BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

July 16, 2015, 11:00 a.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Government Affairs and Strategic Planning Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

Julie Elginer, Dr. PH
Frank Ruffino, Public Member
Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355

Dionne McClain, D.C.
McClain Sports & Wellness Inc.
6360 Wilshire Blvd. #410
Los Angeles, CA 90048
(323) 653-1014

AGENDA

1. **CALL TO ORDER & ESTABLISHMENT OF A QUORUM**

2. **Approval of Minutes**
   June 11, 2015

3. **Legislative Update**
   - AB 85 – Wilk (Open Meetings)
   - AB 1060 – Bonilla (Professions and vocations: licensure)
   - SB 277 – Pan (Public Health: vaccinations)
   - AB 12 – Cooley (State Government: administrative regulations: review)
   - AB 333 – Melendez (Healing Arts: continuing education)
   - AB 410 – Obernolte (Documents Submitted to Legislative Committees)
   - SB 467 (Hill) – Professions and vocations
   - AB 179 (Bonilla) – Healing Arts

4. **Update on BCE Communications Assessment**

5. **Review and Discussion of BCE Strategic Plan Goals Assigned to the Government Affairs & Strategic Plan Committee**
   - Goal 4 – Organizational Effectiveness
   - Goal 7 - Government Affairs

6. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**
   Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

7. **FUTURE AGENDA ITEMS**

8. **ADJOURNMENT**

GOVERNMENT AFFAIRS COMMITTEE
Julie Elginer, Dr. PH, Chair
Dionne McClain, D.C.
Frank Ruffino, Public Member

The Board of Chiropractic Examiners' paramount responsibility is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.

Committee Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Ste. 142A Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Board of Chiropractic Examiners
MEETING MINUTES
Government Affairs Committee
June 11, 2015

Teleconference Locations

Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, CA 95814

McClain Sports & Wellness Inc.
6360 Wilshire Blvd. #410
Los Angeles, CA 90048

Agoura Hills Library
29901 Ladyface Court
Agoura Hills, CA 91301

Committee Members Present
Julie Elginer, Dr. PH, Chair
Dionne McClain, D.C.
Frank Ruffino

Staff Present
Robert Puleo, Executive Officer
Linda Shaw, Assistant Executive Officer
Dixie Van Allen, Acting Licensing Manager

Call to Order & Establishment of a Quorum

Dr. Elginer called the meeting to order at 11:07 a.m.

Roll Call

Dr. McClain called the roll. All Board members were present at the locations listed on the Notice.

Approval of Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE APRIL 30, 2015 GOVERNMENT AFFAIRS COMMITTEE MEETING.

T (916) 263-5355
F (916) 327-0039
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, California 95814
www.chiro.ca.gov

DRAFT

DR. MCCLAIN RECOMMENDED CORRECTING THE TITLES ON PAGE 2 FOR MS. VAN ALLEN FOR CONSISTENCY.
MOTION: DR. MCCLAIN MOVED TO APPROVE THE MINUTES OF THE APRIL 30, 2015 GOVERNMENT AFFAIRS COMMITTEE MEETING WITH THE CORRECTIONS TO MS. VAN ALLEN'S TITLE.
SECOND: MR. RUFFINO SECONDED THE MOTION
VOTE: (2-0, 1 ABSTAIN) (DR. MCCLAIN – AYE, MR. RUFFINO – AYE, DR. ELGINER - ABSTAIN)
MOTION CARRIED

Legislative Update

Ms. Van Allen provided the Committee with a summary of the following legislative bills:

- SB 277 - Pan (Public health: vaccinations)

This bill passed out of the Assembly Health Committee and has not been referred to any other committee thus far. Ms. Van Allen advised that the amendments made to this bill do not have an impact upon the Board and recommended that the position of "WATCH" remain in effect.

Dr. McClain inquired about whether this bill will be referred to the full Board for further discussion. Mr. Puleo, Executive Officer, advised that the Board will follow this bill throughout the entire legislative session and an update and opportunity for discussion will be provided at the next Board meeting.

The Committee agreed to continue a position of "WATCH".

- AB 333 – Melendez (Healing Arts: continuing education)

Ms. Van Allen advised that clarifying changes were made to this bill which includes the type of courses which are eligible for CE credit, the amount of CE credit which can be granted during each renewal cycle, and an exemption for boards whose continuing education regulations exclude these types of courses. Ms. Van Allen advised that the amendments made to this bill do not have an impact upon the Board and recommended that the position of "NEUTRAL" remain in effect.

Dr. Elginer inquired about whether the continuity was discussed between this bill and the Board's desire to require CPR certification as a condition of renewal for chiropractors.

Mr. Puleo advised that this bill does not conflict with current regulations or possible changes to BCE regulations requiring CPR certification of chiropractors because this bill is trying to create incentives for becoming a CPR/AED instructor, rather than basic CPR certification.

The committee agreed to continue the position of "NEUTRAL".

- AB 12 – Cooley (State Government: administrative regulations: review)

Ms. Van Allen advised that this bill was problematic due to the workload entailed in the rulemaking process and reports to the Legislature; however, after further reconsideration, believes it won't be as cumbersome as originally anticipated. The Licensing/Continuing Education Committee and Curriculum Focus Group are currently reviewing a large bulk of the regulations surrounding Continuing Education and Curriculum. Further, the Board is working on an Omnibus rulemaking package, disciplinary guidelines, and an application rulemaking package. As such, she recommended that the Committee change their position to "NEUTRAL".

MOTION: MR. RUFFINO MOVED TO REMOVE THE "OPPOSE" POSITION AND RECOMMEND A "NEUTRAL" POSITION ON AB 12 TO THE FULL BOARD.
SECOND: DR. MCCLAIN SECONDED THE MOTION
VOTE: (3:0) (DR. MCCLAIN – AYE, MR. RUFFINO – AYE, DR. ELGINER - AYE)
MOTION CARRIED

- SB 467– Hill (Professions and Vocations)

Mr. Puleo explained that this bill would require DCA's pro rata to be approved by the Legislature. This bill would also require the AG's office to review and submit reports to the Legislature on timelines and costs for their services to DCA. Lastly, this bill would require Division of Investigation to work with all healthcare boards to standardize the complaint intake process. Mr. Puleo does not anticipate that this bill will have a significant fiscal or workload impact upon the Board and recommended that the Committee take a "NEUTRAL" position.

The Committee agreed to recommend a "NEUTRAL" position to the Board.

- HBD 2978 (Bonnen) – Public Health

Mr. Puleo explained that this bill was brought to the attention of the Committee at the last Govt. Affairs Committee meeting. It was originally thought that this was a federal bill that had an impact on the chiropractic scope of practice. After further review, it was determined to be a Texas bill dealing with neurodiagnostics and has no impact upon the BCE.

Review and Discussion of BCE Strategic Plan Goals Assigned to the Government Affairs & Strategic Plan Committee

Dr. Elginer covered the goals which have been completed by the Govt. Affairs Committee and volunteered to inquire with the Board members at the next Board meeting about the deliverables that the Board would like to see in order to complete Action Items 4.2.4 and 4.2.5.

Ms. Van Allen advised that completion of Action Item 7.2 is largely dependent on the Office of Public Affairs. Ms. Valdivia-Aguilar will not be able to attend the July committee meeting, but has agreed to provide an update on the Board's Communications Assessment to share at the next committee meeting.

Mr. Puleo will follow-up with Russ Heimerich at the Office of Public Affairs to ensure that an update is provided.

Public Comment – None

Future Agenda Items – None

Dr. Elginer adjourned the meeting at 11:55 a.m.

DRAFT

Summary of Legislation Discussed at the June 11, 2015 Govt. Affairs Committee Meeting

OPPOSE:

- AB 85 (Wilk) – Open meetings
  - This bill contains an urgency measure that would clarify that under the Bagley-Keene Act, a two-member advisory committee of a state body is a "state body" if a member of that state body sits on the advisory committee and the committee receives funds from the state body.
  - Status – 06/11/15 Referred to Comm. on Gov. Organization; hearing set 07/14/15.

WATCH:

- AB 1060 (Bonilla) – Professions and Vocations: licensure
  - This bill would require professional licensing boards under DCA to notify a licensee whose license has been suspended or revoked about the rehabilitation, reinstatement or penalty reduction of a suspended or revoked license using both first-class mail and email, if the board has an email address on file.
  - Status – 06/17/15 – Gut and Amend – No longer within scope of BCE.

- SB 277 (Pan) – Public Health: vaccinations
  - This bill would remove a personal belief exemption from school immunization law, exempt home-based private schools or students enrolled in independent study programs from existing immunization requirements; allow pupils who have a personal belief exemption on file prior to January 1, 2016 at a private, public, or secondary school or day care to continue enrollment until the next grade span enrollment is required; and permit the Department of Public Health to add diseases to the immunization requirements only if exemptions are allowed for both personal beliefs and medical reasons.
  - Status – Chaptered June 30, 2015

NEUTRAL:

- AB 12 (Cooley) – State Govt.: administrative regulations: review
  - This bill would require state agencies to review all regulations, identify regulations that are overlapping, duplicative, inconsistent, or out of date, revise the regulations and provide a report to the Legislature and Governor.
  - Status – 06/11/15 Referred to Comm. on Gov. Organization; hearing set 07/14/15.
- AB 333 (Melendez) – Healing arts: continuing education
  - This bill would authorize licensed medical professionals to earn continuing education credit or becoming a certified instructor of CPR or the proper use of an automated external defibrillator (AED).
  - Status – 06/23/15 Passed BP&ED Comm. (9-0); Amended and re-referred to Appropriations Comm.; hearing set 07/6/15.

◦ AB 410 (Obernolte) – Documents Submitted to Legislative Committees
- This bill would require a state agency to post all documents that are required or requested by law or by a committee of the Legislature on its Web site.
- Status – 6/29/15 – Passed Gov. Organization Comm. (12-0), Re-referred to Appropriations w/ recommendation to consent calendar.

◦ SB 467 (Hill) – Professions & Vocations
- This bill would require the levy for pro rata share of DCA's administrative expenses to be approved by the Legislature, require the Attorney General to submit a report to DCA, the Legislature and the Governor illustrating actions taken against licensees for accusations and consumer complaint cases; and require the Division of Investigation (D of I) and DCA to standardize the D of I referral complaint process.
- Status – 07/1/15 – Amended and read 2nd time in Ass. B&P; re-referred to B&P Comm.

DEAD OR 2-YEAR BILLS

◦ AB 41 (Chau) – Health Care Coverage: discrimination
- This bill would codify federal law protections that prohibit health plans from discriminating against any professional category of healthcare provider when making decisions about what type of providers to include in networks or which services to cover.
- Status – 04/29/15 – Pass Committee on Health (18-0); Referred to Comm. on Appropriations; 05/06/15 – Referred to Appropriations Suspense File. (2-year bill) (SUPPORT)

◦ AB 611 (Dahle) – Controlled Substances: prescriptions: reporting
- This bill would authorize an individual designated by a board, bureau or program within DCA to request access to the CURES database when probable cause exists for investigating licensees for substance abuse.
- Status – Two-Year Bill (WATCH)

◦ AB 750 (Low) – Business and Professions: licenses
- This bill would authorize programs under the Department of Consumer Affairs to establish by regulation a license category for retired licensees who are not actively engaged in the practice of their profession, unless regulations specifies the criteria for a retired licensee to practice his or her profession.
  Status – 04/15/15 Passed Business & Professions Committee (14-0); 04/29/15 Referred to Approp. Suspense File. (WATCH)

◦ AB 19 (Chang) – Gov. Office of Business and Economic Dev.: small business: regulations
- This bill would require review the Governor's Office of Business and Economic Development, in consultation with the Office of Small Business Advocate, to

establish a process for the ongoing review of all existing regulations primarily affecting small business that were adopted prior to January 1, 2016.

- Status – 05/28/15 – Held under submission in Assm. Appropriations (OPPOSE)

Board of Chiropractic Examiners
Bill Analysis

Bill Number: AB 333
Author: Assembly Member Melendez
Bill Version: Amended June 24, 2015
Subject: Healing art: continuing education
Sponsor: Author

STATUS OF BILL: 04/06/15 Re-referred to Comm. on Business and Professions.

SUMMARY:

This bill would authorize licensed medical professionals to earn continuing education credit for becoming a certified instructor of CPR or the proper use of an automated external defibrillator (AED).

EXISTING LAW:

- The Education Code authorizes public schools to receive non-state funds to acquire and maintain the AED, as well as provide training.
- The Chiropractic Initiative Act provides the Board with the power to adopt rules and regulations necessary for the performance of its work, the enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

THIS BILL WOULD:

- Authorize a person licensed pursuant to Division 2 of the Business and Professions Code, and who is required to complete continuing education (CE) as a condition for renewal, to apply one unit of CE, once per renewal cycle, towards the CE requirement for attending a course that results in the licensee becoming a certified instructor of CPR or proper use of an AED.
- Specify the instructional programs authorized for CE credit under this provision.
- Authorize a person licensed pursuant to Division 2 of the Business and Professions Code, and who is required to complete continuing education (CE) as a condition for renewal, to apply two units of CE, once per renewal cycle, towards their CE requirements for conducting CPR or AED training sessions.
- Define a "unit" as any measurement for CE, such as hours, or course credits.
- Exempt licensees whose licensing board's laws and regulations pertaining to CE exclude the courses or activities described in this provision.

BACKGROUND:

AB 2217 (Melendez) Chapter 812, Statutes of 2014 authorizes public schools to solicit and receive non-state funds to acquire and maintain an automated external defibrillator, and requires such funds to only be used to acquire and maintain an AED and provide

training to school employees regarding its use. The author argues that AED's are now common in school and college facilities; therefore, it is important to ensure adequate training and resources to schools. Pro bono instructors and training resources are in short supply and private alternatives are cost prohibitive. This bill would provide an incentive for licensed medical professionals to become certified instructors in CPR and use of an AED; thereby, increasing the pool of instructors and reducing the costs of training to schools.

FISCAL IMPACT:

This bill would impose a minor fiscal impact to the Board as a result of amendments to existing Continuing Education regulations, process changes and staff training to implement CE credit for these courses. The Board believes that the cost and associated workload is absorbable within existing staff and budget.

SUPPORT & OPPOSITION:

Support:
American Red Cross

Opposition:
Board of Psychology
Board of Behavioral Sciences

ARGUMENTS:

Pro:

- This bill may expand the pool of instructors of CPR and use of an AED; thereby providing schools with more cost-effective options for staff training.
- Having school staff which is properly trained in CPR and the use of an AED will increase the likelihood of its use in a medical situation.
- Authorizing CE credit for obtaining instructor certification and providing training is a cost-neutral incentive that benefits both the schools and the medical professional.
- The American Red Cross believes that encouraging school employees to be prepared in time of emergency, including the use of an AED, can save lives.

Con:

- The amount of CE credit offered by this bill may not be sufficient incentive for licensees to obtain instructor certification.
- The Board of Psychology argues that current law specifies that CE must incorporate either aspects of the discipline where significant recent developments have occurred, or aspects of other disciplines that enhance the understanding of the practice. While CPR/AED training is important, it cannot be argued that it is fundamental to, or enhances the training of, the practice of psychology.

- The Board of Behavioral Sciences does not believe that CPR or AED training is fundamental to the practice of psychotherapy. They also believe that this bill could lead to confusion among Board's licensees about whether or not the coursework is acceptable for CE credit.

STAFF RECOMMENDED POSITION:

NEUTRAL– This bill will impose a minor, absorbable workload to amend CE regulations in order to grant credit for these courses.

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL No. 333

Introduced by Assembly Member Melendez

February 13, 2015

An act to add Section 856 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Melendez. Healing arts: continuing education.

Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs and imposes various continuing education requirements for license renewal.

This bill would allow specified healing arts licensees to apply one unit, as defined, of continuing education ~~credit~~ *credit,* once per renewal ~~cycle~~ *cycle,* towards any required continuing education units for attending certain courses that result in the licensee becoming a certified instructor of cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator (AED), and would allow specified healing arts licensees to apply up to 2 units of continuing education ~~credit~~ *credit,* once per renewal ~~cycle~~ *cycle,* towards any required continuing education units for conducting ~~board-approved~~ CPR or AED training sessions for employees of school districts and community college districts in the state. The bill would specify that these provisions would ~~not~~ *only* apply if a licensing board's laws or regulations

establishing continuing education requirements ~~exclude~~ *include* the courses or activities mentioned above.

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

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

SECTION 1. Section 856 is added to the Business and Professions Code, to read:

856. (a) (1) A person licensed pursuant to this division who is required to complete continuing education units as a condition of renewing his or her license may, once per renewal cycle, apply one unit of continuing education credit, pursuant to paragraph (2), towards that requirement for attending a course that results in the licensee becoming a certified instructor of cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator (AED).

(2) A licensee may only apply continuing education credit for attending one of the following courses:

(A) An instructional program developed by the American Heart Association.

(B) An instructional program developed by the American Red Cross.

(C) An instructional program that is nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for the performance of CPR and the use of an AED.

(b) ~~(1)~~ A person licensed pursuant to this division who is required to complete continuing education units as a condition of renewing his or her license may, once per renewal cycle, apply up to two units of continuing education ~~credit, pursuant to paragraph (2),~~ *credit* towards that requirement for conducting CPR or AED training sessions for employees of school districts and community college districts in the state.

~~(2) A licensee may only apply continuing education credit for holding a training session if the training session is approved by the applicable licensing board.~~

(c) For purposes of this section, "unit" means any measurement for continuing education, such as hours or course credits.

(d) This section shall ~~not~~ *only* apply to a person licensed under this division if the applicable licensing board's laws or regulations establishing continuing education requirements ~~exclude~~ *include* the courses or activities described in subdivisions (a) and (b).

O

Board of Chiropractic Examiners
Bill Analysis

Bill Number: AB 179
Author: Assembly Member Bonilla
Bill Version: Amended June 24, 2015
Subject: Healing art: continuing education
Sponsor: Author

STATUS OF BILL: 07/07/15 Passed Comm. on Business and Professions (7-1). Re-referred to Appropriations.

SUMMARY:

This bill would, among other things, provide that the sexual abuse and misconduct statute does not apply to any healing arts licensee and their spouse or person in an equivalent domestic relationship.

EXISTING LAW:

- Provides that any act of sexual abuse, misconduct, or relations with a patient, client, or customer as unprofessional conduct, except when the sexual contact is between physician and surgeon licensee and his or her spouse or person in an equivalent domestic relationship (BPC Section 726).

THIS BILL WOULD:

- Expand the exception to all healing arts licensees that it is not unprofessional conduct for a healing arts licensee to engage in consensual sexual conduct with his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, for that person.

BACKGROUND:

The provision in this bill which specifies that consensual sexual conduct between a healing arts licensee and his or her spouse or person in an equivalent domestic relationship was added to this bill at the request of the Dental Board, who believes that the existing exception for sexual contact between physician and surgeon licensees and their spouse or domestic partner, should be extended to all healing arts licensees, except pychotherapists.

FISCAL IMPACT:

This bill would not impose a fiscal or workload impact upon the BCE. Cal. Code of Regs. Section 316(c) provides this same exception for chiropractors in California.

SUPPORT & OPPOSITION:

Support:
Dental Board of California
Dental Hygiene Committee of California

Opposition:
None

ARGUMENTS:

Pro:

- This bill will provide clarity and consistency between healing arts boards in regards to allegations of unprofessional conduct for sexual contact between a healing arts licensee and their spouse or domestic partner.
- This bill will eliminate workload and costs for individual healing arts boards who may have considered the regulatory process for implementing a similar provision.

Con:

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STAFF RECOMMENDED POSITION:

NO POSITION – This bill will not have a fiscal or workload impact upon the BCE. Further, this bill duplicates the Board's existing regulation (Section 316(c)) regarding unprofessional conduct for sexual contact between licensees and their spouses.

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL No. 179

Introduced by Assembly Member Bonilla
~~(Coauthor: Senator Hill)~~
(Principal coauthor: Senator Hill)

January 26, 2015

An act to amend Sections ~~205,~~ 726, 1601.1, 1616.5, 1632, 1638, 1638.1, 1638.3, 1646.6, 1647.8, 1724, 1725, *1742,* 2841, ~~2847, 2894,~~ 4501, ~~4503, and 4547~~ *and 4503* of, *to amend, repeal, and add Sections 205, 2894, and 4547 of,* and to add Section 1650.1 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 179, as amended, Bonilla. Healing arts.

(1) Under ~~Existing~~ *existing* law, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer is unprofessional conduct, except that it is not unprofessional conduct when sexual contact is between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship, as specified.

This bill would expand the exception by providing that it would not be unprofessional conduct when *consensual* sexual contact is between a licensee and his or her spouse or person in an equivalent domestic relationship, as specified.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of

California within the Department of Consumer Affairs, which consists of 8 practicing dentists, a registered dental hygienist, a registered dental assistant, and 5 public members, and authorizes the board to appoint an executive officer to exercise powers and perform duties delegated by the board to him or her. These provisions are in effect only until January 1, 2016, and upon repeal of those provisions the board will be subject to review by the appropriate policy committees of the Legislature. The act ~~proscribes~~ *prescribes* various fees that are required to be paid by dentists and dental assistants for, among other things, an initial license and the renewal of that license.

This bill would extend the provisions relating to the Dental Board until January 1, 2020. The bill would also change various fees that would be required to be paid by a dentist, a dental assistant, or certain educational programs, as specified. The bill would, on and after January 1, 2016, require that an initial license for a dentist be no greater than $650 and would require the fee for the renewal of that license to be no greater than $650. The bill would, on and after January 1, 2018, require that an initial license be no greater than $800 and would require the fee for a renewal of that license to be no greater than $800. The bill would also require, by July 1, 2016, every applicant and licensee under the act to report to the board his or her electronic mail address, and would require the board to annually send an electronic notice to each applicant and licensee that requests confirmation of the applicant's or licensee's electronic mail address.

Existing law creates the Dental Assisting Council of the Dental Board of California, which considers all matters relating to California dental assistants and is composed of members who shall serve terms, as specified. Existing law requires the board to make all the initial appointment of members by May 1, 2012.

This bill would prohibit a member from serving more than two full terms. The bill would remove the requirement for the board to make all initial appointments by May 1, 2012.

(3) Existing law provides for the licensure and regulation of vocational nurses under the Vocational Nursing Practice Act, and psychiatric technicians under the Psychiatric Technicians Law, by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. Existing law repeals these provisions on January 1, 2016.

This bill would extend the repeal date of the provisions relating to the board to January 1, 2018.

(4) Existing law establishes the Vocational Nursing and Psychiatric Technicians Fund in the State Treasury, and establishes the Vocational Nurses Account and the Psychiatric ~~Technicians~~ *Technician* Examiners Account within the fund. Existing law authorizes the Board of Vocational Nursing and Psychiatric Technicians of the State of California to collect specified fees and fines related to the board's licensure and regulation of psychiatric technicians, and prohibits the board from charging expenses for these activities from any other source.

This ~~bill~~ *bill, beginning July 1, 2016,* would remove that prohibition, abolish the Vocational Nurses Account and the Psychiatric ~~Technicians~~ *Technician* Examiners Account, and specify that all money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out the Vocational Nursing Practice Act and the Psychiatric Technicians Law.

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

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

~~SECTION 1. Section 205 of the Business and Professions Code is amended to read:~~

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

~~(1) Accountancy Fund.~~
~~(2) California Architects Board Fund.~~
~~(3) Athletic Commission Fund.~~
~~(4) Barbering and Cosmetology Contingent Fund.~~
~~(5) Cemetery Fund.~~
~~(6) Contractors' License Fund.~~
~~(7) State Dentistry Fund.~~
~~(8) State Funeral Directors and Embalmers Fund.~~
~~(9) Guide Dogs for the Blind Fund.~~
~~(10) Home Furnishings and Thermal Insulation Fund.~~
~~(11) California Architects Board-Landscape Architects Fund.~~
~~(12) Contingent Fund of the Medical Board of California.~~
~~(13) Optometry Fund.~~
~~(14) Pharmacy Board Contingent Fund.~~
~~(15) Physical Therapy Fund.~~
~~(16) Private Investigator Fund.~~

~~(17) Professional Engineer's and Land Surveyor's Fund.~~
~~(18) Consumer Affairs Fund.~~
~~(19) Behavioral Sciences Fund.~~
~~(20) Licensed Midwifery Fund.~~
~~(21) Court Reporters' Fund.~~
~~(22) Veterinary Medical Board Contingent Fund.~~
~~(23) Vocational Nursing and Psychiatric Technicians Fund.~~
~~(24) Electronic and Appliance Repair Fund.~~
~~(25) Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's Fund.~~
~~(26) Dispensing Opticians Fund.~~
~~(27) Acupuncture Fund.~~
~~(28) Physician Assistant Fund.~~
~~(29) Board of Podiatric Medicine Fund.~~
~~(30) Psychology Fund.~~
~~(31) Respiratory Care Fund.~~
~~(32) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.~~
~~(33) Board of Registered Nursing Fund.~~
~~(34) Animal Health Technician Examining Committee Fund.~~
~~(35) State Dental Hygiene Fund.~~
~~(36) State Dental Assistant Fund.~~
~~(37) Structural Pest Control Fund.~~
~~(38) Structural Pest Control Eradication and Enforcement Fund.~~
~~(39) Structural Pest Control Research Fund.~~
~~(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.~~

SECTION 1. Section 205 of the Business and Professions Code is amended to read:

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

(1) Accountancy Fund.
(2) California Architects Board Fund.
(3) Athletic Commission Fund.

(4) Barbering and Cosmetology Contingent Fund.
(5) Cemetery Fund.
(6) Contractors' License Fund.
(7) State Dentistry Fund.
(8) State Funeral Directors and Embalmers Fund.
(9) Guide Dogs for the Blind Fund.
(10) Home Furnishings and Thermal Insulation Fund.
(11) California Architects Board-Landscape Architects Fund.
(12) Contingent Fund of the Medical Board of California.
(13) Optometry Fund.
(14) Pharmacy Board Contingent Fund.
(15) Physical Therapy Fund.
(16) Private Investigator Fund.
(17) Professional Engineer's and Land Surveyor's Fund.
(18) Consumer Affairs Fund.
(19) Behavioral Sciences Fund.
(20) Licensed Midwifery Fund.
(21) Court Reporters' Fund.
(22) Veterinary Medical Board Contingent Fund.
(23) Vocational Nurses Account of the Vocational Nursing and Psychiatric Technicians Fund.
(24) Electronic and Appliance Repair Fund.
(25) Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's Fund.
(26) Dispensing Opticians Fund.
(27) Acupuncture Fund.
(28) Physician Assistant Fund.
(29) Board of Podiatric Medicine Fund.
(30) Psychology Fund.
(31) Respiratory Care Fund.
(32) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
(33) Board of Registered Nursing Fund.
(34) Psychiatric Technician Examiners Account of the Vocational Nursing and Psychiatric Technicians Fund.
(35) Animal Health Technician Examining Committee Fund.
(36) State Dental Hygiene Fund.
(37) State Dental Assistant Fund.
(38) Structural Pest Control Fund.
(39) Structural Pest Control Eradication and Enforcement Fund.

(40) Structural Pest Control Research Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed.

SEC. 2. Section 205 is added to the Business and Professions Code, to read:

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

(1) Accountancy Fund.
(2) California Architects Board Fund.
(3) Athletic Commission Fund.
(4) Barbering and Cosmetology Contingent Fund.
(5) Cemetery Fund.
(6) Contractors' License Fund.
(7) State Dentistry Fund.
(8) State Funeral Directors and Embalmers Fund.
(9) Guide Dogs for the Blind Fund.
(10) Home Furnishings and Thermal Insulation Fund.
(11) California Architects Board-Landscape Architects Fund.
(12) Contingent Fund of the Medical Board of California.
(13) Optometry Fund.
(14) Pharmacy Board Contingent Fund.
(15) Physical Therapy Fund.
(16) Private Investigator Fund.
(17) Professional Engineer's and Land Surveyor's Fund.
(18) Consumer Affairs Fund.
(19) Behavioral Sciences Fund.
(20) Licensed Midwifery Fund.
(21) Court Reporters' Fund.
(22) Veterinary Medical Board Contingent Fund.
(23) Vocational Nursing and Psychiatric Technicians Fund.
(24) Electronic and Appliance Repair Fund.

(25) Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's Fund.
(26) Dispensing Opticians Fund.
(27) Acupuncture Fund.
(28) Physician Assistant Fund.
(29) Board of Podiatric Medicine Fund.
(30) Psychology Fund.
(31) Respiratory Care Fund.
(32) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
(33) Board of Registered Nursing Fund.
(34) Animal Health Technician Examining Committee Fund.
(35) State Dental Hygiene Fund.
(36) State Dental Assistant Fund.
(37) Structural Pest Control Fund.
(38) Structural Pest Control Eradication and Enforcement Fund.
(39) Structural Pest Control Research Fund.
(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.
(c) This section shall become operative on July 1, 2016.
~~SEC. 2.~~
SEC. 3. Section 726 of the Business and Professions Code is amended to read:
726. (a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division or under any initiative act referred to in this division.
(b) This section shall not apply to *consensual* sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

~~SEC. 3.~~

SEC. 4. Section 1601.1 of the Business and Professions Code is amended to read:

1601.1. (a) There shall be in the Department of Consumer Affairs the Dental Board of California in which the administration of this chapter is vested. The board shall consist of eight practicing dentists, one registered dental hygienist, one registered dental assistant, and five public members. Of the eight practicing dentists, one shall be a member of a faculty of any California dental college, and one shall be a dentist practicing in a nonprofit community clinic. The appointing powers, described in Section 1603, may appoint to the board a person who was a member of the prior board. The board shall be organized into standing committees dealing with examinations, enforcement, and other subjects as the board deems appropriate.

(b) For purposes of this chapter, any reference in this chapter to the Board of Dental Examiners shall be deemed to refer to the Dental Board of California.

(c) The board shall have all authority previously vested in the existing board under this chapter. The board may enforce all disciplinary actions undertaken by the previous board.

(d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

~~SEC. 4.~~

SEC. 5. Section 1616.5 of the Business and Professions Code is amended to read:

1616.5. (a) The board, by and with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

(b) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

~~SEC. 5.~~

SEC. 6. Section 1632 of the Business and Professions Code is amended to read:

1632. (a) The board shall require each applicant to successfully complete the Part I and Part II written examinations of the National Board Dental Examination of the Joint Commission on National Dental Examinations.

(b) The board shall require each applicant to successfully complete an examination in California law and ethics developed and administered by the board. The board shall provide a separate application for this examination. The board shall ensure that the law and ethics examination reflects current law and regulations, and ensure that the examinations are randomized. Applicants shall submit this application and required fee to the board in order to take this examination. In addition to the aforementioned application, the only other requirement for taking this examination shall be certification from the dean of the qualifying dental school attended by the applicant that the applicant has graduated, or will graduate, or is expected to graduate. Applicants who submit completed applications and certification from the dean at least 15 days prior to a scheduled examination shall be scheduled to take the examination. Successful results of the examination shall, as established by board regulation, remain valid for two years from the date that the applicant is notified of having passed the examination.

(c) Except as otherwise provided in Section 1632.5, the board shall require each applicant to have taken and received a passing score on one of the following:

(1) A portfolio examination of the applicant's competence to enter the practice of dentistry. This examination shall be conducted while the applicant is enrolled in a dental school program at a board-approved school located in California. This examination shall utilize uniform standards of clinical experiences and competencies, as approved by the board pursuant to Section 1632.1. The applicant shall pass a final assessment of the submitted portfolio at the end of his or her dental school program. Before any portfolio assessment may be submitted to the board, the applicant shall remit the required fee to the board to be deposited into the State Dentistry Fund, and a letter of good standing signed by the dean of his or her dental school or his or her delegate stating

that the applicant has graduated or will graduate with no pending ethical issues.

(A) The portfolio examination shall not be conducted until the board adopts regulations to carry out this paragraph. The board shall post notice on its Internet Web site when these regulations have been adopted.

(B) The board shall also provide written notice to the Legislature and the Legislative Counsel when these regulations have been adopted.

(2) A clinical and written examination administered by the Western Regional Examining Board, which board shall determine the passing score for that examination.

(d) Notwithstanding subdivision (b) of Section 1628, the board is authorized to do either of the following:

(1) Approve an application for examination from, and to examine an applicant who is enrolled in, but has not yet graduated from, a reputable dental school approved by the board.

(2) Accept the results of an examination described in paragraph (2) of subdivision (c) submitted by an applicant who was enrolled in, but had not graduated from, a reputable dental school approved by the board at the time the examination was administered.

In either case, the board shall require the dean of that school or his or her delegate to furnish satisfactory proof that the applicant will graduate within one year of the date the examination was administered or as provided in paragraph (1) of subdivision (c).

~~SEC. 6.~~

SEC. 7. Section 1638 of the Business and Professions Code is amended to read:

1638. (a) For purposes of this article, "oral and maxillofacial surgery" means the diagnosis and surgical and adjunctive treatment of diseases, injuries, and defects which involve both functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

(b) Any person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)) as a physician and surgeon who possesses, or possessed, a license to practice dentistry in another state, but is not licensed to practice dentistry under this chapter may apply to the board on a form prescribed by the board for an oral and maxillofacial surgery permit.

(c) The board may issue an oral and maxillofacial surgery permit to an applicant who has furnished evidence satisfactory to the board that he or she is currently certified or eligible for certification in oral and maxillofacial surgery by a specialty board recognized by the Commission on Accreditation of the American Dental Association and holds a current license in good standing to practice medicine in the state.

(d) An application shall be accompanied by an application fee required by the board and two classifiable sets of fingerprints on forms provided by the board.

~~SEC. 7.~~

SEC. 8. Section 1638.1 of the Business and Professions Code is amended to read:

1638.1. (a) (1) A person licensed pursuant to Section 1634 who wishes to perform elective facial cosmetic surgery shall first apply for and receive a permit to perform elective facial cosmetic surgery from the board.

(2) A permit issued pursuant to this section shall be valid for a period of two years and must be renewed by the permitholder at the time his or her license is renewed. Every six years, prior to renewal of the permitholder's license and permit, the permitholder shall submit evidence acceptable to the credentialing committee that he or she has maintained continued competence to perform the procedures authorized by the permit. The credentialing committee may limit a permit consistent with paragraph (1) of subdivision (e) if it is not satisfied that the permitholder has established continued competence.

(b) The board may adopt regulations for the issuance of the permit that it deems necessary to protect the health, safety, and welfare of the public.

(c) A licensee may obtain a permit to perform elective facial cosmetic surgery by furnishing all of the following information on an application form approved by the board:

(1) Proof of successful completion of an oral and maxillofacial surgery residency program accredited by the Commission on Dental Accreditation of the American Dental Association.

(2) Proof that the applicant has satisfied the criteria specified in either subparagraph (A) or (B):

(A) (i) Is certified, or is a candidate for certification, by the American Board of Oral and Maxillofacial Surgery.

(ii) Submits to the board a letter from the program director of the accredited residency program, or from the director of a postresidency fellowship program accredited by the Commission on Dental Accreditation of the American Dental Association, stating that the licensee has the education, training, and competence necessary to perform the surgical procedures that the licensee has notified the board he or she intends to perform.

(iii) Submits documentation to the board of at least 10 operative reports from residency training or proctored procedures that are representative of procedures that the licensee intends to perform from both of the following categories:

(I) Cosmetic contouring of the osteocartilaginous facial structure, which may include, but is not limited to, rhinoplasty and otoplasty.

(II) Cosmetic soft tissue contouring or rejuvenation, which may include, but is not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation.

(iv) Submits documentation to the board showing the surgical privileges the applicant possesses at any licensed general acute care hospital and any licensed outpatient surgical facility in this state.

(B) (i) Has been granted privileges by the medical staff at a licensed general acute care hospital to perform the surgical procedures set forth in paragraph (A) at that hospital.

(ii) Submits to the board the documentation described in clause (iii) of subparagraph (A).

(3) Proof that the applicant is on active status on the staff of a general acute care hospital and maintains the necessary privileges based on the bylaws of the hospital to maintain that status.

(d) The application shall be accompanied by an application fee required by the board for an initial permit. The fee to renew a permit shall not exceed the maximum amount prescribed in Section 1724.

(e) (1) The board shall appoint a credentialing committee to review the qualifications of each applicant for a permit. Upon completion of the review of an applicant, the committee shall make a recommendation to the board on whether to issue or not issue a permit to the applicant. The permit may be unqualified, entitling the permitholder to perform any facial cosmetic surgical procedure authorized by this section, or it may contain limitations if the credentialing committee is not satisfied that the applicant has the

training or competence to perform certain classes of procedures, or if the applicant has not requested to be permitted for all procedures authorized by this section.

(2) The credentialing committee shall be comprised of five members, as follows:

(A) A physician and surgeon with a specialty in plastic and reconstructive surgery who maintains active status on the staff of a licensed general acute care hospital in this state.

(B) A physician and surgeon with a specialty in otolaryngology who maintains active status on the staff of a licensed general acute care hospital in this state.

(C) Three oral and maxillofacial surgeons licensed by the board who are board certified by the American Board of Oral and Maxillofacial Surgeons, and who maintain active status on the staff of a licensed general acute care hospital in this state, at least one of whom shall be licensed as a physician and surgeon in this state. Two years after the effective date of this section, any oral and maxillofacial surgeon appointed to the committee who is not licensed as a physician and surgeon shall hold a permit pursuant to this section.

(3) The board shall solicit from the following organizations input and recommendations regarding members to be appointed to the credentialing committee:

(A) The Medical Board of California.

(B) The California Dental Association.

(C) The California Association of Oral and Maxillofacial Surgeons.

(D) The California Medical Association.

(E) The California Society of Plastic Surgeons.

(F) Any other source that the board deems appropriate.

(4) The credentialing committee shall meet at a time and place directed by the board to evaluate applicants for permits. A quorum of three members shall be required for the committee to consider applicants and make recommendations to the board.

(f) A licensee may not perform any elective, facial cosmetic surgical procedure except at a general acute care hospital, a licensed outpatient surgical facility, or an outpatient surgical facility accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the American Association for Ambulatory Health Care (AAAHC), the Medicare program, or an accreditation

agency approved by the Medical Board of California pursuant to subdivision (g) of Section 1248.1 of the Health and Safety Code.

(g) For purposes of this section, the following terms shall have the following meanings:

(1) "Elective cosmetic surgery" means any procedure defined as cosmetic surgery in subdivision (d) of Section 1367.63 of the Health and Safety Code, and excludes any procedure that constitutes reconstructive surgery, as defined in subdivision (c) of Section 1367.63 of the Health and Safety Code.

(2) "Facial" means those regions of the human body described in Section 1625 and in any regulations adopted pursuant to that section by the board.

(h) A holder of a permit issued pursuant to this section shall not perform elective facial cosmetic surgical procedures unless he or she has malpractice insurance or other financial security protection that would satisfy the requirements of Section 2216.2 and any regulations adopted thereunder.

(i) A holder of a permit shall comply with the requirements of subparagraph (D) of paragraph (2) of subdivision (a) of Section 1248.15 of the Health and Safety Code, and the reporting requirements specified in Section 2240, with respect to any surgical procedure authorized by this section, in the same manner as a physician and surgeon.

(j) Any violation of this section constitutes unprofessional conduct and is grounds for the revocation or suspension of the person's permit, license, or both, or the person may be reprimanded or placed on probation. Proceedings initiated by the board under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(k) On or before January 1, 2009, and every four years thereafter, the board shall report to the Joint Committee on Boards, Commissions and Consumer Protection on all of the following:

(1) The number of persons licensed pursuant to Section 1634 who apply to receive a permit to perform elective facial cosmetic surgery from the board pursuant to subdivision (a).

(2) The recommendations of the credentialing committee to the board.

(3) The board's action on recommendations received by the credentialing committee.

(4) The number of persons receiving a permit from the board to perform elective facial cosmetic surgery.

(5) The number of complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the board to perform elective facial cosmetic surgery.

(6) Action taken by the board resulting from complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the board to perform elective facial cosmetic surgery.

~~SEC. 8.~~

SEC. 9. Section 1638.3 of the Business and Professions Code is amended to read:

1638.3. (a) The fee to renew an oral and maxillofacial surgery permit shall be the amount prescribed in Section 1724.

(b) Every provision of this chapter applicable to a person licensed to practice dentistry shall apply to a person to whom a special permit is issued under this article.

~~SEC. 9.~~

SEC. 10. Section 1646.6 of the Business and Professions Code is amended to read:

1646.6. (a) The application fee for a permit or renewal under this article shall not exceed the amount prescribed in Section 1724.

(b) The fee for an onsite inspection shall not exceed the amount prescribed in Section 1724.

(c) It is the intent of the Legislature that fees established pursuant to this section be equivalent to administration and enforcement costs incurred by the board in carrying out this article.

(d) At the discretion of the board, the fee for onsite inspection may be collected and retained by a contractor engaged pursuant to subdivision (b) of Section 1646.4.

~~SEC. 10.~~

SEC. 11. Section 1647.8 of the Business and Professions Code is amended to read:

1647.8. (a) The application fee for a permit or renewal under this article shall not exceed the amount prescribed in Section 1724.

(b) The fee for an onsite inspection shall not exceed the amount prescribed in Section 1724.

(c) It is the intent of the Legislature that the board hire sufficient staff to administer the program and that the fees established pursuant to this section be equivalent to administration and enforcement costs incurred by the board in carrying out this article.

~~SEC. 11.~~

SEC. 12. Section 1650.1 is added to the Business and Professions Code, to read:

1650.1. (a) Every applicant and licensee who has an electronic mail address shall report to the board that electronic mail address no later than July 1, 2016. The electronic mail address shall be considered confidential and not subject to public disclosure.

(b) The board shall annually send an electronic notice to each applicant and licensee that requests confirmation from the ~~application~~ *applicant* or licensee that his or her electronic mail address is current.

~~SEC. 12.~~

SEC. 13. Section 1724 of the Business and Professions Code is amended to read:

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 conscious sedation permit shall not exceed four thousand five hundred dollars ($4,500).

(q) The fee for an application for a conscious 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 oral conscious sedation permit shall not exceed one thousand dollars ($1,000), and the fee for the renewal of an oral conscious sedation permit shall not exceed six hundred dollars ($600).

(s) The fee for a certification of licensure shall not exceed one hundred twenty-five dollars ($125).

(t) The fee for an application for the law and ethics examination shall not exceed two hundred fifty dollars ($250).

The board shall report to the appropriate fiscal committees of each house of the Legislature whenever the board increases any fee pursuant to this section and shall specify the rationale and justification for that increase.

~~SEC. 13.~~

SEC. 14. Section 1725 of the Business and Professions Code is amended to read:

1725. The amount of the fees prescribed by this chapter that relate to the licensing and permitting of dental assistants shall be established by regulation and subject to the following limitations:

(a) The application fee for an original license shall not exceed two hundred dollars ($200).

(b) The fee for examination for licensure as a registered dental assistant shall not exceed the actual cost of the practical examination.

(c) The fee for application and for the issuance of an orthodontic assistant permit or a dental sedation assistant permit shall not exceed two hundred dollars ($200).

(d) The fee for the written examination for an orthodontic assistant permit or a dental sedation assistant permit shall not exceed the actual cost of the examination.

(e) The fee for the written examination for a registered dental assistant shall not exceed the actual cost of the examination.

(f) The fee for the written examination in law and ethics for a registered dental assistant shall not exceed the actual cost of the examination.

(g) The fee for examination for licensure as a registered dental assistant in extended functions shall not exceed the actual cost of the examination.

(h) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(i) For third- and fourth-year dental students, the fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(j) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

(k) The board shall establish the fee at an amount not to exceed the actual cost for licensure as a registered dental hygienist in alternative practice.

(*l*) The biennial renewal fee for a registered dental assistant license, registered dental assistant in extended functions license, dental sedation assistant permit, or orthodontic assistant permit shall not exceed two hundred dollars ($200).

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

(n) The fee for issuance of a duplicate registration, license, permit, or certificate to replace one that is lost or destroyed, or in the event of a name change, shall not exceed one hundred dollars ($100).

(o) The fee for each curriculum review and site evaluation for educational programs for registered dental assistants that are not accredited by a board-approved agency, or the Chancellor's office of the California Community Colleges shall not exceed seven thousand five hundred dollars ($7,500).

(p) The fee for review of each approval application or reevaluation for a course that is not accredited by a board-approved agency or the Chancellor's office of the California Community Colleges shall not exceed two thousand dollars ($2,000).

(q) Fees collected pursuant to this section shall be deposited in the State Dental Assistant Fund.

SEC. 15. Section 1742 of the Business and Professions Code is amended to read:

1742. (a) There is hereby created a Dental Assisting Council of the Dental Board of California, which shall consider all matters

relating to dental assistants in this state, on its own initiative or upon the request of the board, and make appropriate recommendations to the board and the standing committees of the board, including, but not limited to, the following areas:

(1) Requirements for dental assistant examination, licensure, permitting, and renewal.

(2) Standards and criteria for approval of dental assisting educational programs, courses, and continuing education.

(3) Allowable dental assistant duties, settings, and supervision levels.

(4) Appropriate standards of conduct and enforcement for dental assistants.

(5) Requirements regarding infection control.

(b) (1) The members of the council shall be appointed by the board and shall include the registered dental assistant member of the board, another member of the board, and five registered dental assistants, representing as broad a range of dental assisting experience and education as possible, who meet the requirements of paragraph (2).

(2) The board shall consider, in its appointments of the five registered dental assistant members, recommendations submitted by any incorporated, nonprofit professional society, association, or entity whose membership is comprised of registered dental assistants within the state. Two of those members shall be employed as faculty members of a registered dental assisting educational program approved by the board, and shall have been so employed for at least the prior five years. Three of those members, which shall include one registered dental assistant in extended functions, shall be employed clinically in private dental practice or public safety net or dental health care clinics. All five of those members shall have possessed a current and active registered dental assistant or registered dental assistant in extended functions license for at least the prior five years, and shall not be employed by a current member of the board.

(c) No council appointee shall have served previously on the dental assisting forum or have any financial interest in any registered dental assistant school. All final candidate qualifications and applications for board-appointed council members shall be made available in the published board materials with final

candidate selection conducted during the normal business of the board during public meetings.

(d) A vacancy occurring during a term shall be filled by appointment by the board for the unexpired term, according to the criteria applicable to the vacancy within 90 days after it occurs.

(e) Each member shall comply with conflict of interest requirements that apply to board members.

(f) The council shall meet in conjunction with other board committees, and at other times as deemed necessary.

(g) Each member shall serve for a term of four years, except that, of the initial appointments of the nonboard members, one of the members shall serve a term of one year, one member shall serve a term of two years, two members shall serve a term of three years, and one member shall serve a term of four years, as determined by the board. *No member shall serve more than two full terms.*

(h) Recommendations by the council pursuant to this section shall be approved, modified, or rejected by the board within 120 days of submission of the recommendation to the board. If the board rejects or significantly modifies the intent or scope of the recommendation, the council may request that the board provide its reasons in writing for rejecting or significantly modifying the recommendation, which shall be provided by the board within 30 days of the request.

~~(i) The board shall make all the initial appointments by May 1, 2012.~~

~~(j)~~

(i) The council shall select a chair who shall establish the agendas of the council and shall serve as the council's liaison to the board, including the reporting of the council's recommendations to the board.

~~SEC. 14.~~

SEC. 16. Section 2841 of the Business and Professions Code is amended to read:

2841. (a) There is in the Department of Consumer Affairs a Board of Vocational Nursing and Psychiatric Technicians of the State of California, consisting of 11 members.

(b) Within the meaning of this chapter, "board," or "the board," refers to the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(c) This section shall remain in effect only until January 1, 2018, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

~~SEC. 15. Section 2847 of the Business and Professions Code is amended to read:~~

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

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

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

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

~~(e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed.~~

~~SEC. 16. Section 2894 of the Business and Professions Code is amended to read:~~

~~2894. (a) All money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out this chapter, including the promotion of nursing education in this state, and Chapter 10 (commencing with Section 4500), and for the refund, in accordance with law, of license fees or other moneys paid into the Vocational Nursing and Psychiatric Technicians Fund under the provisions of this chapter and Chapter 10 (commencing with Section 4500).~~

~~(b) Claims against the Vocational Nursing and Psychiatric Technicians Fund shall be audited by the Controller, and shall be paid by the Treasurer upon warrants drawn by the Controller.~~

SEC. 17. Section 2894 of the Business and Professions Code is amended to read:

2894. *(a)* All money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out the provisions of this chapter, including the promotion of nursing education in this state, and for the refund, in accordance with law, of license fees or other

moneys paid into the Vocational Nursing and Psychiatric Technicians Fund under the provisions of this chapter.

~~Claims~~

(b) Claims against the Vocational Nursing and Psychiatric Technicians Fund shall be audited by the Controller, and shall be paid by the Treasurer upon warrants drawn by the Controller.

(c) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed.

SEC. 18. Section 2894 is added to the Business and Professions Code, to read:

2894. (a) All money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out this chapter, including the promotion of nursing education in this state, and Chapter 10 (commencing with Section 4500), and for the refund, in accordance with law, of license fees or other moneys paid into the Vocational Nursing and Psychiatric Technicians Fund under the provisions of this chapter and Chapter 10 (commencing with Section 4500).

(b) Claims against the Vocational Nursing and Psychiatric Technicians Fund shall be audited by the Controller, and shall be paid by the Treasurer upon warrants drawn by the Controller.

(c) This section shall become operative on July 1, 2016.

~~SEC. 17.~~

SEC. 19. Section 4501 of the Business and Professions Code is amended to read:

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

(b) This section shall remain in effect only until January 1, 2018, and as of that date is repealed.

~~SEC. 18.~~

SEC. 20. Section 4503 of the Business and Professions Code is amended to read:

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

(b) This section shall remain in effect only until January 1, 2018, and as of that date is repealed.

~~SEC. 19. Section 4547 of the Business and Professions Code is amended to read:~~

~~4547. All expenses incurred in the operation of this chapter or Chapter 6.5 (commencing with Section 2840) shall be paid out of the Vocational Nursing and Psychiatric Technicians Fund from~~

~~the revenue received by the board under this chapter or Chapter 6.5 (commencing with Section 2840) and deposited in the Vocational Nursing and Psychiatric Technicians Fund.~~

SEC. 21. Section 4547 of the Business and Professions Code is amended to read:

4547. *(a)* All expenses incurred in the operation of this chapter shall be paid out of the Vocational Nursing and Psychiatric Technicians Fund from the revenue received by the board under this chapter and deposited in the Vocational Nursing and Psychiatric Technicians Fund. No part of the expenses shall be charged against any funds which are derived from any functions of the board provided for in other chapters of this code.

(b) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed.

SEC. 22. Section 4547 is added to the Business and Professions Code, to read:

4547. (a) All expenses incurred in the operation of this chapter or Chapter 6.5 (commencing with Section 2840) shall be paid out of the Vocational Nursing and Psychiatric Technicians Fund from the revenue received by the board under this chapter or Chapter 6.5 (commencing with Section 2840) and deposited in the Vocational Nursing and Psychiatric Technicians Fund.

(b) This section shall become operative on July 1, 2016.

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Update on BCE Communication Assessment

Will be Handed Out at Meeting

Exhibit 4

GOAL 4: ORGANIZATIONAL EFFECTIVENESS

Efficiently utilize resources to meet goals and objectives.

The objectives and action items to meet this goal are listed below in order of priority:

4.1 Improve onboarding of new Board members by creating a Board specific orientation program.

Objective Measurement		
Updated onboarding program and materials for Board members.		
Action Item	**Responsible Party**	**Completion Date**
4.1.1 Establish a process to invite new Board members to visit the BCE office to gain understanding of office functions.	Administration Manager/ Executive Officer	Completed (Annually with appointment of new members.)
4.1.2 Develop a Board member mentor program.	Administration Manager/ Executive Officer	Completed
4.1.3 Survey Board members to assess needs and determine the types of materials to include in the new Board member manual.	Administration Manager/ Executive Officer	Completed
4.1.4 Based on the needs assessment results, develop a new employee/welcome binder for new Board members with BCE overview, BCE budget, administrative processes, and historical information.	Administration Manager/ Executive Officer	Completed
4.1.5 Work with the Government Affairs & Strategic Planning Committee to update the Board Administration Manual.	Administration Manager/ Executive Officer/	Completed Annually
4.1.6 Present the onboarding manuals for Board approval.	Administration Manager/ Executive Officer	Completed

4.2 Increase Board awareness of staff functions, responsibilities, and timeframes for completing tasks.

Objective Measurement		
Board member satisfaction of materials and awareness of BCE staff functions.		
Action Item	**Responsible Party**	**Completion Date**
4.2.1 Schedule BCE office visits for Board members.*	Administration Manager/ Executive Officer	Completed (Ongoing)
4.2.2 Implement email blasts of Board related events to notify Board members of BCE, DCA BMOT, and association meetings.	Administration Manager/ Executive Officer	Completed (Ongoing)
4.2.3 Survey Board members to determine the types of materials requested.	Administration Manager/ Executive Officer	Completed
4.2.4 Based on feedback, develop materials that provide overview of BCE staff functions.	Administration Manager/ Executive Officer	Q2 2016
4.2.5 Provide Board program overview information to Board members.	Administration Manager/ Executive Officer	Q3 2016

* BCE office visits for Board members are optional, but recommended by the Board Chair.

4.3 Explore alternative ways to engage public participation in Board and committee meetings that leverage new technologies.

Objective Measurement		
Increased public attendance and participation at Board Meetings.		
Action Item	**Responsible Party**	**Completion Date**
4.3.1 Establish a process that would encourage licensees to attend Board meetings (e.g., credit earned toward professional development).	Administration Manager/ Executive Officer	Completed (Ongoing)
4.3.2 Invite school representatives as guest speakers at Board meetings.	Administration Manager/ Executive Officer	Completed (Bi-annually)
4.3.3 Send Board meeting calendar to schools, colleges, and associations to disseminate.	Administration Manager/ Executive Officer	Completed (Quarterly)
4.3.4 Ask professional associations to publicize Board meeting dates.	Administration Manager/ Executive Officer	Completed (Quarterly)
4.3.5 Work with DCA's Office of Public Affairs to regularly update Twitter, Facebook, and other social media channels to increase awareness of Board meeting dates.	Administration Manager/ Executive Officer	Completed (Ongoing)
4.3.6 Identify and implement methods to increase accessibility to Board meetings.	Administration Manager/ Executive Officer	Q1 2017

GOAL 7: GOVERNMENT AFFAIRS

Establish and maintain collaborative partnerships in government to ensure the Board of Chiropractic Examiners is well informed regarding priorities and initiatives.

The objectives and action items to meet this goal are listed below in order of priority:

7.1 Establish open lines of communication with government stakeholders to ensure the Board is well informed about information relevant to the chiropractic profession.

Objective Measurement		
Subscription and identification of regulatory notices impacting BCE.		
Action Item	**Responsible Party**	**Completion Date**
7.1.1 Subscribe to other DCA health care boards email subscriptions to receive email blasts of information updates.	Executive Officer/ Administration Manager	Completed (Ongoing)
7.1.2 Review email updates and identify important information to communicate to Board members.	Executive Officer/ Administration Manager	Completed (Ongoing)
7.1.3 Participate in the Executive Officer Roundtable Meeting and forward information to Board members.	Executive Officer/ Administration Manager	Completed (Ongoing)
7.1.4 Monitor the Office of Administrative Law regulatory notices of current and pending regulation packages, and disapprovals from other DCA health care programs and boards.	Policy Analyst	Completed (Ongoing)
7.1.5 Report to the Board on regulatory notices impacting the BCE.	Policy Analyst	Ongoing (As needed)

7.2 Partner with state and local government to participate in consumer related events to increase awareness of the Board's mission and consumer protection services.

Objective Measurement		
Identified outreach events and implemented Board approved recommendations.		
Action Item	**Responsible Party**	**Completion Date**
7.2.1 Work with the Government Affairs & Strategic Planning Committee to identify target groups for outreach.	Policy Analyst/ Sponsor: Government Affairs & Strategic Planning Committee	Q4 2015
7.2.2 Research and work with the DCA Outreach Unit to identify events for outreach.	Policy Analyst Sponsor: Government Affairs Committee	Q4 2015
7.2.3 Provide recommendations to the Government Affairs & Strategic Planning Committee.	Policy Analyst Sponsor: Government Affairs Committee	Q1 2016
7.2.4 Provide recommendations to the Board.	Policy Analyst Sponsor: Government Affairs Committee	Q1 2016
7.2.5 Implement the Board approved recommendations to increase awareness.	Policy Analyst	Q2 2016