance.

31 (C) Advanced real estate appraisal.

32 (D) Business law.

33 (E) Escrows.

34 (F) Real estate principles.

35 (G) Property management.

36 (H) Real estate office administration.

37 (I) Mortgage loan brokering and lending.

38 (J) Computer applications in real estate.

39 (K) On and after July 1, 2004, California law that relates to
40 common interest developments, including, but not limited to, topics

1 addressed in the Davis-Stirling Common Interest Development
2 Act (Part 5 (commencing with Section 4000) of Division 4 of the
3 Civil Code) and in the Commercial and Industrial Common Interest
4 Development Act (Part 5.3 (commencing with Section 6500) of
5 Division 4 of the Civil Code).

6 (b) The commissioner shall waive the requirements of this
7 section for an applicant who is a member of the State Bar of
8 California and shall waive the requirements for which an applicant
9 has successfully completed an equivalent course of study as
10 determined under Section 10153.5.

11 (c) The commissioner shall extend credit under this section for
12 any course completed to satisfy requirements of Section 10153.3
13 or 10153.4.

14 (d) This section shall become operative on January 1, 2024.

15 ~~SEC. 51.~~

16 *SEC. 52.* Section 10153.3 of the Business and Professions Code
17 is amended to read:

18 10153.3. (a) This section shall apply to an application for the
19 real estate salesperson license examination, the real estate
20 salesperson license, and for both the examination and license
21 received by the commissioner prior to October 1, 2007.

22 (b) Application for the real estate salesperson license
23 examination pursuant to this section shall be made in writing to
24 the commissioner. The commissioner may prescribe the format
25 and content of the salesperson examination application. The
26 application for the salesperson examination shall be accompanied
27 by the real estate salesperson license examination fee.

28 (c) In order to take the examination for a real estate salesperson
29 license, an applicant under this section shall submit evidence or
30 certification satisfactory to the commissioner of enrollment in, or
31 successful completion at, an accredited institution of a three-unit
32 semester course or the quarter equivalent thereof, or successful
33 completion of an equivalent course of study as defined in Section
34 10153.5, in real estate principles. Evidence of enrollment
35 satisfactory to the commissioner may include a statement from the
36 applicant made under penalty of perjury.

37 (d) An applicant under this section may take the real estate
38 salesperson license examination within two years of the date their
39 application was received by the commissioner. Notwithstanding
40 subdivision (c), if the applicant fails to schedule an examination

1 or to obtain a passing score on it within that time period, they shall
2 be required to submit evidence or certification satisfactory to the
3 commissioner of satisfactory completion at an accredited institution
4 of the courses described in subdivision (c) of Section 10151 or
5 satisfactory completion of an equivalent course of study as defined
6 in Section 10153.5, before taking the examination.

7 (e) An applicant under this section shall, prior to issuance of
8 the real estate salesperson license, submit evidence or certification
9 satisfactory to the commissioner of successful completion of the
10 real estate principles course as described in subdivision (c) and of
11 successful completion at an accredited institution or successful
12 completion of an equivalent course of study as defined in Section
13 10153.5, of a course in real estate practice and one additional
14 course set forth in Section 10153.2 other than real estate principles,
15 real estate practice, advanced legal aspects of real estate, advanced
16 real estate finance, or advanced real estate appraisal.

17 (f) The commissioner shall waive the requirements of this
18 section for an applicant who is a member of the State Bar of
19 California, or who has completed an equivalent course of study,
20 as determined under Section 10153.5, or who has qualified to take
21 the examination for an original real estate broker license by
22 satisfying the requirements of Section 10153.2.

23 ~~SEC. 52.~~

24 *SEC. 53.* Section 10153.4 of the Business and Professions Code
25 is amended to read:

26 10153.4. (a) This section shall apply to an application for the
27 real estate salesperson license examination, the real estate
28 salesperson license, and for both the examination and license
29 received by the commissioner prior to October 1, 2007, if the
30 applicant obtains a passing score on the real estate salesperson
31 license examination and submits a license application prior to
32 October 1, 2007.

33 (b) Application for the real estate salesperson license
34 examination pursuant to this section shall be made in writing to
35 the commissioner. The commissioner may prescribe the format
36 and content of the salesperson examination application. The
37 application for the salesperson examination shall be accompanied
38 by the real estate salesperson license examination fee.

1 (c) An applicant under this section shall comply with the
2 requirements of subdivision (c) of Section 10153.3 in order to take
3 the real estate salesperson license examination.

4 (d) An applicant under this section who obtains a passing score
5 on the real estate salesperson license examination prior to October
6 1, 2007, shall, prior to the issuance of the real estate salesperson
7 license, submit evidence or certification satisfactory to the
8 commissioner of successful completion at an accredited institution
9 of a three-unit semester course, or the quarter unit equivalent
10 thereof, or successful completion of an equivalent course of study
11 as defined in Section 10153.5, in real estate principles as described
12 in subdivision (c) of Section 10153.3. An applicant for an original
13 real estate salesperson license under this section shall also, prior
14 to the issuance of the license, or within 18 months after issuance,
15 submit evidence or certification satisfactory to the commissioner
16 of successful completion at an accredited institution or a private
17 vocational school, as specified in Section 10153.5, of a course in
18 real estate practice and one additional course set forth in Section
19 10153.2, other than real estate principles, real estate practice,
20 advanced legal aspects of real estate, advanced real estate finance,
21 or advanced real estate appraisal.

22 (e) A salesperson who qualifies for a license pursuant to this
23 section shall not be required for the first license renewal thereafter
24 to complete the continuing education pursuant to Article 2.5
25 (commencing with Section 10170), except for the courses specified
26 in paragraphs (1) to (4), inclusive, of subdivision (a) of Section
27 10170.5 or, on and after July 1, 2007, except for the courses
28 specified in paragraphs (1) to (5), inclusive, of subdivision (a) of
29 Section 10170.5.

30 (f) The salesperson license issued to an applicant who has
31 satisfied only the requirements of subdivision (c) at the time of
32 issuance shall be automatically suspended effective 18 months
33 after issuance if the licensee has failed to satisfy the requirements
34 of subdivision (d). The suspension shall not be lifted until the
35 suspended licensee has submitted the required evidence of course
36 completion and the commissioner has given written notice to the
37 licensee of the lifting of the suspension.

38 (g) The original license issued to a salesperson shall clearly set
39 forth the conditions of the license and shall be accompanied by a

1 notice of the provisions of this section and of any regulations
2 adopted by the commissioner to implement this section.

3 (h) The commissioner shall waive the requirements of this
4 section for any person who presents evidence of admission to the
5 State Bar of California, and the commissioner shall waive the
6 requirement for any course for which an applicant has completed
7 an equivalent course of study as determined under Section 10153.5.

8 ~~SEC. 53.~~

9 *SEC. 54.* Section 10159.5 of the Business and Professions Code
10 is amended to read:

11 10159.5. (a) (1) Every person applying for a license under
12 this chapter who desires to have the license issued under a fictitious
13 business name shall file with the application a certified copy of
14 their fictitious business name statement filed with the county clerk
15 pursuant to Chapter 5 (commencing with Section 17900) of Part
16 3 of Division 7.

17 (2) A responsible broker may, by contract, permit a salesperson
18 to do all of the following:

19 (A) File an application on behalf of a responsible broker with
20 a county clerk to obtain a fictitious business name.

21 (B) Deliver to the department an application, signed by the
22 responsible broker, requesting the department's approval to use a
23 county approved fictitious business name that shall be identified
24 with the responsible broker's license number.

25 (C) Pay for any fees associated with filing an application with
26 a county or the department to obtain or use a fictitious business
27 name.

28 (D) Maintain ownership of a fictitious business name, as defined
29 in paragraph (1) of subdivision (a) of Section 10159.7, that may
30 be used subject to the control of the responsible broker.

31 (b) (1) A salesperson using a fictitious business name authorized
32 by subdivision (a), shall use that name only as permitted by the
33 responsible broker.

34 (2) This section does not change a real estate broker's duties
35 under this division to supervise a salesperson.

36 (c) A person applying to a county for a fictitious business name
37 pursuant to subdivision (a) may file the application in the county
38 or counties where the fictitious business name will be used.

39 (d) Advertising and solicitation materials, including business
40 cards, print or electronic media and "for sale" signage, using a

1 fictitious business name obtained in accordance with paragraph
2 (2) of subdivision (a) shall include the responsible broker’s identity,
3 as defined in Section 10015.4, in a manner equally as prominent
4 as the fictitious business name.

5 (e) Notwithstanding subdivision (b) of Section 10140.6,
6 advertising and solicitation materials, including print or electronic
7 media and “for sale” signage, containing a fictitious business name
8 obtained in accordance with paragraph (2) of subdivision (a) shall
9 include the name and license number of the salesperson who is
10 using the fictitious business name.

11 (f) Notwithstanding Section 10185, a violation of this section
12 is not a misdemeanor.

13 ~~SEC. 54.~~

14 *SEC. 55.* Section 10165 of the Business and Professions Code
15 is amended to read:

16 10165. For a violation of Section 10161.8, 10162, 10163, or
17 subdivision (b) of Section 10164, the commissioner may
18 temporarily suspend or permanently revoke the license of the real
19 estate licensee in accordance with this part relating to hearings.

20 ~~SEC. 55.~~

21 *SEC. 56.* Section 10166.01 of the Business and Professions
22 Code is amended to read:

23 10166.01. For purposes of this article, the following definitions
24 shall apply:

25 (a) “SAFE Act” means the federal Secure and Fair Enforcement
26 for Mortgage Licensing Act of 2008 (Public Law 110-289).

27 (b) (1) “Mortgage loan originator” means an individual who
28 takes a residential mortgage loan application or offers or negotiates
29 terms of a residential mortgage loan for compensation or gain.

30 (2) Mortgage loan originator does not include any of the
31 following:

32 (A) An individual who performs purely administrative or clerical
33 tasks on behalf of a person meeting the definition of a mortgage
34 loan originator, except as otherwise provided in subdivision (c) of
35 Section 10166.03. The term “administrative or clerical tasks”
36 means the receipt, collection, and distribution of information
37 common for the processing or underwriting of a loan in the
38 mortgage industry and communication with a consumer to obtain
39 information necessary for the processing or underwriting of a
40 residential mortgage loan.

1 (B) An individual that only performs real estate brokerage
2 services, as defined in subdivision (a) or (b) of Section 10131,
3 unless that person is compensated by a lender, other mortgage loan
4 originator, or by any agent of any lender or other mortgage loan
5 originator.

6 (C) An individual who solely renegotiates terms for existing
7 mortgage loans held or serviced by their employer and who does
8 not otherwise act as a mortgage loan originator, unless the United
9 States Department of Housing and Urban Development or a court
10 of competent jurisdiction determines that the SAFE Act requires
11 such an employee to be licensed as a mortgage loan originator
12 under state laws implementing the SAFE Act.

13 (D) An individual that is solely involved in extensions of credit
14 relating to timeshare plans, as that term is defined in Section
15 101(53D) of Title 11 of the United States Code.

16 (E) An individual licensed or registered as a mortgage loan
17 originator pursuant to the Financial Code and the SAFE Act.

18 (c) “Nationwide Multistate Licensing System and Registry”
19 means a mortgage licensing system developed and maintained by
20 the Conference of State Bank Supervisors and the American
21 Association of Residential Mortgage Regulators for the licensing
22 and registration of mortgage loan originators.

23 (d) “Residential mortgage loan” means any loan primarily for
24 personal, family, or household use that is secured by a mortgage,
25 deed of trust, or other equivalent consensual security interest on
26 a dwelling, or residential real estate upon which is constructed or
27 intended to be constructed a dwelling. “Dwelling” means a
28 residential structure that contains one to four units, whether or not
29 that structure is attached to real property. The term includes an
30 individual condominium unit, cooperative unit, mobilehome, or
31 trailer, if it is used as a residence.

32 (e) “Unique identifier” means a number or other identifier
33 assigned by protocols established by the Nationwide Multistate
34 Licensing System and Registry.

35 (f) “Loan processor or underwriter” means an individual who
36 performs clerical or support duties as an employee at the direction
37 of, and subject to the supervision and instruction of, a mortgage
38 loan originator.

1 ~~SEC. 56.~~

2 *SEC. 57.* Section 10166.02 of the Business and Professions
3 Code is amended to read:

4 10166.02. (a) A real estate broker who acts pursuant to Section
5 10131.1 or subdivision (d) or (e) of Section 10131, and who makes,
6 arranges, or services loans secured by real property containing one
7 to four residential units, and any salesperson who acts in a similar
8 capacity under the supervision of that broker, shall notify the
9 department by January 31, 2010, or within 30 days of commencing
10 that activity, whichever is later. The notification shall be made in
11 writing, as directed, on a form that is acceptable to the
12 commissioner.

13 (b) No individual may engage in business as a mortgage loan
14 originator under this article without first doing both of the
15 following:

16 (1) Obtaining and maintaining a real estate license pursuant to
17 Article 2 (commencing with Section 10150).

18 (2) Obtaining and maintaining a real estate license endorsement
19 pursuant to this article identifying that individual as a licensed
20 mortgage loan originator.

21 (c) License endorsements shall be valid for a period of one year
22 and shall expire on December 31 each year.

23 (d) Applicants for a mortgage loan originator license
24 endorsement shall apply in a form prescribed by the commissioner.
25 Each form shall contain content as set forth by rule, regulation,
26 instruction, or procedure of the commissioner.

27 (e) In order to fulfill the purposes of this article, the
28 commissioner may establish relationships or contracts with the
29 Nationwide Multistate Licensing System and Registry or other
30 entities designated by the Nationwide Multistate Licensing System
31 and Registry to collect and maintain records and process transaction
32 fees or other fees related to licensees or other persons subject to
33 this article.

34 (f) A real estate broker or salesperson who fails to notify the
35 department pursuant to subdivision (a), or who fails to obtain a
36 license endorsement required pursuant to paragraph (2) of
37 subdivision (b), shall be assessed a penalty of fifty dollars (\$50)
38 per day for each day written notification has not been received or
39 a license endorsement has not been obtained, up to and including
40 the 30th day after the first day of the assessment penalty. On and

1 after the 31st day, the penalty is one hundred dollars (\$100) per
2 day, not to exceed a total penalty of ten thousand dollars (\$10,000),
3 regardless of the number of days, until the department receives
4 the written notification or the licensee obtains the license
5 endorsement. Penalties for violations of subdivisions (a) and (b)
6 shall be additive.

7 (g) The commissioner may suspend or revoke the license of a
8 real estate broker or salesperson who fails to pay a penalty imposed
9 pursuant to this section. In addition, the commissioner may bring
10 an action in an appropriate court of this state to collect payment
11 of that penalty.

12 (h) All penalties paid or collected under this section shall be
13 deposited into the Consumer Recovery Account of the Real Estate
14 Fund and shall, upon appropriation by the Legislature, be available
15 for expenditure for the purposes specified in Chapter 6.5
16 (commencing with Section 10470).

17 ~~SEC. 57.~~

18 *SEC. 58.* Section 10166.03 of the Business and Professions
19 Code is amended to read:

20 10166.03. (a) A loan processor or underwriter who does not
21 represent to the public, through advertising or other means of
22 communicating or providing information, including the use of
23 business cards, stationery, brochures, signs, rate lists, or other
24 promotional items, that the individual can or will perform any of
25 the activities of a mortgage loan originator shall not be required
26 to obtain a license endorsement as a mortgage loan originator.

27 (b) An individual engaging solely in loan processor or
28 underwriter activities shall not represent to the public, through
29 advertising or other means of communicating or providing
30 information including the use of business cards, stationery,
31 brochures, signs, rate lists, or other promotional items, that the
32 individual can or will perform any of the activities of a mortgage
33 loan originator.

34 (c) An independent contractor who is employed by a mortgage
35 loan originator may not engage in the activities of a loan processor
36 or underwriter for a residential mortgage loan unless the
37 independent contractor loan processor or underwriter obtains and
38 maintains an endorsement as a mortgage loan originator under this
39 article. Each independent contractor loan processor or underwriter
40 who obtains and maintains an endorsement as a mortgage loan

1 originator under this article shall have and maintain a valid unique
2 identifier issued by the Nationwide Multistate Licensing System
3 and Registry.

4 ~~SEC. 58.~~

5 *SEC. 59.* Section 10166.04 of the Business and Professions
6 Code is amended to read:

7 10166.04. (a) In connection with an application to the
8 commissioner for a license endorsement as a mortgage loan
9 originator, every applicant shall furnish to the Nationwide
10 Multistate Licensing System and Registry information concerning
11 the applicant's identity, including the following:

12 (1) Fingerprint images and related information, for purposes of
13 performing a federal, or both a state and federal, criminal history
14 background check.

15 (2) Personal history and experience in a form prescribed by the
16 Nationwide Multistate Licensing System and Registry, including
17 the submission of authorization for the Nationwide Multistate
18 Licensing System and Registry and the commissioner to obtain
19 both of the following:

20 (A) An independent credit report from a consumer reporting
21 agency.

22 (B) Information related to any administrative, civil, or criminal
23 findings by any governmental jurisdiction.

24 (b) The commissioner may ask the Nationwide Multistate
25 Licensing System and Registry to obtain state criminal history
26 background check information on applicants described in
27 subdivision (a) using the procedures set forth in subdivisions (c)
28 and (d).

29 (c) If the Nationwide Multistate Licensing System and Registry
30 electronically submits fingerprint images and related information,
31 as required by the Department of Justice, for an applicant for a
32 mortgage loan originator license endorsement, to the Department
33 of Justice for the purposes of obtaining information as to the
34 existence and content of a record of state convictions and state
35 arrests, and as to the existence and content of a record of state
36 arrests for which the Department of Justice establishes that the
37 person is free on bail or on their recognizance pending trial or
38 appeal, the Department of Justice shall provide an electronic
39 response to the Nationwide Multistate Licensing System and
40 Registry pursuant to paragraph (1) of subdivision (p) of Section

1 11105 of the Penal Code, and shall provide the same electronic
2 response to the department.

3 (d) The Nationwide Multistate Licensing System and Registry
4 may request from the Department of Justice subsequent arrest
5 notification service, as provided pursuant to Section 11105.2 of
6 the Penal Code, for persons described in subdivision (a). The
7 Department of Justice shall provide the same electronic response
8 to the department.

9 (e) The Department of Justice shall charge a fee sufficient to
10 cover the cost of processing the requests described in this section.

11 ~~SEC. 59.~~

12 *SEC. 60.* Section 10166.06 of the Business and Professions
13 Code is amended to read:

14 10166.06. (a) In addition to the requirements of Section 10153,
15 an applicant for a license endorsement as a mortgage loan
16 originator shall complete at least 20 hours of education courses,
17 which shall include at least the following:

18 (1) Three hours of federal law and regulations.

19 (2) Three hours of ethics, which shall include instruction on
20 fraud, consumer protection, and fair lending issues.

21 (3) Two hours of training related to lending standards for the
22 nontraditional mortgage product marketplace.

23 (b) For purposes of this section, education courses are only
24 acceptable if they have been reviewed and approved, or otherwise
25 deemed acceptable, by the Nationwide Multistate Licensing System
26 and Registry, in accordance with the SAFE Act. Education may
27 be offered in a classroom, online, or by any other means approved
28 by the Nationwide Multistate Licensing System and Registry, in
29 accordance with the SAFE Act.

30 (c) A person who successfully completes the education
31 requirements approved by the Nationwide Multistate Licensing
32 System and Registry in any state other than California shall be
33 granted credit by the commissioner toward completion of the
34 education requirements of this section.

35 (d) Before being issued a license endorsement to act as a
36 mortgage loan originator, an individual shall pass a qualified
37 written test developed or otherwise deemed acceptable by the
38 Nationwide Multistate Licensing System and Registry and
39 administered by a test provider approved or otherwise deemed

1 acceptable by the Nationwide Multistate Licensing System and
2 Registry.

3 (e) A written test shall not be treated as a qualified written test
4 for purposes of this section, unless the test adequately measures
5 the applicant's knowledge and comprehension in the following
6 subject areas: ethics, federal law and regulation pertaining to
7 mortgage origination, state law and regulation pertaining to
8 mortgage origination, and federal and state law and regulation
9 relating to fraud, consumer protection, the nontraditional mortgage
10 marketplace, and fair lending issues.

11 (f) This section does not prohibit a test provider approved by
12 the Nationwide Multistate Licensing System and Registry from
13 providing a test at the location of the employer of the applicant or
14 any subsidiary or affiliate of the employer of the applicant, or any
15 entity with which the applicant holds an exclusive arrangement to
16 conduct the business of a mortgage loan originator.

17 (g) An individual shall not be considered to have passed a
18 qualified written test administered pursuant to this section unless
19 the individual achieves a test score of not less than 75 percent
20 correct answers to questions.

21 (h) An individual who fails the qualified written test may retake
22 the test, although at least 30 days must pass between each retesting,
23 except as provided in subdivision (i).

24 (i) An applicant who fails three consecutive tests shall wait at
25 least six months before retesting.

26 (j) A mortgage loan originator who fails to maintain a valid
27 license endorsement for a period of five years or longer or who
28 fails to register as a mortgage loan originator shall retake the
29 qualified written test.

30 ~~SEC. 60.~~

31 *SEC. 61.* Section 10166.07 of the Business and Professions
32 Code is amended to read:

33 10166.07. (a) A real estate broker who acts pursuant to Section
34 10131.1 or subdivision (d) or (e) of Section 10131, and who makes,
35 arranges, or services one or more loans in a calendar year that are
36 secured by real property containing one to four residential units,
37 shall annually file a business activities report, within 90 days after
38 the end of the broker's fiscal year or within any additional time as
39 the commissioner may allow for filing for good cause. The report
40 shall contain within its scope all of the following information for

1 the fiscal year, relative to the business activities of the broker and
2 those of any other brokers and real estate salespersons acting under
3 that broker's supervision:

4 (1) Name and license number of the supervising broker and
5 names and license numbers of the real estate brokers and
6 salespersons under that broker's supervision. The report shall
7 include brokers and salespersons who were under the supervising
8 broker's supervision for all or part of the year.

9 (2) A list of the real estate-related activities in which the
10 supervising broker and the brokers and salespersons under the
11 supervising broker's supervision engaged during the prior year.
12 This listing shall identify all of the following:

13 (A) Activities relating to mortgages, including arranging,
14 making, or servicing.

15 (B) Other activities performed under the real estate broker's or
16 salesperson's license.

17 (C) Activities performed under related licenses, including, but
18 not limited to, a license to engage as a finance lender or a finance
19 broker under the California Financing Law (Division 9
20 (commencing with Section 22000) of the Financial Code), or a
21 license to engage as a residential mortgage lender or residential
22 mortgage loan servicer under the California Residential Mortgage
23 Lending Act (Division 20 (commencing with Section 50000) of
24 the Financial Code).

25 (3) A list of the forms of media used by the broker and those
26 under the broker's supervision to advertise to the public, including
27 print, radio, television, the internet, or other means.

28 (4) For fixed rate loans made, brokered, or serviced, all of the
29 following:

30 (A) The total number, aggregate principal amount, lowest
31 interest rate, highest interest rate, and a list of the institutional
32 lenders of record. If the loan was funded by any lender other than
33 an institutional lender, the broker shall categorize the loan as
34 privately funded.

35 (B) The total number and aggregate principal amount of covered
36 loans, as defined in Section 4970 of the Financial Code.

37 (C) The total number and aggregate principal amount of loans
38 for which Department of Real Estate form RE Form 885 or an
39 equivalent is required.

1 (5) For adjustable rate loans made, brokered, or serviced, all of
2 the following:

3 (A) The total number, aggregate principal amount, lowest
4 beginning interest rate, highest beginning interest rate, highest
5 margin, and a list of the institutional lenders of record. If the loan
6 was funded by any lender other than an institutional lender, the
7 broker shall categorize the loan as privately funded.

8 (B) The total number and aggregate principal amount of covered
9 loans, as defined in Section 4970 of the Financial Code.

10 (C) The total number and aggregate principal amount of loans
11 for which Department of Real Estate form RE Form 885 or an
12 equivalent is required.

13 (6) For all loans made, brokered, or serviced, the total number
14 and aggregate principal amount of loans funded by institutional
15 lenders, and the total number and aggregate principal amount of
16 loans funded by private lenders.

17 (7) For all loans made, brokered, or serviced, the total number
18 and aggregate principal amount of loans that included a prepayment
19 penalty, the minimum prepayment penalty length, the maximum
20 prepayment penalty length, and the number of loans with
21 prepayment penalties whose length exceeded the length of time
22 before the borrower's loan payment amount could increase.

23 (8) For all loans brokered, the total compensation received by
24 the broker, including yield spread premiums, commissions, and
25 rebates, but excluding compensation used to pay fees for third-party
26 services on behalf of the borrower.

27 (9) For all mortgage loans made or brokered, the total number
28 of loans for which a mortgage loan disclosure statement was
29 provided in a language other than English, and the number of forms
30 provided per language other than English.

31 (10) For all mortgage loans serviced, the total amount of funds
32 advanced to be applied toward a payment to protect the security
33 of the note being serviced.

34 (11) For purposes of this section, an institutional lender has the
35 meaning specified in paragraph (1) of subdivision (c) of Section
36 10232.

37 (b) A broker subject to this section and Section 10232.2 may
38 file consolidated reports that include all of the information required
39 under this section and Section 10232.2. Those consolidated reports

1 shall clearly indicate that they are intended to satisfy the
2 requirements of both sections.

3 (c) If a broker subject to this section fails to timely file the report
4 required under this section, the commissioner may cause an
5 examination and report to be made and may charge the broker one
6 and one-half times the cost of making the examination and report.
7 In determining the hourly cost incurred by the commissioner for
8 conducting an examination and preparing the report, the
9 commissioner may use the estimated average hourly cost for all
10 department audit staff performing audits of real estate brokers. If
11 a broker fails to pay the commissioner’s cost within 60 days of the
12 mailing of a notice of billing, the commissioner may suspend the
13 broker’s license or deny renewal of that license. The suspension
14 or denial shall remain in effect until the billed amount is paid or
15 the broker’s right to renew a license has expired. The commissioner
16 may maintain an action for the recovery of the billed amount in
17 any court of competent jurisdiction.

18 (d) The report described in this section is exempted from any
19 requirement of public disclosure by paragraph (2) of subdivision
20 (d) of Section 6254 of the Government Code.

21 (e) The commissioner may waive the requirement to submit
22 certain information described in paragraphs (1) to (10), inclusive,
23 of subdivision (a) if the commissioner determines that this
24 information is duplicative of information required by the
25 Nationwide Multistate Licensing System and Registry, pursuant
26 to Section 10166.08.

27 ~~SEC. 61.~~

28 *SEC. 62.* Section 10166.08 of the Business and Professions
29 Code is amended to read:

30 10166.08. Each mortgage loan originator shall submit reports
31 of condition to the Nationwide Multistate Licensing System and
32 Registry reports of condition, and those reports shall be in the form
33 and shall contain information as the Nationwide Multistate
34 Licensing System and Registry may require.

35 ~~SEC. 62.~~

36 *SEC. 63.* Section 10166.10 of the Business and Professions
37 Code is amended to read:

38 10166.10. (a) A mortgage loan originator shall complete at
39 least eight hours of continuing education annually, which shall
40 include at least three hours relating to federal law and regulations,

1 two hours of ethics, which shall include instruction on fraud,
2 consumer protection, and fair lending issues, and two hours related
3 to lending standards for the nontraditional mortgage product
4 marketplace.

5 (b) For purposes of subdivision (a), continuing education courses
6 and course providers shall be reviewed and approved by the
7 commissioner and the Nationwide Multistate Licensing System
8 and Registry.

9 (c) The commissioner shall have the authority to substitute any
10 of the courses described in subdivision (a) for the course
11 requirements of Section 10170.5, subject to a finding that the
12 course requirements in subdivision (a) and the course completion
13 standards in subdivision (g) of Section 10166.06 are substantially
14 equivalent to, and meet the intent of, Section 10170.5.

15 (d) This section does not preclude any education course, as
16 approved by the commissioner and the Nationwide Multistate
17 Licensing System and Registry, that is provided by the employer
18 of the mortgage loan originator or an entity that is affiliated with
19 the mortgage loan originator by an agency contract, or any
20 subsidiary or affiliate of the employer or entity.

21 (e) Continuing education may be offered either in a classroom,
22 online, or by any other means approved by the commissioner and
23 the Nationwide Multistate Licensing System and Registry.

24 (f) A mortgage loan originator may only receive credit for a
25 continuing education course in the year in which the course is
26 taken.

27 (g) A mortgage loan originator may not take the same approved
28 course in the same or successive years to meet the requirements
29 of this section for continuing education.

30 (h) A mortgage loan originator who is an instructor of an
31 approved continuing education course may receive credit for their
32 own annual continuing education requirement at the rate of two
33 hours credit for every one hour taught.

34 (i) A person who successfully completes the education
35 requirements approved by the Nationwide Multistate Licensing
36 System and Registry in any state other than California shall be
37 granted credit by the commissioner towards completion of
38 continuing education requirements in this state.

39 (j) A mortgage loan originator whose license endorsement
40 lapses, expires, or is suspended or revoked, and who wishes to

1 regain their license endorsement, shall complete continuing
2 education requirements for the last year in which the endorsement
3 was held, before issuance of a new or renewed endorsement.

4 ~~SEC. 63.~~

5 *SEC. 64.* Section 10166.15 of the Business and Professions
6 Code is amended to read:

7 10166.15. (a) The commissioner shall regularly report
8 violations of this article, as well as enforcement actions taken
9 against any mortgage loan originator to whom an endorsement has
10 been issued, and enforcement actions taken against any individual
11 for failure to obtain an endorsement as a mortgage loan originator,
12 to the Nationwide Multistate Licensing System and Registry.

13 (b) The commissioner shall establish a process that may be used
14 by mortgage loan originators to challenge information entered into
15 the Nationwide Multistate Licensing System and Registry by the
16 commissioner.

17 (c) The commissioner is authorized to promulgate regulations
18 specifying (1) the recordkeeping requirements that mortgage loan
19 originators shall satisfy and (2) the penalties that shall apply to
20 mortgage loan originators for violations of this article.

21 ~~SEC. 64.~~

22 *SEC. 65.* Section 10166.16 of the Business and Professions
23 Code is amended to read:

24 10166.16. (a) Except as otherwise provided in Section 1512
25 of the SAFE Act, the requirements under any federal or state law
26 regarding the privacy or confidentiality of any information or
27 material provided to the Nationwide Multistate Licensing System
28 and Registry, and any privilege arising under federal or state law,
29 including the rules of any federal or state court, with respect to
30 that information or material, shall continue to apply to the
31 information or material after the information or material has been
32 disclosed to the Nationwide Multistate Licensing System and
33 Registry. The information and material may be shared with all
34 state and federal regulatory officials with mortgage industry
35 oversight authority without the loss of privilege or the loss of
36 confidentiality protections provided by federal or state law.

37 (b) For these purposes, the commissioner is authorized to enter
38 agreements or sharing arrangements with other governmental
39 agencies, the Conference of State Bank Supervisors, the American
40 Association of Residential Mortgage Regulators, or other

1 associations representing governmental agencies as established by
2 rule, regulation or order of the commissioner.

3 (c) Information or material that is subject to a privilege or
4 confidentiality under subdivision (a) shall not be subject to either
5 of the following:

6 (1) Disclosure under any federal or state law governing the
7 disclosure to the public of information held by an officer or an
8 agency of the federal government or the state.

9 (2) Subpoena or discovery, or admission into evidence, in any
10 private civil action or administrative process, unless with respect
11 to any privilege held by the Nationwide Multistate Licensing
12 System and Registry with respect to the information or material,
13 the person to whom the information or material pertains waives,
14 in whole or in part, in the discretion of the person, that privilege.

15 (d) This section shall not apply with respect to the information
16 or material relating to the employment history of, and publicly
17 adjudicated disciplinary and enforcement actions against, mortgage
18 loan originators that is included in the Nationwide Multistate
19 Licensing System and Registry for access by the public.

20 ~~SEC. 65:~~

21 *SEC. 66.* Section 10166.17 of the Business and Professions
22 Code is amended to read:

23 10166.17. In addition to any other duties imposed upon the
24 commissioner by law, the commissioner shall require mortgage
25 loan originators to be licensed and registered through the
26 Nationwide Multistate Licensing System and Registry. In order
27 to carry out this requirement the commissioner is authorized to
28 participate in the Nationwide Multistate Licensing System and
29 Registry. For this purpose, the commissioner may establish by
30 rule, regulation, or order, requirements as necessary, including,
31 but not limited to, the following:

32 (a) Background checks for the following:

33 (1) Criminal history through fingerprint or other databases.

34 (2) Civil or administrative records.

35 (3) Credit history.

36 (4) Any other information as deemed necessary by the
37 Nationwide Multistate Licensing System and Registry.

38 (b) The payment of fees to apply for or renew licenses through
39 the Nationwide Multistate Licensing System and Registry.

1 (c) The setting or resetting as necessary of renewal or reporting
2 dates.

3 (d) Requirements for amending or surrendering a license or any
4 other activities as the commissioner deems necessary for
5 participation in the Nationwide Multistate Licensing System and
6 Registry.

7 ~~SEC. 66.~~

8 *SEC. 67.* Section 10235.5 of the Business and Professions Code
9 is amended to read:

10 10235.5. (a) A real estate licensee or mortgage loan originator
11 shall not place an advertisement disseminated primarily in this
12 state for a loan unless there is disclosed within the printed text of
13 that advertisement, or the oral text in the case of a radio or
14 television advertisement, the Department of Real Estate number
15 and the unique identifier assigned to that licensee by the
16 Nationwide Multistate Licensing System and Registry under which
17 the loan would be made or arranged.

18 (b) “Mortgage loan originator,” “unique identifier,” and
19 “Nationwide Multistate Licensing System and Registry” have the
20 meanings set forth in Section 10166.01.

21 ~~SEC. 67.~~

22 *SEC. 68.* Section 10236.4 of the Business and Professions Code
23 is amended to read:

24 10236.4. (a) In compliance with Section 10235.5, every
25 licensed real estate broker shall also display their license number
26 on all advertisements where there is a solicitation for borrowers
27 or potential investors. Every mortgage loan originator, as defined
28 in Section 10166.01, shall also display the unique identifier
29 assigned to that individual by the Nationwide Multistate Licensing
30 System and Registry on all advertisements where there is a
31 solicitation for borrowers.

32 (b) The disclosures required by Sections 10232.4 and 10240
33 shall include the licensee’s license number, the mortgage loan
34 originator’s unique identifier, if applicable, and the department’s
35 license information telephone number.

36 (c) “Mortgage loan originator,” “unique identifier,” and
37 “Nationwide Multistate Licensing System and Registry” have the
38 meanings set forth in Section 10166.01.

1 ~~SEC. 68.~~

2 *SEC. 69.* Section 12303 of the Business and Professions Code
3 is amended to read:

4 12303. The state standards of weights and measures by which
5 all state and county standards of weights and measures shall be
6 tried, proved, and sealed include the following standards, provided
7 the standards have been certified relative to national standards
8 under the direction of the National Institute of Standards and
9 Technology:

- 10 (a) Metrological standards provided by the United States.
11 (b) Metrological standards procured by the state.
12 (c) Metrological standards in the possession of county sealers.
13 (d) Metrological standards in the possession of laboratories
14 certified to perform measurement services pursuant to Section
15 12314.

16 ~~SEC. 69.~~

17 *SEC. 70.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

O



MEMORANDUM

DATE	August 8, 2022
TO	Members of the Dental Board of California
FROM	Mirela Taran, Administrative Analyst Dental Board of California
SUBJECT	Agenda Item 25: Discussion of Prospective Legislative Proposals

Background Information:

Stakeholders are encouraged to submit proposals in writing to the Board before, during or after the meeting for possible consideration by the Board at a future Board meeting.

Action Requested:

No action requested.



MEMORANDUM

DATE	August 8, 2022
TO	Members of the Dental Board of California
FROM	Mirela Taran, Administrative Analyst Dental Board of California
SUBJECT	Agenda Item 26: Discussion and Possible Action Regarding 2023 Meeting Dates

Background:

The Board will need to establish the 2023 meeting schedule to provide adequate time to negotiate contracts for meeting space locations. A 2023 calendar is attached for your reference. The calendar includes dates for holidays and association meetings.

Pursuant to Business and Professions Code, Section 1607, the Board shall meet regularly once each year in San Francisco and once each year in Los Angeles and at such other times and places as the Board may designate, for the purpose of transacting its business. Historically, the Board meets quarterly.

However, Senate Bill 189 was signed by the Governor on June 30, 2022, and reinstates, through July 1, 2023, the remote meeting provisions of the Bagley-Keene Open Meeting Act that were in place during the pandemic. The changes took effect immediately upon signing.

Proposed Board Meeting Dates for 2023 Locations are yet to be determined	
February 9-10, 2023 February 16-17, 2023	May 18-19, 2023 May 25-26, 2023
August 17-18, 2023 August 24-25, 2023	November 9-10, 2023 November 16-17, 2023

Staff also requests the Board consider reserving Friday, October 6, 2023 for a Special Meeting to review the Draft Sunset Review Background Report.

Action Requested:

Select specific Board meeting dates for 2023.